

loss of employment, but again, we are unable to factor such costs into this analysis because the economic effects are so speculative.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 493

Grant programs—health, Health facilities, Laboratories, Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR part 493 would be amended as set forth below:

**PART 493—LABORATORY REQUIREMENTS**

1. The authority citation for part 493 continues to read as follows:

Authority: Sec. 353 of the Public Health Service Act, secs. 1102, 1861(e), the sentence following 1861(s)(11), 1861(s)(12), 1861(s)(13), 1861(s)(14), 1861(s)(15), and 1861(s)(16) of the Social Security Act (42 U.S.C. 263a, 1302, 1395x(e), the sentence following 1395x(s)(11), 1395x(s)(12), 1395x(s)(13), 1395x(s)(14), 1395x(s)(15), and 1395x(s)(16)).

2. Section 493.855, paragraph (b) introductory text is revised to read as follows:

**§ 493.855 Standard; Cytology: gynecologic examinations.**

\* \* \* \* \*

(b) The laboratory must ensure that each individual participates in an annual testing event that involves the examination of a 10-slide test set as described in § 493.945. Individuals who fail this testing event are retested with another 10-slide test set as described in paragraphs (b)(1) and (b)(2) of this section. Individuals who fail this second test are subsequently retested with a 20-slide test set as described in paragraphs (b)(2) and (b)(3) of this section. Individuals are given not more than 45 minutes to complete a 10-slide test and not more than 90 minutes to complete a 20-slide test. Unexcused failure to appear by an individual for a retest will result in test failure with resulting remediation and limitations on slide examination as specified in (b)(1), (b)(2), and (b)(3) of this section.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 21, 1995.  
Helen Smits,  
*Deputy Administrator, Health Care Financing Administration.*

Dated: November 21, 1995.  
Frances Lee de Peyster,  
*Director, Centers for Disease Control and Prevention, Washington Office.*

Dated: November 21, 1995.  
Donna E. Shalala,  
*Secretary.*  
[FR Doc. 95-29190 Filed 11-27-95; 11:59 am]

BILLING CODE 4120-01-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Parts 611, 672, and 676**

[Docket No. 95111 3267-5267-01; I.D. 110295B]

**Groundfish of the Gulf of Alaska; Limited Access; Foreign Fishing; Proposed 1996 Harvest Specifications**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed 1996 initial specifications for groundfish; apportionment of reserves; request for comments.

**SUMMARY:** NMFS proposes initial harvest specifications for groundfish and associated management measures in the Gulf of Alaska (GOA) for the 1996 fishing year. This action is necessary to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

**DATES:** Comments must be received by December 29, 1995.

**ADDRESSES:** Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

The preliminary Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1995, is available from the North Pacific Fishery Management Council, 605 W. 4th Ave Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** Kaja Brix, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

**Background**

The domestic and foreign groundfish fisheries in the exclusive economic zone

of the GOA are managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act. The FMP is implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fisheries at 50 CFR parts 672, 676, and 677. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620.

This action proposes for the 1996 fishing year: (1) Specifications of total allowable catch (TAC) for each groundfish target species category in the GOA and apportionments thereof among domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and reserves; (2) apportionments of reserves to DAP; (3) apportionments of the sablefish TAC to vessels using hook-and-line and trawl gear; (4) apportionments of pollock and Pacific cod TAC; (5) "other species" TAC; (6) halibut prohibited species catch (PSC) limits; and (7) fishery and seasonal allocations of the halibut PSC limits.

Comments on the proposed 1996 specifications and proposed apportionments of reserves are invited from the public through December 29, 1995. After again consulting with the Council, NMFS will publish final specifications for the 1996 fishing year in the Federal Register.

Regulations at § 672.20(c)(1)(ii)(A) require that one-fourth of the preliminary or proposed specifications (not including the reserves and the first quarterly allowance of pollock), one-fourth of the inshore and offshore allocations of Pacific cod in each regulatory area, and one-fourth of the halibut PSC amounts become effective at 0001 hours, Alaska local time, January 1, on an interim basis, and remain in effect until superseded by the final harvest specifications.

NMFS is publishing, in the Rules and Regulations section of this Federal Register issue, interim TAC specifications and apportionments thereof for the 1996 fishing year that will become available 0001 hours, A.l.t., January 1, 1996, and remain in effect until superseded by the final 1996 harvest specifications.

**1. Proposed Establishment of TAC Amounts and Apportionments Thereof Among DAP, JVP, TALFF, and Reserves**

Under § 672.20(c)(1)(ii), NMFS, after consultation with the Council, publishes in the Federal Register proposed specifications of annual TAC

amounts. These proposed specifications indicate apportionments of TAC amounts among DAP, JVP, TALFF, and reserves for each target species and the "other species" category. The sum of the TAC amounts for all species must fall within the combined optimum yield (OY) range, of 116,000–800,000 metric tons (mt), established for these species.

Species TAC amounts are apportioned initially among DAP, JVP, TALFF, and reserves under §§ 611.92(c)(1) and 672.20(a)(2). DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen deliver their catches to foreign processors at sea. TALFF amounts are intended for harvest by foreign fishermen. Existing harvesting and processing capacity of the U.S. industry is capable of utilizing the entire 1996 TAC specification for GOA groundfish. Therefore, the Council recommended that DAP equal TAC for each species category, resulting in no proposed amounts of TALFF or JVP for the 1996 fishing year.

The reserves for the GOA are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish target species categories, and "other species." If necessary, these reserve amounts may be set aside for possible apportionment to DAP and/or to JVP if the initial apportionments prove inadequate. Reserves that are not apportioned to DAP or JVP may be reapportioned to TALFF. The GOA groundfish TAC amounts have been utilized fully by DAP since 1987, and NMFS expects the same to occur in 1996. Therefore, NMFS proposes apportionment of all the reserves to DAP.

The Council met from September 27 through October 2, 1995, to review scientific information concerning groundfish stocks. The preliminary SAFE Report, dated September 1995, prepared and presented to the Council by the GOA Plan Team (Plan Team), summarizes the best available scientific information.

The September 1995 SAFE Report contains updated stock assessments for pollock, Pacific cod, Pacific ocean perch (POP), thornyhead, and Atka mackerel. New assessments were not available for the flatfish groups (deep-water flatfish, shallow-water flatfish, rex sole, flathead sole, and arrowtooth flounder), shortraker/rougheye rockfish, other slope rockfish, northern rockfish, and pelagic shelf rockfish. Survey information will be available for incorporation into assessments of sablefish and demersal shelf rockfish (DSR) for the final SAFE Report issued in November. Details of the assessments

can be found in the September 1995 SAFE Report.

The Council's proposed 1996 acceptable biological catch (ABC) amounts for pollock, Pacific cod, and thornyhead are reduced from the 1995 ABC levels specified for these species; whereas the 1996 ABC for POP increased from 1995. The proposed 1996 ABC amounts, as recommended by the Council, for all other species or species groups remained unchanged from 1995.

The Plan Team recommended a range of ABC amounts for pollock, 35,800–52,700 mt. These ABC amounts are lower than the 1995 ABC amounts. The lower end of the range was an ABC based on the fishing mortality rate that produced a minimal (5 percent) probability of falling below the threshold spawner biomass level in the long-term (34,000 mt for the Western and Central Regulatory Areas). The upper end of the range reflects an optimal fishing mortality rate that maximizes yield and minimizes risk of falling below the threshold spawner biomass level. The stock biomass for pollock has been in a declining trend for a number of years; however, biomass is expected to increase following recruitment of the strong 1994 year class. Considering the projected improvements in stock biomass, the Scientific and Statistical Committee (SSC) chose the upper end of the Plan Team's recommended range for ABC. The Council accepted the SSC's recommendation.

The Plan Team also presented a range of ABC values for Pacific cod, from 65,000 to 110,000 mt. The SSC chose the lower end of the range, because the stock has been declining since 1987, and because recent recruitment levels appear to be below normal. The Council concurred with the SSC's recommendation.

An updated model for POP produced a 1996 ABC of 10,165 mt, an increase of 2,935 mt over the analysts' estimated ABC for 1995. As in previous years, the ABC equals the overfishing level. The Plan Team reduced this number further (to 8,060 mt) to create a buffer between the overfishing level and the ABC. The SSC does not agree with this adjustment and recommended that ABC equal overfishing. The Council accepted the Plan Team recommendation and set the 1996 ABC at 8,060 mt. The TAC amount for POP is set by the POP rebuilding plan algorithm (Amendment 32 to the FMP). The SSC also recommended that the analysts explore the feasibility of running the stock assessment model separately for the Western/Central and

the Eastern Regulatory Area, providing two ABC amounts for POP in the Gulf.

An updated analysis was presented for thornyhead rockfish, which resulted in a 1996 ABC recommendation of 1,560 mt, somewhat lower than the 1995 ABC amount of 1,900 mt. The differences from 1995 are attributable to the inclusion of new data for 1982 and 1983, and correcting 1978 and 1979 hook-and-line data that were previously attributed to trawl gear.

