

shorebased operators. However, NMFS notes that directed fishing for GOA pollock by the offshore component is prohibited under § 672.20(a)(2)(v) and that at-sea processing of pollock would be unlikely.

Based on new information the IPHC also recommended different seasonal rates for deep-water flatfish of 60 percent for the spring/summer and 52 percent for the fall/winter. For purposes of this notice, NMFS defines spring/summer to mean April 1–September 30, and fall/winter to mean October 1–March 31. The IPHC also recommended a new rate for the Atka mackerel fishery of 48 percent, a rate of 57 percent for trawl sablefish and a rate of 47 percent for other species.

The halibut mortality rates are listed in Table 8.

TABLE 8.—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	23
Pacific cod	12
Rockfish	18
Trawl:	
Midwater pollock	72
Rockfish	57
Shallow-water flatfish	67
Pacific cod	56
Deep-water flatfish—April 1–Sept. 30	60
Deep-water flatfish—Oct. 1–March 31	52
Bottom pollock	
Shoreside	54
At-sea	74
Atka mackerel	48
Sablefish	57
Other species	47
Pot:	
Pacific cod	17

Responses to Comments

Written comments on the proposed 1996 specifications and other management measures were requested until December 29, 1995 (60 FR 61514; November 30, 1995). No written comments were received.

Classification

This action is authorized under 50 CFR 611.92 and 672.20; and is exempt from review under E.O. 12866.

This action adopts final 1996 harvest specifications for the GOA, revises associated management measures, and closes specified fisheries. Generally, this action does not significantly revise

management measures in a manner that would require time to plan or prepare for those revisions. In some cases, such as closures, action must be taken immediately to conserve fishery resources. Without these closures, specified TAC amounts will be overharvested and retention of these species will become prohibited, which would disadvantage fishermen who could no longer retain bycatch amounts of these species. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources. Accordingly, the Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3) with respect to such provisions and to the apportionment discussed above. In some cases, the interim specifications in effect would be insufficient to allow directed fisheries to operate during a 30-day delayed effectiveness period, which would result in unnecessary closures and disruption within the fishing industry; in many of these cases, the final specifications will allow the fisheries to continue, thus relieving a restriction. Provisions of a rule relieving a restriction under 5 U.S.C. 553(d)(1) are not subject to a delay in effective date.

Pursuant to section 7 of the Endangered Species Act, NMFS and the Fish and Wildlife Service have determined that the groundfish fishery operating under the 1996 GOA TAC specifications is unlikely to jeopardize the continued existence or recovery of species listed as endangered or threatened or to adversely modify critical habitat.

NMFS prepared an EA on the 1996 TAC specifications. The AA concluded that no significant impact on the environment will result from their implementation. A copy of the EA is available (see ADDRESSES).

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

Dated: January 30, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 96-2292 Filed 1-30-96; 4:56 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 675, and 676

[Docket No. 960129019-6019-01; I.D. 111495A]

Groundfish Fishery of the Bering Sea and Aleutian Islands; Foreign Fishing; Limited Access; Final 1996 Harvest Specifications for Groundfish

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

ACTION: Final 1996 specifications of groundfish and associated management measures; closures.

SUMMARY: NMFS announces final 1996 harvest specifications of total allowable catches (TACs), initial apportionments of TACs for each category of groundfish, and associated management measures in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1996 fishing year. NMFS also is closing specified fisheries consistent with the final 1996 groundfish specifications and fishery bycatch allowances of prohibited species. These measures are intended to conserve and manage the groundfish resources in the BSAI.

EFFECTIVE DATE: The final 1996 harvest specifications are effective at noon, Alaska local time (A.l.t.), January 30, 1996, through 2400 A.l.t., December 31, 1996, or until changed by subsequent notification in the Federal Register. The closures to directed fishing are effective noon, A.l.t., January 30, 1996, through 2400 A.l.t., December 31, 1996.

ADDRESSES: The final Environmental Assessment (EA) prepared for the 1996 Total Allowable Catch Specifications may be obtained from the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling 907-586-7229. The final Stock Assessment and Fishery Evaluation (SAFE) report is available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510-2252 (907-271-2809).

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION:**Background**

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 675 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island area (FMP). Other applicable regulations are found at 50 CFR 611.93 (foreign fishing) and 50 CFR part 676 (Limited Access Management of Federal Fisheries In and Off of Alaska). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the apportionments of prohibited species catch (PSC) limits among fisheries and seasons (§ 675.21(b)), the TAC, initial TAC (ITAC), initial domestic annual harvest (DAH), and initial total allowable level of foreign fishing (TALFF) for each target species and the "other species" category (§ 675.20(a)(2)). The sum of the TACs must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 675.20(a)(2)). Specifications set forth in Tables 1–9 of this action satisfy these requirements. For 1996, the sum of TACs is 2,000,000 mt.

