

Table I.—Stopping Sequence

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|---|---|---|
| <p>1. Burnish.</p> <p>2. Stops on a peak friction coefficient surface of 0.5:</p> <p>(a) With the vehicle at gross vehicle weight rating (GVWR), stop the vehicle from 30 mph using the service brake, for a truck tractor with a loaded unbraked control trailer.</p> <p>(b) With the vehicle at unloaded weight plus up to 500 lbs., stop the vehicle from 30 mph using the service brake, for a truck tractor.</p> <p>3. Manual adjustment of the service brakes allowed for truck tractors,</p> | <p>within the limits recommended by the vehicle manufacturer.</p> <p>4. Other stops with vehicle at GVWR:</p> <p>(a) 60 mph service brake stops on a peak friction coefficient surface of 0.9, for a truck tractor with a loaded unbraked control trailer, or for a single-unit vehicle.</p> <p>(b) 60 mph emergency brake stops on a peak friction coefficient of 0.9, for a single-unit vehicle. Truck tractors are not required to be tested in the loaded condition.</p> <p>5. Parking brake test with the vehicle loaded to GVWR.</p> <p>6. Manual adjustment of the service brakes allowed for truck tractors and single-unit vehicles, within the limits</p> | <p>recommended by the vehicle manufacturer.</p> <p>7. Other stops with the vehicle at unloaded weight plus up to 500 lbs.:</p> <p>(a) 60 mph service brake stops on a peak friction coefficient surface of 0.9, for a truck tractor or for a single-unit vehicle.</p> <p>(b) 60 mph emergency brake stops on a peak friction coefficient of 0.9, for a truck tractor or for a single-unit vehicle.</p> <p>8. Parking brake test with the vehicle at unloaded weight plus up to 500 lbs.</p> <p>9. Final inspection of service brake system for condition of adjustment.</p> |
|---|---|---|

TABLE II.—STOPPING DISTANCE IN FEET

Vehicle speed in miles per hour	Service brake				Emergency brake	
	PFC 0.9	PFC 0.9	PFC 0.9	PFC 0.9	PFC 0.9	PFC 0.9
	(1)	(2)	(3)	(4)	(5)	(6)
20	32	35	38	40	83	85
25	49	54	59	62	123	131
30	70	78	84	89	170	186
35	96	106	114	121	225	250
40	125	138	149	158	288	325
45	158	175	189	200	358	409
50	195	216	233	247	435	504
55	236	261	281	299	520	608
60	280	310	335	355	613	720

Note: (1) Loaded and unloaded buses; (2) Loaded single unit trucks; (3) Unloaded truck tractors and single unit trucks; (4) Loaded truck tractors tested with an unbraked control trailer; (5) All vehicles except truck tractors; (6) Unloaded truck tractors.

TABLE III.—BRAKE RETARDATION FORCE

Column 1 Brake Retardation Force, GAWR	Column 2 Brake Chamber Pressure, PSI
0.05	20
0.12	30
0.18	40
0.25	50
0.31	60
0.37	70
0.41	80

TABLE V.—BRAKE CHAMBER RATED VOLUMES—Continued

Brake chamber type (Nominal area of piston or diaphragm in square inches)	Column 1 Full stroke (Inches)	Column 2 Rated volume (Cubic Inches)
Type 16	2.25/2.70	50
Type 18	2.25/2.70	55
Type 20	2.25/2.70	60
Type 24	2.25/2.70	70
Type 30	2.50/3.20	95
Type 36	3.00/3.60	135

Issued on: May 23, 1996.
 Barry Felrice,
 Associate Administrator for Safety Performance Standards.
 [FR Doc. 96-13557 Filed 5-30-96; 8:45 am]
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TABLE IV.—[RESERVED]

TABLE V.—BRAKE CHAMBER RATED VOLUMES

Brake chamber type (Nominal area of piston or diaphragm in square inches)	Column 1 Full stroke (Inches)	Column 2 Rated volume (Cubic Inches)
Type 9	1.75/2.10	25
Type 12	1.75/2.10	30
Type 14	2.25/2.70	40

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 960314073-6145-02; I.D. 030896E]

RIN 0648-AI23

Atlantic Swordfish Fishery; 1996 Quotas, Minimum Size, Adjustment

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend the regulations governing the Atlantic swordfish fishery to: Reduce the annual total allowable catch (TAC) to 2,625 metric tons (mt) dressed weight (dw) via a split season (June 1 - May 31), decrease the minimum size to 73 cm (29 inches) cleithrum to caudal keel measure, eliminate the trip allowance for undersized fish, and make reporting requirements consistent with the

current logbook program. The intent of this action is to rebuild the swordfish resource while allowing harvest of swordfish consistent with recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

EFFECTIVE DATE: The rule is effective June 4, 1996.