The Plan Team recommended an ABC for sablefish of 18,700 mt, which is reduced from the 1995 ABC to reflect model projections of reduced 1996 biomass. However, the SSC recommended that the 1995 ABC (21,500 mt) be used for the preliminary 1996 ABC, until the 1996 longline survey data can be incorporated into the stock assessment analysis in November.

The stock assessment for Atka mackerel was also updated for 1996 to include 1994 catch data and maturity at length/age data. From the new analysis the Plan Team recommended a 1996 ABC of 6,480 mt. The SSC, however, recommended reducing the Plan Team's ABC by one-half, to 3,240 mt, which is equal to the 1995 ABC. This conservative approach is recommended because of the uncertainty in the abundance of Atka mackerel and because of concerns for marine mammals. Atka mackerel is an important prey species for sea lions and occurs in abundance near sea lion rookeries.

The Plan Team recommended that dusky rockfish (*Sebastes ciliatus*) be separated from the other species in the pelagic shelf rockfish assemblage. The SSC requested that the Plan Team provide a more extensive report on the management and stock assessment alternatives and recommends that the Council proceed with the development of a plan amendment analyzing management alternatives for pelagic shelf rockfish. However, the Council did not make a recommendation at this time.

The total ABC amount recommended by the SSC and accepted by the Council was 477,110 mt.

The total TAC amount recommended by the Advisory Panel (AP) was 267,917 mt. The AP recommended 1996 TAC amounts equal to the 1996 ABC amounts, as recommended by the SSC, for all species except the flatfish groups (deep-water flatfish, shallow-water flatfish, rex sole, flathead sole, and arrowtooth flounder) and POP. For the flatfish groups the AP recommended a 1996 TAC that was equal to the 1995 TAC amount. The TAC for POP is established by an algorithm in the POP

Rebuilding Plan and is calculated for 1996 at 6,959 mt.

The Council noted its intent to reduce the proposed TAC for other slope rockfish (7,110 mt) at the Council's December 1995 meeting. This action would be recommended to prevent a directed fishery for this species group while adequately providing for bycatch needs in other fisheries.

The Council has requested an analysis of alternatives to modify the POP Rebuilding Plan such that the stated algorithm for determining the TAC is an

upper-bound limit. Final action will be taken by the Council on this analysis at its December 1995 meeting. Should the Council choose to implement an amendment to establish the POP TAC algorithm as an upper bound limit, those changes would not occur prior to publication of the final TAC amounts. Therefore, any potential changes in the POP TAC would occur through a separate specification notice.

The Council considered information in the SAFE Report, recommendations

from its SSC and its AP, as well as public testimony. The Council then accepted the ABC amounts as recommended by the SSC, except for POP for which the Council accepted the Plan Team's recommendation. The Council accepted the TAC amounts as recommended by the AP.

The proposed 1996 ABC amounts and TAC amounts, as well as the ABC and TAC apportionments, are shown in Table 1.

TABLE 1.—PROPOSED 1996 ABC AMOUNTS, PROPOSED TAC AMOUNTS, AND DAPs OF GROUND FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA.<sup>1,2,3</sup>

[Amounts are in metric tons]

Species	Area	ABC	TAC=DAP
Pollock: <sup>4</sup>	W (61)	24,500	24,500
	C (62)	12,500	12,500
	C (63)	13,000	13,000
	W/C	*50,000	*50,000
	E	*2,700	*2,700
Subtotal .....			
Total .....		52,700	52,700
Pacific cod: <sup>5</sup>	W		16,965
	W		1,885
	C		38,610
	C		4,290
	E		2,925
	E		325
	W	18,850	*18,850
	C	42,900	*42,900
	E	3,250	*3,250
	Subtotal .....		
Total .....		65,000	65,000
Flatfish, Deep-water: <sup>6</sup>	W	670	460
	C	8,150	7,500
	E	5,770	3,120
	Total .....	14,590	11,080
Rex sole:	W	1,350	800
	C	7,050	7,050
	E	2,810	1,840
	Total .....	11,210	9,690
Flathead sole:	W	26,280	2,000
	C	23,140	5,000
	E	2,850	2,740
	Total .....	52,270	9,740
Flatfish, Shallow-water: <sup>7</sup>	W	8,880	4,500
	C	17,170	12,950
	E	2,740	1,180
	Total .....	28,790	18,630
Arrowtooth flounder:	W	28,400	5,000

TABLE 1.—PROPOSED 1996 ABC AMOUNTS, PROPOSED TAC AMOUNTS, AND DAPs OF GROUND FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA.<sup>1,2,3</sup>—Continued

[Amounts are in metric tons]

Species	Area	ABC	TAC=DAP
Total .....	C	141,290	25,000
	E	28,440	5,000
		198,130	35,000
Sablefish: <sup>8</sup>			
	W	2,600	2,600
	C	8,600	8,600
	WY	4,100	4,100
	SEO	6,200	6,200
Total .....		21,500	21,500
Pacific ocean perch: <sup>9</sup>			
	W	1,460	1,260
	C	3,860	3,333
	E	2,740	2,366
Total .....		8,060	6,959
Shortraker/rougheye: <sup>10</sup>			
	W	170	170
	C	1,210	1,210
	E	530	530
Total .....		1,910	1,910
Rockfish, other: <sup>11, 12</sup>			
	W	180	180
	C	1,170	1,170
	E	5,760	5,760
Total .....		7,110	7,110
Rockfish, northern: <sup>13</sup>			
	W	640	640
	C	4,610	4,610
	E	20	20
Total .....		5,270	5,270
Rockfish, pelagic shelf: <sup>14</sup>			
	W	910	910
	C	3,200	3,200
	E	1,080	1,080
Total .....		5,190	5,190
Demersal shelf rockfish: <sup>15</sup>	SEO	580	580
Thornyhead rockfish:	GW	1,560	1,560
Atka mackerel:	W	2,310	2,310
	C	925	925
	E	5	5
Total .....		3,240	3,240
Other species <sup>16</sup> .....		<sup>17</sup> NA	12,758
GOA Total .....		<sup>18</sup> 477,110	267,917

\*Amounts that are subtotals and are not additive.

<sup>1</sup> See § 672.2 for definitions of regulatory area, regulatory district, and statistical area.

<sup>2</sup> Amounts specified as joint venture processing (JVP) and total allowable level of foreign fishing (TALFF) are proposed to be zero and are not shown in this table.

<sup>3</sup> Reserves are proposed to be apportioned to DAP and are reflected in the proposed TAC amounts.

<sup>4</sup> Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area (Table 3), each of which is further divided into equal quarterly allowances. In the Eastern Regulatory Area, pollock is not divided into quarterly allowances.

<sup>5</sup> Pacific cod is allocated 90 percent to the inshore, and 10 percent to the offshore component. Component allowances are shown in Table 4.

<sup>6</sup> "Deep-water flatfish" means Dover sole and Greenland turbot.

<sup>7</sup> "Shallow water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rexsole, or arrowtooth flounder.

<sup>8</sup> Sablefish is allocated to trawl and hook-and-line gears (Table 2).

<sup>9</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>10</sup> "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

<sup>11</sup> "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means slope rockfish.

<sup>12</sup> "Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. babcocki* (redbanded), and *S. reedi* (yellowmouth).

<sup>13</sup> "Northern rockfish" means *Sebastes polyspinis*.

<sup>14</sup> "Pelagic shelf rockfish" includes *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

<sup>15</sup> "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>16</sup> "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for "other species" equals 5 percent of the TAC amounts of target species.

<sup>17</sup> NA=not applicable

<sup>18</sup> The total ABC reflects the sum of the ABC amounts for target species.

**2. Proposed Apportionment of Reserves to DAP**

Regulations implementing the FMP that require 20 percent of each TAC for pollock, Pacific cod, flatfish species, and the "other species" category be set aside in reserves for possible apportionment at a later date (§ 672.20(a)(2)(ii)). Consistent with § 672.20(a)(2)(iii), NMFS is proposing to apportion the 1996 reserves for each of the four species categories to DAP, because domestic harvesters and processors have established markets for

these species and should be provided the opportunity to realize revenues from the harvest of the full DAP amounts so specified. Specifications of DAP shown in Table 1 reflect apportioned reserves.

**3. Proposed Apportionment of the Sablefish TAC Amounts to Users of Hook-and-Line and Trawl Gear**

Under § 672.24(c), sablefish TAC amounts for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Central and Western Regulatory Areas, 80 percent of the TAC amounts is allocated to hook-

and-line gear and 20 percent is allocated to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to hook-and-line gear and 5 percent is assigned to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used as bycatch to support directed fisheries for other target species. Sablefish caught in the GOA with gear other than hook-and-line or trawl must be treated as prohibited species and may not be retained. Table 2 shows the assignments of the proposed 1996 sablefish TAC amounts between hook-and-line and trawl gears.

