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Ricardo Martinez,
Administrator.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 672**

[Docket No. 950206041-5041-01; I.D. 022795A]

Groundfish of the Gulf of Alaska; Pollock in the Eastern Gulf**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Closure.**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Eastern Regulatory Area in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the total allowable catch for pollock in this area.**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), February 27, 1995, until 12 noon A.l.t., December 31, 1995.**FOR FURTHER INFORMATION CONTACT:** Michael L. Sloan, 907-586-7228.**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by the 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. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The initial specification for pollock TAC in the Eastern Regulatory Area in the GOA was established by final initial specifications (60 FR 8740, February 14, 1995) as 3,360 metric tons (mt), determined in accordance with § 672.20(c)(1)(ii)(A).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the 1995 final interim specification of pollock in the Eastern Regulatory Area in the GOA soon will be reached. The Regional Director established a directed fishing allowance of 3,000 mt, and has set aside the remaining 360 mt as bycatch to support other anticipated groundfish fisheries. The Regional Director has

determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area in the GOA.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: February 27, 1995.

David S. Crestin,

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

[FR Doc. 95-5219 Filed 2-27-95; 4:41 pm]

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50 CFR Parts 672 and 675

[Docket No. 900833-1095; I.D. 021595C]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Bycatch Rate Standards for the First Half of 1995**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Pacific halibut and red king crab bycatch rate standards; response to comments.**SUMMARY:** NMFS responds to a comment submitted on Pacific halibut and red king crab bycatch rate standards for the first half of 1995. NMFS previously published these bycatch rate standards in the Federal Register for comment as required under regulations implementing the vessel incentive program (VIP). No change in the Pacific halibut or red king crab bycatch rate standards is specified as a result of this action.**EFFECTIVE DATE:** The effective date of the January 12, 1995, final rule is 12:01 a.m., Alaska local time (A.l.t.), January 20, 1995, through 12 midnight, A.l.t., June 30, 1995.**FOR FURTHER INFORMATION CONTACT:** Susan J. Salveson, 907-586-7228.**SUPPLEMENTARY INFORMATION:**

Regulations at §§ 672.26 and 675.26 implement a VIP to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Regulations at §§ 672.26(c) and 675.26(c) require that halibut and red king crab bycatch rate standards for each fishery included

under the incentive program be published in the Federal Register.

NMFS published Pacific halibut and red king crab bycatch rate standards for the first half of 1995 in the Federal Register on January 12, 1995 (60 FR 2905), and solicited comments from the public until January 23, 1995. One letter of comment was received within the comment period that is summarized in the Response to Comments section, below. After review of the comment received, NMFS determined that no change to the bycatch rate standards for the first half of 1995 is warranted. Additional information on the derivation of the 1995 bycatch rate standards is contained in the January 12, 1995, publication of these standards in the Federal Register.

Response to Comments

One letter of comment was received within the comment period that ended January 23, 1995. A summary of the comment and NMFS' response follows.

Comment. Given an agreement among many vessel operators to use large mesh trawl gear in the Bering Sea rock sole fishery to reduce groundfish discard amounts, NMFS should make allowances for vessels that have higher halibut and red king bycatch rates if the higher rates are a result of decreased discard amounts of groundfish as a result of large mesh trawl gear, rather than increased amounts of halibut or crab.*Response.* The North Pacific Fishery Management Council (Council) reviewed current and historical halibut and red king crab bycatch rates when recommending that NMFS implement the VIP bycatch rate standards for the first half of 1995 that were published in the Federal Register on January 12, 1995. When recommending these rates, the Council was aware of the fact that some vessels may use large mesh trawl gear and that the resulting bycatch rates of halibut and red king crab could increase. However, no information was available on whether the use of large mesh trawl gear would result in vessel bycatch rates that exceed the recommended VIP standard established for the "other trawl" fishery category, which includes the rock sole fishery. The Council, therefore, recommended to maintain the current VIP bycatch rate standards until information is available on which to base a change in these standards, and regulatory changes are implemented to allow a separate bycatch rate standard for the rock sole fishery.