ADDRESSES: Copies of Biological Opinions and a Final Environmental Assessment/Regulatory Impact Review (EA/RIR) supporting this action may be obtained from Rebecca Lent, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this rule should be sent to Rebecca Lent and to the Office of Management and Budget (OMB), (0648-0016), Attention: NOAA Desk Officer, Washington, DC 20503.

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

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish and its implementing regulations at 50 CFR part 630 issued under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations issued under the authority of ATCA carry out the recommendations of ICCAT.

Background information about the need for revisions to Atlantic swordfish fishery regulations was provided in the proposed rule (61 FR 15212, April 5, 1996) and is not repeated here.

Management Measures

These regulatory changes will improve NMFS' ability to implement the ICCAT recommendations and further the management objectives for the domestic swordfish fisheries:

1. TAC and Fishing Year Definition

NMFS changes the definition of the fishing year for purposes of TAC implementation to June 1 - May 31. NMFS also decreases the annual TAC by 359 mt to 2,625 mt, which is consistent with the 1994 ICCAT recommendation. All weights are in dw of swordfish, unless indicated otherwise. The TAC is divided between a directed-fishery quota of 2,371 mt and a bycatch quota of 254 mt. The directed-fishery quota is

divided into two 1,185.5 mt semiannual quotas for each of the 6-month periods, June 1 through November 30, and December 1 through May 31. Each of the 1,185.5 mt semiannual quotas is further subdivided into a drift gillnet quota of 23.45 mt and a longline and harpoon quota of 1,162.05 mt. The semiannual TAC for the longline and harpoon swordfish fishery is reduced by the estimated semiannual dead discards of 97.6 mt to yield a landing quota of 1,064.44 mt for each of the two semiannual periods.

Following a closure of the directed longline fishery in any semiannual period, any overharvest or underharvest will be added to or subtracted from the bycatch quota of 254 mt. The ability to add or subtract underage or overage ensures that the United States will abide by the annual ICCAT quotas.

The special set-aside quota for harpoon gear remains at 10 mt.

Due to the need to meet observer coverage requirements for the drift gillnet fishery, the starting date for this gear type only, for their 1996 quota, is delayed until July 1, 1996. Contracts, research projects, and other arrangements for observer coverage necessary due to the Category I status of the drift gillnet fishery could not be modified in 1996 to accommodate the revised starting date of June 1, 1996. Thus, the first semiannual drift gillnet quota will be applicable during the period of July 1 - November 30, 1996, and the second semiannual quota will apply to the period of December 1, 1996 to May 31, 1997. The bridge period quota (see below) will be applied for drift gillnet vessels during the period of January 1 - June 30, 1996. Thus, drift gillnetters may fish prior to July 1, 1996, subject to the bridge period quota, which has not been reached to date. The revised fishing year and semiannual periods established herein for other fishing categories will be applied for the drift gillnet fishery beginning June 1, 1997.

2. Bridge Period TAC

A bridge period TAC is determined for the first 5 months of 1996 at a level equal to five twelfths of the 1995 U.S. quota, which is equivalent to 1,149.5 mt (106 mt bycatch, 1021 mt longline, and 22.5 mt drift gillnet). As discussed above, drift gillnet vessels may continue fishing through June 1996 as long as the bridge period quota has not been filled.

3. Alternative Minimum Size

The final rule implements the ICCAT-recommended alternative minimum size of 119 cm (47 inches) lower jaw fork length (LJFL) with zero tolerance for

undersized fish, meaning that no swordfish less than this smaller minimum size may be retained on board fishing vessels. Therefore, the current tolerance of undersized fish (15 percent by number per trip) is eliminated. The 119 cm (47") LJFL is equivalent to a cleithrum to caudal keel measure (CK) of 73 cm (29 inches) or 15 kg (33 lb) dw.

4. Other Changes

Changes are made to the regulatory text to make vessel reporting requirements consistent with the current logbook program.

Comments and Responses

1. Quota Reduction and Allocation

Comment: Most comments supported the reduction in TAC as recommended by ICCAT. There was some concern, however, over the calculation of discards, both in terms of the rate used and the fact that only the United States deducts this estimate from their allowable catch.

Response: NMFS agrees that a reduction in TAC to the level recommended by ICCAT is not only necessary under ATCA but also desirable, given that current catch levels exceed replacement yield. The longline discard rate applied in setting the TAC is identical to that used in 1995. However, as data become available, this discard rate could be revised to account for the modification in the minimum size. The United States reports estimated longline discards of undersized swordfish to ICCAT, and had committed, for 1995 and 1996 only, to reducing the TAC accordingly.

Comment: Some commenters felt that the drift gillnet quota should be higher given the number of participants and the derby nature of the fishery. Another commenter suggested that gear-specific quotas be discontinued, to be replaced with a fixed season for the driftnet fishery of 2 months.

Response: The percentage share allocated to the longline and drift gillnet fishery is identical to that used in 1994 and 1995 and is based on the share of total catch harvested by these user groups in 1988. NMFS disagrees with the suggestion of having a season for drift gillnetting rather than a quota, since this would only intensify the derby-fishing nature of this gear category, particularly since it is open access.

2. Split Season

Comment: Some commenters agreed with the split season as one option to improve the economic condition of the swordfish fishermen under declining

quotas. They indicated that, for the two periods of high likelihood for a swordfish longline directed fishery closure, April/May are good months for yellowfin tuna, while October/November have historically been low price months for swordfish.

Response: NMFS agrees that the new semiannual periods might allow for the best possible prices for swordfish catch, which is particularly important to mitigate decline in exvessel revenue given the reduction in TAC.

Comment: Some commenters expressed concern over the possible increased interaction with bluefin tuna and/or protected species given the change in the fishing season.

Response: The swordfish longline fishery has never been closed during the months of June or July; therefore, it is unlikely that the pattern of interaction with bluefin or other bycatch species would be modified by this change in the fishing season. Fishing with the use of drift gillnets in the first half of the existing semiannual period generally began in earnest around mid-June; therefore, it is not evident that a June 1 starting date would modify the pattern of protected species interaction. However, given the need to meet observer coverage requirements for the drift gillnet fishery, the starting date for this gear type for 1996 only is delayed until July 1, 1996, to accommodate arrangements already in place for this year's fishery. Thus, the semiannual drift gillnet 1996 quota will be applicable during the period of July 1 - November 30, 1996, and the second semiannual quota will hold during the period of December 1, 1996 to May 31, 1997. The revised fishing year and semiannual periods thus will be applied for the drift gillnet fishery beginning June 1, 1997, unless further information and/or analyses received before that date warrant a change in this regulation.

3. Revised Minimum Size

Comment: Some commenters felt that the revised minimum size would lead to decreased discards and facilitate enforcement. Others felt that the minimum size should be increased to 50 lb and/or the average weight at first reproduction (80 kg round weight, or 132 lb dw). Some commenters also suggested that fishers be allowed to retain swordfish less than the minimum size for their own consumption or for charity purposes.

Response: NMFS agrees that implementation of the alternative minimum size could lead to a reduction in the longline discard rate to the extent that undersized fish that are now harvested under the 15 percent

tolerance and/or discarded at sea are within the new, lower minimum size range. An increase in the minimum size to 50 lb or 132 lbs (reproductive weight) could lead to a significant increase in the discard rate. Finally, retention of swordfish less than the alternative minimum size could be counter to the ICCAT recommendation, with the exception of the Second Harvest program which has been approved by ICCAT.

Comment: Several commenters suggested that NMFS consider time-area closures to reduce the catch of undersized swordfish.

Response: Preliminary research conducted by NMFS indicates certain areas in which there is relatively higher interaction with undersized swordfish. However, a complete analysis should be conducted on the potential time-area closures and the impact of these closures on the fishery. In addition, the revised minimum size and fishing season could have an effect on the rate of small fish interaction. Time-area closures may be considered in future rulemaking if analysis warrants.