TABLE 2.—PROPOSED 1996 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ASSIGNMENTS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR. VALUES ARE IN METRIC TONS

Area/District	TAC	Hook-and-line share	Trawl share
Western .....	2,600	2,080	520
Central .....	8,600	6,880	1,720
Eastern:			
West Yakutat .....	4,100	3,895	205
Southeast Outside .....	6,200	5,890	310
<b>Total .....</b>	<b>21,500</b>	<b>18,745</b>	<b>2,755</b>

**4. Proposed Apportionments of Pollock and Pacific Cod TAC Amounts**

In the GOA, pollock is apportioned by area and season. Regulations at § 672.20(a)(2)(iv) require that the TAC for pollock in the combined Western/Central (W/C) Regulatory Areas be apportioned among statistical areas Shumagin (61), Chirikof (62), and Kodiak (63) in proportion to known distribution of the pollock biomass. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. Each statistical area apportionment is further divided equally into the 4 calendar quarters. Within any fishing year, any

unharvested amount of any quarterly allowance of pollock TAC is added in equal proportions to the quarterly allowances of the following quarters, resulting in a sum for each quarter not to exceed 150 percent of the initial quarterly allowance.

Similarly, harvests in excess of a quarterly allowance of TAC are deducted in equal proportions from the remaining quarterly allowances of that fishing year. The Eastern Regulatory Area proposed TAC of 2,700 mt is not allocated among smaller areas, or quarterly.

Regulations at § 672.20(a)(2)(v)(A) require that the DAP apportionment for pollock in all regulatory areas and all

quarterly allowances thereof be divided into inshore and offshore components. Similarly regulations at § 672.20(a)(2)(v)(B) require that the DAP apportionment of Pacific cod in all regulatory areas be divided into inshore and offshore components, although these regulations are scheduled to expire at the end of 1995. Amendment 40 to the FMP, if approved, would authorize continued apportionment of the pollock and Pacific cod TAC amounts between the inshore and offshore components. NMFS has published a notice of proposed rulemaking in the Federal Register (60 FR 48087; September 18, 1995) to continue the existing regulations. For

purposes of this notice of proposed specifications, the percentage of the TAC apportioned to the inshore and offshore sectors is as set out in that notice of proposed rulemaking. If Amendment 40 is not approved, the 1996 final specifications will be revised accordingly. For purposes of this action, the inshore component would be apportioned 100 percent of the pollock TAC in each regulatory area after

subtraction of amounts that are determined by the Director, Alaska Region, NMFS (Regional Director) to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. At this time, these bycatch amounts are unknown and will be determined during the fishing year. The proposed distribution of pollock within the combined W/C Regulatory Areas is

shown in Table 3, except that inshore and offshore component apportionments of pollock are not shown.

The inshore component for Pacific cod would be apportioned equal to 90 percent of the TAC in each regulatory area. Inshore and offshore component allocations of the proposed 65,000 mt TAC for each regulatory area are shown in Table 4.

TABLE 3.—PROPOSED DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND QUARTERLY ALLOWANCES. ABC FOR THE W/C GOA IS PROPOSED TO BE 50,000 METRIC TONS (MT). BIOMASS DISTRIBUTION IS BASED ON 1993 SURVEY DATA. TAC AMOUNTS ARE EQUAL TO ABC. INSHORE AND OFFSHORE ALLOCATIONS OF POLLOCK ARE NOT SHOWN. ABC AMOUNTS AND TAC AMOUNTS ARE ROUNDED TO THE NEAREST 10 MT

Statistical area	Biomass per cent	1996 ABC=TAC	Quarterly allowance
Shumagin (61) .....	49	24,500	6,125
Chirikof (62) .....	24.7	12,500	3,125
Kodiak (63) .....	26.3	13,000	3,250
Total .....	100	50,000	12,500

TABLE 4.—PROPOSED 1996 ALLOCATION (METRIC TONS) OF PACIFIC COD IN THE GULF OF ALASKA; ALLOCATIONS TO INSHORE AND OFFSHORE COMPONENTS.

Regulatory area	TAC	Component allocation	
		Inshore (90%)	Offshore (10%)
Western .....	18,850	16,965	1,885
Central .....	42,900	38,610	4,290
Eastern .....	3,250	2,925	325
Total .....	65,000	58,500	6,500

5. "Other Species" TAC

The FMP specifies that amounts for the "other species" category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide "other species" TAC is calculated as 12,758 mt, which is 5 percent of the sum of combined TAC amounts for the target species.