Voluntary industry efforts to reduce groundfish discard amounts are laudable. Nonetheless, NMFS does not

intend to absolve a vessel owner/operator from accountability under the VIP simply because groundfish are harvested using large mesh trawl gear.

Dated: February 27, 1995.

David S. Crestin,

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

[FR Doc. 95-5298 Filed 3-2-95; 8:45 am]

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50 CFR Part 676

[Docket No. 950206039-5039-01; I.D. 081794A]

RIN 0648-AG98

Limited Access Management of Federal Fisheries In and Off of Alaska; Community Development Quota Compensation Formula

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule providing the method used for determining Community Development Quota (CDQ) compensation for the Pacific halibut and sablefish Individual Fishing Quota (IFQ) Program. This action is necessary to codify the formula used in calculating CDQ compensation and is intended to inform interested parties of the method used for determining the compensation provided to affected persons.

EFFECTIVE DATE: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Pacific halibut and sablefish CDQ Program was intended by the North Pacific Fishery Management Council (Council) to assist in revitalizing rural communities in Western Alaska by providing those communities with access to fishery resources within their geographical proximity. The CDQ Compensation Formula was designed to compensate persons for reductions in the amount of Pacific halibut and

sablefish available for harvest with IFQ in CDQ areas resulting from allocations of those fishery resources to the CDQ Program. Compensated persons would be those who are initially issued quota share (QS) in CDQ areas. This one-time compensation adjustment would be in the form of QS in each of the non-CDQ areas.

The CDQ Compensation Formula would affect all persons who are initially issued QS, including those persons who did not participate historically in the Pacific halibut or sablefish fisheries in CDQ areas. The Council intended that all persons initially issued QS share the burden of compensating persons for reductions in the amount of Pacific halibut and sablefish available for harvest with IFQ in CDQ areas. This would be accomplished by distributing the compensation burden among all persons initially issued QS by reducing their harvest privilege by a fixed percentage. Even persons who receive compensation would share the burden.

Persons eligible for compensation would receive a portion of their total amount of compensation in each non-CDQ area. Their compensation in each non-CDQ area, in the form of QS, would be proportional to the size of the QS pool of that area. For example, a person eligible for compensation QS for halibut would receive the greatest amount of compensation QS in area 3A, which has the largest QS pool, and the least amount in area 4A, which has the smallest QS pool. The CDQ Compensation Formula will be codified at § 676.24(i)(3). Further information on the methodology of the CDQ Compensation Formula and an example of how CDQ compensation would be calculated is available in the preamble to the proposed rule for the CDQ Compensation Formula published in the Federal Register on September 29, 1994 (59 FR 49637).

Changes Incorporated in the Final Rule

NMFS received no comments on the proposed rule for the CDQ Compensation Formula. The text at § 676.24(i)(3), however, was changed from that proposed to clarify NMFS' intent to issue CDQ Compensation QS to

all persons initially issued QS for IFQ regulatory areas in which a portion of the total allowable catch (TAC) is allocated to the CDQ Program, no matter when those persons may be initially issued QS.

Classification

The regulatory impact review (RIR) prepared for this rule incorporates by reference the final regulatory flexibility analysis (FRFA) prepared for the IFQ Program, the program for which the CDQ Compensation Formula was designed. The FRFA supports the determination that the IFQ Program may have a significant impact on a substantial number of small entities. Further information on the FRFA can be obtained by referring to the final rule for the IFQ Program, published in the Federal Register on November 9, 1993 (58 FR 59375).

A collection of information for the IFQ Program was approved by the Office of Management and Budget, OMB control number 0648-0272. This action will not affect the collection-of-information requirements already approved for the IFQ Program.

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

List of Subjects in 50 CFR Part 676

Fisheries, Reporting and recordkeeping requirements.

Dated: February 27, 1995.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 676 is amended as follows:

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

1. The authority citation for 50 CFR part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. Section 676.24 is amended by revising paragraph (i)(3) to read as follows: