

12:01 a.m. local time on October 1, 1995.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301-713-2347, or Kevin B. Foster, 508-281-9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories.

Implementing regulations for the Atlantic tuna fisheries in 1995 provided for an initial annual quota of 438 mt of large medium and giant Atlantic bluefin tuna to be harvested from the regulatory area by vessels permitted in the General category. NMFS previously determined that this quota had been reached and issued a closure notice (60 FR 48052, September 18, 1995).

Regulations effective in 1995 also provided for apportionment of the annual quota for the General category into period subquotas (60 FR 38505, July 27, 1995). These regulations require that overharvest in any period be subtracted from the subsequent period. Information submitted by tuna dealers indicates that over 550 mt had been harvested by vessels permitted in the General category prior to the closure. For this reason, no quota remains for the October period subquota previously set at 44 mt.

Under the implementing regulations at 50 CFR 285.22(f), the Assistant Administrator for Fisheries, NOAA (AA), has the authority to make adjustments to quotas involving transfers between vessel categories or, as appropriate, subcategories if, during a single year quota period or the second year of a biannual quota period as defined by ICCAT, the AA determines, based on landing statistics, present year catch rates, effort, and other available information, that any category, or as appropriate, subcategory, is not likely to take its entire quota as previously allocated for that year.

Given that determination, the AA may transfer inseason any portion of the quota of any fishing category to any other fishing category or to the reserve after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock, (2) the catches of the particular gear segment to date and the

likelihood of closure of that segment of the fishery if no allocation is made, (3) the projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season, and (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

The bluefin tuna have migrated to their summer feeding grounds in New England waters and incidental catch by longline vessels operating south of 34° N. lat. is no longer expected to occur. A total of 45 mt currently remains of the amount allocated to this southern subcategory. Reallocating quota from the Incidental longline-south subcategory would allow for a General category fishery in October.

Such transfer responds to the four criteria listed above as follows: (1) General category landings are a major contributor to the collection of biological data on this fishery, (2) catch in the General category to date has precluded the October fishery as planned and this fishery cannot occur if no allocation is made, (3) the General category is projected to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season, and (4) the impact on other gear segments is minimal since sufficient quota remains for the incidental category, the purse seine fishery is managed under individual quotas and other gear segments of the fishery have previously been closed.

Landings information submitted to date indicates that the General and Harpoon categories have taken a combined 605 mt, requiring that 120 mt from the Reserve category be used to cover overharvest. While this leaves 25 mt available in the Reserve, NMFS estimates that the Angling category has exceeded its quota, thus requiring additional transfers from the Reserve. Given the level of General category harvest taken to date, and the lack of available reserve, NMFS has determined that 10 mt is an appropriate amount to transfer from the Incidental category.

Regulations at 50 CFR 285.22(a)(3) specify that if variations in seasonal distribution, abundance, or migration patterns of ABT, and the catch rate, prevent fishermen in an identified area from harvesting their share of the quota, the AA may set aside an allocation of up to 20 mt of the October quota for such area. A New York Bight set-aside has been established over the past 3 years at various quota levels. Data for 1995 indicate that only nine fish were landed in the General category fishery at New York ports and no fish were landed in

New Jersey. Landing cards indicate that bluefin tuna were generally available to fishermen in all other traditional areas. As a result of the catch distribution documented to date for the 1995 fishing year, NMFS has determined that a New York Bight set-aside is the appropriate use of the 10 mt available for the October General category fishery.

For the reasons set forth above, NMFS exercises its regulatory authority to transfer 10 mt of ABT from the Incidental longline-south subcategory to the General Category and establishes a geographic allocation for the New York Bight area. The General category fishery for large medium and giant ABT is therefore reopened as of 12:01 a.m. on October 1, 1995, for the set-aside comprised of the waters in the area south and west of a straight line originating at a point on the southern shore of Long Island at 72°27' W. longitude (near Shinnecock inlet) and running SSE 150° true. Persons aboard vessels permitted in the General category may fish, retain, and land in the set-aside area specified above, until the set-aside quota for that area has been harvested. NMFS will publish the date of the closure in the Federal Register.