6. Proposed Halibut PSC Mortality Limits

Under § 672.20(f), annual Pacific halibut PSC mortality limits are established for trawl and hook-and-line gear and may be established for pot gear. At its September meeting, the Council recommended that NMFS re-establish the PSC limits of 2,000 mt for the trawl fisheries and 300 mt for the hook-and-line fisheries, with 10 mt of the hook-

and-line limit allocated to the DSR fishery in the Southeast Outside District and remainder to the other hook-and-line fisheries.

Regulations at § 672.20(f)(1)(ii) authorize exemption of specified non-trawl fisheries from the halibut PSC limit. As in 1995, the Council proposes to exempt pot gear and the hook-and-line sablefish fishery from the non-trawl halibut limit for 1996. The Council proposed these exemptions because of the low halibut bycatch mortality experienced in the pot gear fisheries (16 mt in 1995) and because of the 1995 implementation of the sablefish and halibut Individual Fishing Quota (IFQ) program, which would allow legal-sized halibut to be retained in the sablefish fishery. The trawl fishery apportionment of the 1996 halibut

bycatch mortality limit (2,000 mt) remains unchanged from 1995. Under § 672.20(f)(1)(i)(B) the trawl halibut bycatch mortality limit is apportioned between trawl fisheries for deep-water and shallow-water species. These apportionments are divided seasonally to avoid seasonally high halibut bycatch rates.

NMFS preliminarily concurs in the Council's 1996 recommendations for halibut bycatch limits and apportionments (Table 5). Some changes may be made in the seasonal, gear type and fishing-complex apportionments of halibut PSC limits for the final 1996 specifications. NMFS considers the following types of information as presented by, and summarized from, the preliminary 1995 SAFE Report, or from public comment and testimony.

TABLE 5.—PROPOSED 1996 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS. THE PACIFIC HALIBUT PSC LIMIT FOR HOOK-AND-LINE GEAR IS ALLOCATED TO THE DEMERSAL SHELF ROCKFISH (DSR) FISHERY AND FISHERIES OTHER THAN DSR. VALUES ARE IN METRIC TONS

Trawl gear		Hook-and-line gear			
Dates	Amount	Other than DSR		DSR	
		Dates	Amount	Dates	Amount
Jan 1–Mar 31 .....	600 (30%)	Jan 1–May 14 .....	242 (83%)	Jan 1–Dec 31 .....	10 (100%)
Apr 1–Jun 30 .....	400 (20%)	May 15–Aug 31 .....	29 (10%)	.....	.....
Jul 1–Sep 30 .....	600 (30%)	Sep 1–Dec 31 .....	19 (6.5%)	.....	.....
Oct 1–Dec 31 .....	400 (20%)	.....	.....	.....	.....
Total .....	2,000 (100%)	.....	290 (100%)	.....	10 (100%)

(A) Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is available from data collected in 1995 by NMFS-certified observers. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through October 7, 1995, is 1,561 mt, 354 mt, and 16 mt, respectively, for a total of 1,931 mt. Halibut bycatch restrictions seasonally constrained trawl gear fisheries during the first, second, and third quarters of the fishing year and are anticipated to constrain trawl gear fisheries during the fourth quarter. Trawling for the deep-water fishery complex was closed during the first quarter on March 27 (60 FR 16587; March 31, 1995), for the second quarter on April 22 (60 FR 20658; April 27, 1995) and for the third quarter on July 21 (60 FR 37601, July 21, 1995). The shallow-water fishery complex was closed in the second quarter on May 8 (60 FR 25623, May 12, 1995) and in the third quarter on July 17 (60 FR 37600, July 21, 1995). The amount of groundfish that might have been harvested if halibut had not been seasonally limiting in 1995 is unknown. However, lacking market incentives, some amounts of groundfish will not be harvested, regardless of halibut PSC bycatch availability.

(B) Expected Changes in Groundfish Stocks

At its September 1995 meeting, the Council recommended lower 1996 ABC amounts than 1995 ABC amounts for pollock, Pacific cod and thornyhead rockfish. A higher 1996 ABC than the 1995 ABC was recommended for POP.

The 1996 ABC amounts for the remaining species or species groups remain unchanged from 1995 levels. More information on these proposed changes is included in the preliminary SAFE Report, dated September 1995, and in the AP, SSC, and Council

minutes from the September 1995 meeting.