The proposed BSAI groundfish specifications and specifications for prohibited species bycatch allowances for the groundfish fishery of the BSAI were published in the Federal Register on December 6, 1995 (60 FR 62373). Comments were invited through January 4, 1996. No written comments were received within the comment period. Public consultation with the Council occurred during the December 6–10, 1995, Council meeting in Anchorage, AK. Biological and economic data that were available at the Council's December meeting were considered by NMFS when it approved the final 1996 specifications as recommended by the Council.

Interim Specifications

Regulations under § 675.20(a)(7)(i) authorize one-fourth of each proposed ITAC and apportionment thereof, one-fourth of each PSC allowance, and the first proposed seasonal allowance of pollock to be in effect on January 1 on an interim basis and to remain in effect until superseded by final initial specifications. NMFS published the interim 1996 specifications in the Federal Register on December 6, 1995

(60 FR 62339). The final 1996 initial groundfish harvest specifications and prohibited species bycatch allowances contained in this action supersede the interim 1996 specifications. TAC Specifications and Acceptable Biological Catch (ABC)

The specified TAC for each species is based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the BSAI at their September and December 1995 meetings. This information was compiled by the Council's BSAI Groundfish Plan Team and is presented in the final 1996 SAFE report for the BSAI groundfish fisheries, dated November 1995. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters. From these data and analyses, the Plan Team estimates an ABC for each species category.

A summary of the preliminary ABCs for each species for 1996 and other biological data from the September 1995 draft SAFE report were provided in the discussion supporting the proposed 1996 specifications (60 FR 62373, December 6, 1995). The Plan Team's recommended ABCs were reviewed by the SSC, AP, and Council at their September 1995 meetings. Based on the SSC's comments concerning technical methods and new biological data not available in September, the Plan Team revised its ABC recommendations in the final SAFE report, dated November 1995. The revised ABC recommendations were again reviewed by the SSC, AP, and Council at their December 1995 meetings. While the SSC endorsed most of the Plan Team's recommendations for 1996 ABCs set forth in the final SAFE report, the SSC recommended revisions to ABC amounts calculated for pollock, Greenland turbot, Pacific cod, and sablefish. The Council adopted the SSC's recommendations for the 1996 ABCs. The final ABCs are listed in Table 1.

The Council developed its TAC recommendations based on the final ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC in the required OY range of 1.4–2.0 million mt. None of the Council's recommended TACs for 1996 exceeds the final 1996

ABC for each species category. Therefore, NMFS finds that the recommended TACs are consistent with the biological condition of groundfish stocks. The final TACs and overfishing levels for groundfish in the BSAI area for 1996 are given in Table 1 of this action.

Apportionment of TAC

Except for the hook-and-line and pot gear allocation of sablefish, each species' TAC initially is reduced by 15 percent to establish the ITAC for each species, as required by § 675.20(a)(3) and § 675.20(a)(7)(i). The sum of the 15-percent amounts is the reserve. One half of the pollock TACs placed in reserve is designated as a community development quota (CDQ) reserve for use by CDQ participants. The remainder of the reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing.

The ITAC for each target species and the "other species" category at the beginning of the year is apportioned between the DAH and TALFF, if any. Each DAH amount is further apportioned between two categories of U.S. fishing vessels. The domestic annual processing (DAP) category includes U.S. vessels that process their catch on board or deliver it to U.S. fish processors. The joint venture processors (JVP) category includes U.S. fishing vessels working in joint ventures with foreign processing vessels authorized to receive catches in the U.S. exclusive economic zone.

In consultation with the Council, the initial amounts of DAP and JVP are determined by the Director, Alaska Region, NMFS (Regional Director). Consistent with the final 1991–95 initial specifications, the Council recommended that 1996 DAP specifications be set equal to ITAC and that zero amounts of groundfish be allocated to JVP and TALFF. In making this recommendation, the Council considered the capacity of DAP harvesting and processing operations and anticipated that 1996 DAP operations will harvest the full TAC specified for each BSAI groundfish species category. The ABCs, TACs, ITACs, specified overfishing levels (OFLs), and initial apportionments of groundfish in the BSAI for 1996 are set out in Table 1.

TABLE 1.—FINAL 1996 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND OVERFISHING LEVELS OF GROUND FISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA ^{1,2}

Species	ABC	TAC	ITAC DAP ^{3,4}	Over-fishing level
Pollock:				
Bering Sea (BS)	1,190,000	1,190,000	1,011,500	1,460,000
Aleutian Islands (AI)	35,600	35,600	30,260	47,000
Bogoslof District	121,000	1,000	850	121,000
Pacific cod	305,000	270,000	229,500	420,000
Sablefish total:				3,300
BS	1,200	1,100	468	
AI	1,300	1,200	255	
Atka mackerel total:	116,000	106,157	90,233	164,000
Western AI	55,700	45,857	38,978	
Central AI	33,600	33,600	28,560	
Eastern AI/BS	26,700	26,700	22,695	
Yellowfin sole	278,000	200,000	170,000	342,000
Rock sole	361,000	70,000	59,500	420,000
Greenland turbot total:	10,300	7,000	5,950	25,100
BS	6,900	4,667	3,967	
AI	3,400	2,333	1,983	
Arrowtooth flounder	129,000	9,000	7,650	162,000
Flathead sole	116,000	30,000	25,500	140,000
Other flatfish ⁵	102,000	35,000	29,750	120,000
Pacific ocean perch:				
BS	1,800	1,800	1,530	2,860
AI total	12,100	12,100	10,285	25,200
Western AI	6,050	6,050	5,143	
Central AI	3,025	3,025	2,571	
Eastern AI	3,025	3,025	2,571	
Other red rockfish: ⁶				
BS	1,400	1,260	1,071	1,400
Sharpchin/Northern:				
AI	5,810	5,229	4,445	5,810
Shortraker/Rougheye:				
AI	1,250	1,125	956	1,250
Other rockfish: ⁷				
BS	497	447	380	497
AI	952	857	728	952
Squid	3,000	1,000	850	3,000
Other species: ⁸	27,600	20,125	17,106	137,000
Totals	2,820,809	2,000,000	1,698,767	

¹ Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) area unless otherwise specified. With the exception of pollock, and for the purpose of these specifications, the BS includes the Bogoslof District.

² Zero amounts of groundfish are specified for Joint Venture Processing and Total Allowable Level of Foreign Fishing.

³ Except for the portion of the sablefish TAC allocated to hook-and-line and pot gear, 0.15 of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves. One half of the amount of the pollock TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (See § 675.20(a)(3)(ii)).

⁴ Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear is reserved for use by CDQ participants (See § 676.24(b)). Regulations at § 675.20(a)(3) do not provide for the establishment of an ITAC for the hook-and-line and pot gear allocation for sablefish. The ITAC for sablefish reflected in Table 1 is for trawl gear only.

⁵ "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.

⁶ "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern.

⁷ "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye.

⁸ "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

The SSC's revisions to the ABCs recommended by the Plan Team for pollock, Greenland turbot, Pacific cod, and sablefish are discussed below.

Eastern Bering Sea pollock. The SSC believed that the Plan Team's projected 1996 biomass and ABC for eastern Bering Sea pollock (7.36 million mt and 1.29 million mt, respectively) were overestimated. The Plan Team's recommended biomass level was based on a prediction of a strong 1992 year class. However, the SSC expressed

concerns about the assumed strength of the 1992 year class that include: (1) The possibility that the rate of exploitation on the year class is underestimated, (2) recent fishery independent indicators of abundance have not corroborated the earlier observations of year class strength, (3) the 1992 year class has experienced an undocumented rate of exploitation in the Russian fishery operating along the U.S./Russia provisional boundary northwest of the Pribilof Islands, and (4) the 1992 year

class did not show strongly in the 1995 bottom trawl survey. The SSC recommended that the predicted strength of the 1992 year class should be demonstrated by observing its contribution to the 1996 fishery.

The Plan Team also reviewed an alternative estimate of stock abundance and ABC based on lower recruitment and exploitation rate assumption. The resulting 1996 stock abundance and ABC were 6.0 million mt and 1.09 million mt, respectively. The SSC

recommended adopting a midpoint estimate of ABC at 1,190,000 mt to account for alternative interpretations of 1996 recruitment. The associated midpoint biomass is 6,672,000 mt.

Aleutian Islands pollock. The SSC revised the 1996 Aleutian Islands pollock biomass to 142,505 mt from the Plan Team's 87,200 mt. This increase was based on the SSC's recommendation that biomass estimated for the eastern Aleutian Islands (Unalaska-Umnak area) be included in the Aleutian Islands biomass estimate, as done in previous years. In the past, the Plan Team included biomass from the Unalaska-Umnak islands area in the Aleutian Islands area estimate because this area was surveyed as part of the Aleutian Islands survey and was never included in the eastern Bering Sea trawl survey. The Plan team excluded the eastern extension of the Aleutian Islands area from its 1996 biomass estimate because these fish likely are not a discrete stock given that pollock are continuously distributed from the eastern Bering Sea. Furthermore, a portion of the pollock harvested in the eastern Aleutian Islands (area 541) likely are Aleutian Basin fish because a substantial portion of the commercial catch is from deep-water areas adjacent to the Bogoslof area during the first half of the year. Nonetheless, because the Plan team did not include the eastern Aleutian biomass in either the Aleutian Basin or eastern Bering Sea areas for the purpose of assessing ABC, the SSC determined that no compelling reason exists for excluding an allowable catch from this area. Therefore, the SSC recommended that the Council revert to historical practice and include the Unalaska-Umnak area in the estimate of Aleutian Islands ABC. Given the SSC's revised biomass of 142,505 mt, the SSC recommended an ABC of 35,600 mt using an exploitation rate of 25 percent and an overfishing level (OFL) of 47,000 mt.