Comment: It was noted that the ICCAT recommendation would facilitate a possible ban on sale of swordfish under the minimum size if a country adopts the alternative minimum size with zero tolerance. This would allow the United States to halt the import of undersized swordfish from Nations that do not comply with the ICCAT recommendation.

Response: NMFS agrees that a ban on the sale of Atlantic swordfish under the lower minimum size would facilitate enforcement and ensure that ICCAT conservation efforts are not hampered by harvest and export to the United States of undersized swordfish from non-complying Nations. However, given the considerable volume of domestic and imported Pacific swordfish that is handled nationwide, NMFS must establish an enforceable system to document shipments of swordfish harvested outside the management unit. Such a system is under consideration but will require some time to comply with Paperwork Reduction Act (PRA) requirement. In the meantime, since adoption of the alternative minimum size will facilitate U.S. Atlantic enforcement and may reduce the discard rate, NMFS is implementing the alternative minimum size.

4. Other

Comment: There were continued comments regarding the need to allow a 14-day offloading period for swordfish during a closure due to the market effects of a sudden increase in landings.

Response: NMFS agrees that closure dates can cause a market glut and lower prices. However, even a 14-day offloading window can cause such a market glut, since vessels may have an incentive to wait until the last day or two of this window to sell their swordfish. In addition, given that the concern over sudden increase in supply comes primarily from long-distance vessels that tend to take longer trips, there is concern about the effect of further delaying the offloading on the quality of the swordfish landed. Finally, a 14-day window only would encourage vessels to return to port at the last minute, with possible consequences on the catch rate in the final days, leading to even earlier closure dates.

Comment: There were several comments on issues that are beyond the scope of this rule, including: Requiring equal coverage for vessels of all gear types, with a minimum of 50 percent coverage; establishing target catch criteria for swordfish bycatch during closure of the directed fishery; proposals to extend the fishing season; allowing more than

30 days to comment on a proposed rule; and monitoring the U.S. swordfish catch in the south Atlantic.

Response: These issues are beyond the scope of this rulemaking, the primary purpose of which is to implement the 1996 TAC via the split season, along with revising the minimum size. NMFS will consider the comments above in future rulemaking. With respect to the monitoring of swordfish catch in the South Atlantic, all U.S. permitted vessels are currently subject to a reporting requirement, including negative reporting.

Based on consideration of comments received, only one change was made to the proposed rule, notably the date of effectiveness of the split season for the drift gillnet fishery, as noted above.

Classification

This final rule is published under the authority of ATCA. The Assistant Administrator for Fisheries, NOAA has determined that the regulations contained in this rule are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic swordfish fishery. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The 1996 TAC represents about a 12-percent reduction from the TAC of the

previous year, which could result in short-term potential losses in gross revenue of about \$3.2 million. However, these potential losses will be at least partially offset by increases in price due to declining supply (demand is price-inelastic) and the split season. In addition, pelagic longline vessels may redirect fishing effort to Atlantic tunas, dolphin fish, and other species, as occurred in the 1995 season. As a result, a regulatory flexibility analysis was not prepared. The RIR provides further discussion of the economic effects of the rule.

This action has been determined to be not significant for purposes of E.O. 12866.

NMFS has determined that there is good cause to waive partially the 30-day delay in the effective date normally required by section 553(d) of the Administrative Procedure Act. Since this fishery is underway, early implementation of the new TAC and minimum size will ensure effective implementation of the ICCAT recommendations.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB Control Number.

This final rule includes changes to the regulatory text regarding vessel reporting requirements in an effort to be consistent with changes in the logbook program. However, there are no new collection-of-information requirements since the proposed rule simply clarifies requirements that have been approved by the OMB under Control Number 0648-0016 in 15 CFR part 902. Public reporting burden for this collection of information is estimated to average 2 minutes for logbook records and trip summaries.

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to NMFS and OMB (see ADDRESSES).

NMFS issued biological opinions under the Endangered Species Act on September 1, 1995, and on February 2, 1996, indicating that the level of impact and marine mammal takes from the longline and harpoon, and drift gillnet swordfish fishery is not likely to jeopardize the continued existence of

any sea turtle species or any marine mammal populations.

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: May 24, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 630 is amended as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

1. The authority citation for part 630 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

2. In § 630.5, paragraph (a)(1) is revised to read as follows:

§ 630.5 Recordkeeping and reporting.

(a) *Fishing vessel reports.* (1) The owner and operator of a vessel for which a vessel permit has been issued under § 630.4 must ensure that a daily logbook form is maintained of the vessel's swordfishing effort, catch, and disposition on logbook forms available from the Science and Research Director. Such forms must be submitted to the Science and Research Director postmarked not later than the 7th day after sale of the swordfish off-loaded from a trip. If no fishing occurred during a month, a report so stating must be submitted in accordance with instructions provided with the logbook forms. Logbooks must be kept on board the vessel at all times.

* * * * *

3. In § 630.7, paragraph (q) is revised to read as follows:

§ 630.7 Prohibitions.

* * * * *

(q) Possess on board a vessel a swordfish that is smaller than the minimum size specified in § 630.23(a).

* * * * *

4. Section 630.20 is revised to read as follows:

§ 630.20 Fishing Year.

The fishing year is June 1 through July 31.

5. In § 630.23, paragraph (b) is removed, paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), respectively, and the first sentence of paragraph (a) and the last sentence of newly designated paragraph (b) are revised to read as follows:

§ 630.23 Harvest limitations.

(a) *Minimum size.* The minimum allowable size for possession on board a fishing vessel for a swordfish taken from the management unit is 29 inches (73 cm) carcass length, measured along the body contour (i.e., a curved measurement) from the cleithrum to the anterior portion of the caudal keel (CK measurement) or, if swordfish are weighed, 33 lb (15 kg) dressed weight.

(b) *** A shark-bit swordfish for which the remainder of the carcass is less than the minimum size limit specified in paragraph (a) of this section may not be landed.

* * * * *

6. In § 630.24, paragraphs (b)(1), (d)(4), and (e) are revised, paragraph (b)(2) is redesignated as paragraph (b)(4), and new paragraphs (b)(2) and (b)(3) are added to read as follows:

§ 630.24 Quotas.

* * * * *

(b) ***

(1) The directed fishery quota for the period January 1, 1996, through May 31, 1996, is 1,021 mt dressed weight for the longline fishery, 22.5 mt dressed weight for the drift gillnet fishery, and 106 mt dressed weight for the bycatch fishery.

(2) The annual quota for the directed fishery for swordfish is 2,371 mt dressed weight, divided into two semiannual quotas as follows:

(i) For the semiannual period June 1 through November 30:

(A) 23.45 mt dressed weight, that may be harvested by drift gillnet.

(B) 1,162.05 mt dressed weight that may be harvested by longline and harpoon. To account for harvested fish that are discarded dead, only 1064.44 mt dressed weight, may be landed in this category.

(ii) For the semiannual period December 1 through May 31:

(A) 23.45 mt dressed weight that may be harvested by drift gillnet.

(B) 1,162.05 mt dressed weight that may be harvested by longline and harpoon. To account for harvested fish that are discarded dead, only 1064.44 mt dressed weight may be landed in this category.

(3) Notwithstanding any other provision of this part, the sub-quotas for the drift gillnet fishery for January 1 - November 30, 1996, are available as follows:

(i) For the period January 1 through June 30, 22.5 mt dressed weight; and

(ii) For the period July 1 through November 30, 23.45 mt dressed weight.

* * * * *

(d) ***

(4) Any adjustments to the 12-month directed-fishery quota will be apportioned equally between the June 1 through November 30 and December 1 through May 31 semiannual periods.

* * * * *

(e) NMFS may adjust the December 1 through May 31 semiannual directed-fishery quota and gear quotas to reflect actual catches during the June 1 through November 30 semiannual period, provided that the 12-month directed-fishery and gear quotas are not exceeded.

* * * * *

7. In § 630.25, the second sentence of paragraph (b) is revised to read as follows:

§ 630.25 Closures and bycatch limits.

* * * * *

(b) * * * The procedures of paragraph (a)(1) of this section notwithstanding, during the June 1 through November 30 semiannual period, swordfish not exceeding 21,500 lb (9,752 kg), dressed weight, may be set aside for the harpoon segment of the fishery. * * *

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[FR Doc. 96-13690 Filed 5-28-96; 4:25 pm]

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50 CFR Part 672

[Docket No. 960228053-6142-02; I.D. 022296E]

RIN 0648-A156

Groundfish of the Gulf of Alaska; Pollock Seasonal Allowances

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Amendment 45 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). This rule combines the third and fourth quarterly allowances for pollock in the three statistical areas of the combined Western and Central (W/C) Regulatory Area into single seasonal allowances that will become available on September 1 of each fishing year. Changes to the final 1996 harvest specifications of Gulf of Alaska (GOA) pollock are also made to reflect the revised seasonal allowances. These measures are necessary to address management problems that have been identified by the fishing industry. They are intended to further the management objectives of the FMP.