(C) Expected Changes in Groundfish Catch

The total of the proposed 1996 TAC amounts for the GOA is 267,917 mt, which represents 96 percent of the sum of TAC amounts for 1995 (279,463 mt). Significant changes in TAC amounts for pollock, Pacific cod, and POP are proposed. POP is the only species for which a TAC was specified that is higher in 1996 than in 1995. This increase should not directly affect halibut bycatch.

(D) Current Estimates of Halibut Biomass and Stock Condition

The stock assessment for 1995 conducted by the International Pacific Halibut Commission (IPHC) indicates that the total exploitable biomass of Pacific halibut in the GOA is approximately 166.9 million lbs. This represents a decline in biomass of approximately 16 percent from the previous stock assessment, a rate that is higher than the 5–15 percent annual decline observed in previous years. The low recruitment of recent years indicates that the stock will continue its decline at a rate of about 10–15 percent per year over the next several years.

(E) Potential Impacts of Expected Fishing for Groundfish on Halibut Stocks and U.S. Halibut Fisheries

Halibut fisheries will be adjusted to account for the overall halibut PSC mortality limit established for groundfish fisheries. The 1996 groundfish fisheries are expected to use the entire proposed halibut PSC limit of 2,300 mt. The allowable directed commercial catch is determined by accounting for the recreational catch, waste, and bycatch mortality, and then providing the remainder to the directed fishery. Groundfish fishing is, therefore, not expected to affect the halibut stocks.

(F) Methods Available for, and Costs of, Reducing Halibut Bycatches in Groundfish Fisheries

Methods available for reducing halibut bycatch include (1) reducing halibut bycatch rates through a Vessel Incentive Program; (2) modifications to gear; (3) changes in groundfish fishing seasons; (4) individual transferable quota programs, designed to reduce the derby-style fishing; and (5) time/area closures.

Reductions in groundfish TAC amounts provide no incentives for fishermen to reduce bycatch rates. Costs that would be imposed on fishermen as a result of reducing TAC amounts depend on species and amounts of groundfish foregone.

Trawl vessels carrying observers for purposes of complying with the observer coverage requirements (50 CFR 677.10) are subject to the Vessel Incentive Program. The program encourages trawl fishermen to avoid high halibut bycatch rates while conducting groundfish fisheries by specifying bycatch rate standards for various target fisheries.

Current regulations require groundfish pots to have halibut exclusion devices to reduce halibut bycatches. Resulting low bycatch and mortality rates of halibut in pot fisheries have justified exempting pot gear from PSC limits.

The regulations also define pelagic trawl gear in a manner intended to reduce bycatch of halibut by displacing fishing effort off the bottom of the sea floor when certain halibut bycatch levels are reached during the fishing year. The definition provides standards for physical conformation (§ 672.2) and also for performance of the trawl gear in terms of crab bycatch (§ 672.7(m)). Furthermore, all hook-and-line vessel operators are required to employ careful release measures when handling halibut bycatch. This measure is intended to reduce handling mortality, increase the amount of groundfish harvested under

the available halibut mortality bycatch limits, and possibly lower overall halibut bycatch mortality in groundfish fisheries.

The sablefish/halibut IFQ program (implemented in 1995) was intended, in part, to reduce the halibut discard mortality in the sablefish fishery.

Methods available for reducing halibut bycatch listed above will be reviewed by NMFS and the Council to determine their effectiveness. Changes will be initiated, as necessary, in response to this review or to public testimony and comment.

Consistent with the goals and objectives of the FMP to reduce halibut bycatches while providing an opportunity to harvest the groundfish OY, NMFS proposes the assignments of 2,000 mt and 300 mt of halibut PSC mortality limits to trawl and hook-and-line gear, respectively. While these limits would reduce the harvest quota for commercial halibut fishermen, NMFS has determined that they would not result in unfair allocation to any particular user group. NMFS recognizes that some halibut bycatch will occur in the groundfish fishery, but the Vessel Incentive Program, required modifications to gear, and implementation of the IFQ program are

intended to reduce adverse impacts on halibut fishermen while promoting the opportunity to achieve the OY from the groundfish fishery.