Classification

This action is taken under 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: September 29, 1995.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 95-24701 Filed 9-29-95; 4:08 pm]

BILLING CODE 3510-22-F

50 CFR Part 630

[Docket No. 950522139-5219-02; I.D. 042495B]

RIN 0648-AH75

Atlantic Swordfish Fishery; Correction

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

ACTION: Correction to final regulation.

SUMMARY: This document contains correction to the final regulation [I.D. 042495B] that was published Friday, September 8, 1995 (60 FR 46775). The final rule amended the regulations governing the Atlantic swordfish fishery by reducing the minimum days allowed for public comment on proposed quota adjustments to 30 days.

EFFECTIVE DATE: October 4, 1995.

FOR FURTHER INFORMATION CONTACT: Ronald G. Rinaldo or Rebecca Lent, 301-713-2347; fax: 301-713-0596.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction reduces the minimum number of days allowed for public comment on proposed adjustments to the annual quota from 45 to 30. In § 630.24, paragraph (d)(5) was revised to change the minimum number of days allowed for public comment.

Need for Correction

As published, the final regulation contains an error. In § 630.24, paragraph (d)(6) is referenced instead of paragraph (d)(5).

Correction of Publication

Accordingly, the publication on September 8, 1995, of the final regulation [I.D. 042495B] that is the subject of FR Doc. 95-22238 is corrected as follows:

§ 630.24 [Corrected]

On page 46778, in the second column, in amendatory instruction 5, line 2, "(d)(6)" is corrected to read "(d)(5)", and in the third column, line 15, "(6)" is corrected to read "(5)".

Dated: September 27, 1995.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 95-24606 Filed 10-3-95; 8:45 am]

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50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 092995A]

Groundfish of the Gulf of Alaska; Sablefish in the Central Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of sablefish by persons using trawl gear in the Central Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catches of sablefish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the share of the sablefish total allowable catch (TAC) assigned to trawl gear in the Central Regulatory Area of the GOA has been reached.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), October 5, 1995, until 12 midnight A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

In accordance with § 672.24(c)(2), the share of the sablefish TAC assigned to trawl gear in the Central Regulatory Area of the GOA was established by the final 1995 harvest specifications of groundfish (60 FR 8470, February 14, 1995), as 1,720 metric tons.

The Director, Alaska Region, NMFS, has determined, in accordance with § 672.24(c)(3)(ii), that the share of the sablefish TAC assigned to trawl gear in the Central Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that further catches of sablefish by trawl gear in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 672.20(e).

Classification

This action is taken under 50 CFR 672.24 and is exempt from review under E.O. 12866.

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

Dated: September 29, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-24697 Filed 9-29-95; 4:08 pm]

BILLING CODE 3510-22-F

50 CFR Part 672

[Docket No. 950509041-5041-01; I.D. 092895C]

Groundfish of the Gulf of Alaska; Pollock in the Western Regulatory Area

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment closing the season for

pollock by vessels catching pollock for processing by the inshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This adjustment is necessary to prevent the underharvest of pollock in the Western Regulatory Area.

EFFECTIVE DATE: 12 midnight A.l.t. October 1, 1995, until 12 midnight, A.l.t., December 31, 1995. Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 16, 1995.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

As of September 16, 1995, 7,673 metric tons (mt) of pollock remain in the inshore allocation of the Western Regulatory Area pollock total allowable catch (TAC) specification. That amount would normally be available for harvest at 12 noon, A.l.t., October 1, 1995. Current information shows the catching capacity of vessels catching pollock for processing by the inshore component is in excess of 12,000 mt per day. In accordance with § 672.23 (e), directed fishing for pollock in the Western Regulatory Area of the Gulf of Alaska is scheduled from 12 noon, A.l.t., October 1 until 12 midnight, A.l.t., December 31, 1995, or until the TAC is reached, whichever occurs first.

Section 672.23(b) specifies that the time of all openings and closures of fishing seasons, other than the beginning and end of the calendar fishing year, is 12:00 noon, A.l.t. Therefore, a fishery opening normally must be a minimum of 24 hours. The Director, Alaska Region, NMFS, has determined that the remaining portion of the TAC allocated to the inshore component would be exceeded if a 24-hour fishery were allowed to occur. NMFS intends that the TAC should not be exceeded and will not allow a 24-hour directed fishery.