EFFECTIVE DATE: May 30, 1996.

ADDRESSES: Copies of Amendment 45 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for Amendment 45 may be obtained from the North Pacific Fishery Management Council, 605 W. 4th Ave. Suite #306, Anchorage, AK 99501.

FOR FURTHER INFORMATION CONTACT: Kent Lind, (907) 586-7228.

SUPPLEMENTARY INFORMATION: The pollock fishery in the exclusive economic zone of the GOA is managed by NMFS under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations found at 50 CFR part 672. General regulations governing U.S. fisheries are also found at 50 CFR part 620.

Background

Amendment 45 removes the requirement that the total allowable catch (TAC) specified for pollock in three statistical areas of the W/C Regulatory Area be divided into four equal quarterly allowances and replaces it with more flexible language requiring that the TACs be divided into seasonal allowances rather than quarterly allowances. Amendment 45 authorizes NMFS to establish the number and timing of seasonal allowances in regulation. The Council's objective in adopting Amendment 45 was to allow NMFS to combine by regulatory amendment the third quarter (July 1) and fourth quarter (October 1) allowances for pollock in the statistical areas of the W/C Regulatory Area into single seasonal allowances that would become available in September or October.

The action has the following objectives: (1) Reduced chum salmon bycatch, which has been high during the third quarter (July 1) opening; (2) reduced scheduling conflicts with summer salmon processing activities; (3) reduced operating costs for industry; and (4) reduced risk of harvest overruns during extremely short openings. Additional information on this action may be found in the preamble to the proposed rule published in the Federal Register on March 12, 1996 (61 FR 9972) and the EA/RIR prepared for this action. Public comment on the proposed action was invited through April 22, 1996. NMFS received 11 written letters of comment. The comments are summarized and responded to below in the response to comments section.

The only change from the proposed rule is a modification in the opening date for the Western Regulatory Area

from October 1 to September 1 for the reasons stated below. This change is reflected in § 672.23(e), which establishes fishing seasons, and section 4 and table 3 of the final 1996 harvest specifications.

At its January 1996 meeting, the Council considered opening date options of September 1, September 15, and October 1 that would apply to the third season in both the W/C Regulatory Areas. However, the Council subsequently recommended that NMFS implement a modified proposal that would establish separate third season opening dates of September 1 in the Central Regulatory Area and October 1 in the Western Regulatory Area. This modified proposal was submitted to the Council by a coalition of Bering Sea-based processors and fishermen with the intent of preserving the ability of Bering Sea-based vessels to fish in the Western Regulatory Area after the closure of the Bering Sea pollock non-roe season. The proposed rule included these separate opening dates as recommended by the Council.

Based on changing circumstances in the pollock fishery and information submitted during the comment period on the proposed rule, NMFS has changed the final rule from the proposed rule to reflect a single opening date of September 1 for both the W/C Regulatory Areas. The reasons for this change are as follows: First, the Council at its April 1996 meeting made a final recommendation that NMFS delay the start of the Bering Sea pollock non-roe season from August 15 to September 1 for both the inshore and offshore sectors. If approved, this regulatory amendment would become effective for the 1996 pollock non-roe season. In 1995 the inshore sector Bering Sea pollock non-roe season lasted 39 days and NMFS expects the 1996 season to last approximately as long. Delaying the Bering Sea pollock non-roe season until September 1 is likely to extend the season into the first or second week of October. Consequently, NMFS believes that an October 1 opening date for the Western Regulatory Area no longer holds any particular advantage for the Bering Sea-based fleet, which was the only sector of the industry that supported this particular opening date.

Second, NMFS has received extensive written comments from Western Regulatory Area-based fishermen and processors who oppose an October 1 opening date for the Western Regulatory Area for safety reasons. This sector of the industry suggests that because weather conditions are likely to be worse in October, an October 1 opening date will pose greater safety risks for