**7. Proposed Seasonal Allocations of the Halibut PSC Limits**

Under § 672.20(f)(1)(iii), NMFS proposes to allocate seasonally the halibut PSC limits after receiving recommendations from the Council. The FMP requires that the following information be considered by the Council in recommending seasonal allocations of halibut: (1) Seasonal distribution of halibut, (2) seasonal distribution of target groundfish species relative to halibut distribution, (3) expected halibut bycatch needs on a seasonal basis relevant to changes in halibut biomass and expected catches of target groundfish species, (4) expected bycatch rates on a seasonal basis, (5) expected changes in directed groundfish fishing seasons, (6) expected actual start of fishing effort, and, (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

The Council recommended the same seasonal allocation of PSC limits for the 1996 fishing year as those in effect during the 1995 fishing year. The

publication of the final 1995 initial groundfish and PSC specifications (60 FR 8470, February 14, 1995) summarizes Council findings with respect to each of the FMP considerations set forth above. At this time, the Council's findings are unchanged from those set forth for 1995.

Pacific halibut PSC catch limits, and apportionments thereof, are presented in Table 5. The regulations specify that any overages or shortfalls in PSC catches will be accounted for within the 1996 season. The Council did not recommend changes in the seasonal apportionments for the hook-and-line gear fisheries from those specified in 1995.

Regulations at § 672.20(f)(1) authorize apportionments of the trawl halibut PSC limit allowance as bycatch allowances to a deep-water species fishery, comprised of sablefish, rockfish, deep-water flatfish, rex sole and arrowtooth flounder, and a shallow-water species fishery, comprising pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species." The proposed apportionment for these two fishery complexes is presented in Table 6 and is unchanged from 1995.

TABLE 6.—PROPOSED 1996 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY. VALUES ARE IN METRIC TONS.

Season	Shallow-water	Deep-water	Total
Jan. 20–Mar. 31 .....	500	100	600
Apr. 1–Jun. 30 .....	100	300	400
Jul. 1–Sep. 30 .....	200	400	600
Oct. 1–Dec. 31 .....	No apportionment between shallow and deep for the 4th quarter.		

Assumed halibut mortality rates for halibut PSC bycatch in 1996 are based on an average of mortality rates determined from NMFS-observer data collected during 1993 and 1994. Because the rates for 1993 were lacking for hook-and-line rockfish the average of 1991 and 1994 was used. Except as noted below, the Council proposed that halibut discard mortality rates recommended by the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1996 groundfish fisheries. In 1995, the Council established separate mortality rates for the GOA at-sea and shoreside bottom trawl pollock fisheries. However, NMFS notes that directed fishing for GOA pollock by the offshore component is prohibited under § 672.20(a)(2)(v). The IPHC did not propose a rate for the GOA bottom trawl pollock fishery for 1996. Until further

information is available, NMFS is proposing to use the actual observed 1994 rate for the bottom trawl fishery (with no separation for at-sea and shoreside), which is the most current information available for this fishery.

The IPHC determined that the careful release measures implemented for vessels using hook-and-line gear did not show appreciable improvements in mortality rates and has recommended one rate for both observed and unobserved vessels in the hook-and-line fisheries. This action was approved by the Council in 1995. NMFS is proposing this for 1996 as well. The halibut mortality rates are listed in Table 7.

TABLE 7.—1996 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA. TABLE VALUES ARE PERCENT OF HALIBUT BYCATCH ASSUMED TO BE DEAD.

Gear and Target	
Hook-and-Line:	
Sablefish .....	24
Pacific cod .....	13
Rockfish .....	19
Trawl:	
Midwater pollock .....	68
Rockfish .....	58
Shallow-water flatfish .....	64
Pacific cod .....	57
Deep-water flatfish .....	56
Bottom pollock .....	57
Pot:	
Pacific cod .....	18

The analysis by the IPHC on the halibut discard mortality rates was

conducted on a preliminary data set provided by the NMFS Observer Program Office. A final data set is expected to be available in late September, which will allow refinement of this analysis, as well as additional analyses.

After the December 1995 Council meeting, NMFS will consider all available data and will announce preseason assumed halibut mortality rates in the Federal Register with the final 1996 initial specifications for groundfish TAC amounts.

**Classification**

This action is authorized under 50 CFR 611.92 and 672.20 and is exempt from review under E.O. 12866. This action is also covered by the regulatory flexibility analysis prepared for the implementing regulations.

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1995 SAFE Report will be available for public review from the NMFS, Alaska Region (see **ADDRESSES**), and at the December 1995 Council meeting. After the December meeting, a

final EA will be prepared on the final 1996 TAC amounts after consultation by the Council.

Consultation pursuant to section 7 of the Endangered Species Act has been initiated for the 1996 GOA initial specifications.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 24, 1995.

Nancy Foster,

*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 95-29263 Filed 11-29-95; 8:45 am]

**BILLING CODE 3510-22-W**