Bogoslof pollock. The SSC concurred with the Plan Team's estimate for Bogoslof area pollock biomass (1.1 million mt) based on the 1995 hydroacoustic survey. This level of biomass is twice that estimated for 1995. This increase is believed to be the result of a large increase in the 1989 year class, as well as an increase in the abundance of older pollock in the Bogoslof area. These older fish could have migrated from the eastern Bering Sea or Aleutian Island shelf areas; however, little is understood of the relationship of the Bogoslof pollock population to the adjacent eastern BSAI population. In view of this uncertainty, the SSC recommended a more conservative

exploitation rate for the Bogoslof area than that recommended by the Plan Team. The SSC recommended an ABC of 121,000 mt based on an $F_{40\%/2}$ exploitation rate (0.11) applied to the current biomass (1.1 million mt). This level of ABC is reduced from the Plan Team's recommendation of 286,000 mt based on an $F_{35\%}$ exploitation rate (.26). The SSC considered its ABC calculation to be consistent with the overfishing definition so that $OFL=ABC=121,000$.

The Council recommended that pollock be closed to directed fishing in the Bogoslof District and that a TAC of 1,000 mt be established to provide for bycatch in other groundfish fisheries. This recommendation was intended to accommodate uncertainty about whether or not Bogoslof pollock are a distinct self-sustaining population or surplus fish from the shelf populations. The Council's TAC recommendation also addresses concerns about the potential impacts of undocumented fishing effort in the Russian zone on young pollock that are primarily considered to be of U.S. origin. The Council's TAC recommendation is adopted in these final specifications (Table 1).

Greenland turbot. The SSC endorsed the Plan Team's ABC for Greenland turbot (17,000 mt). However, the SSC recommended that this ABC amount be phased in over a 3-year period to allow the possibility of conducting joint industry/NMFS assessment surveys of the Bering Sea slope and Aleutian Islands. Results of these surveys would allow for a refinement of the stock abundance estimates prior to fully increasing the ABC to 17,000 mt. Given a 3-year phasing in period, the SSC recommended a 1996 ABC of 10,300 mt based on the estimated biomass of 67,000 mt and an exploitation rate of 0.154. The SSC concurred with the Plan Team's recommendation that the ABC be split so that two-thirds of the TAC is apportioned to the eastern Bering Sea and one-third is apportioned to the Aleutian Islands. The intent of this apportionment is to spread fishing effort over a larger area and to avoid localized depletion. Using the SSC's recommended ABC, this apportionment scheme results in eastern BSAI ABCs of 6,900 mt and 3,400 mt, respectively. The Council concurred with the SSC's recommendation for ABC and adopted a 7,000-mt TAC, as recommended by the AP.

Pacific cod. The SSC applied a harvest strategy of $F_{40\%}$ yielding an ABC of 305,000 mt, compared to the Plan Team's ABC of 357,000 using $F_{35\%}$. The SSC recommended a more conservative exploitation strategy because of

recruitment variability and the unknown impact of increased use of larger-sized trawl mesh on gear selectivity.

Sablefish. The SSC recommended that the sablefish ABCs be set at the level recommended in the 1996 SAFE report (1,200 mt for the Bering Sea and 1,300 mt for the Aleutian Islands). The recommended ABCs are slightly higher than the levels recommended by the Plan Team (1,100 mt for the Bering Sea and 1,200 mt for the Aleutian Islands), yet they represent a substantial reduction from 1995 levels. This reduction reflects biomass declines due to continuing low recruitment. The slightly higher ABCs recommended by the SSC are based on a $F_{35\%}$ exploitation rate, rather than the $F_{40\%}$ used by the Plan Team.

Seasonal Allowances of Pollock TACs

Under § 675.20(a)(2)(ii), the pollock TAC for each subarea or district of the BSAI is divided, after subtraction of reserves (§ 675.20(a)(3)), into two seasonal allowances. The first allowance is available for directed fishing from January 1 to April 15 (roe season) and the second allowance is available from August 15 through the end of the fishing year (non-roe season).

The Council recommended that the seasonal allowances for the Bering Sea pollock roe and non-roe seasons be specified at 45 percent and 55 percent of the ITAC amounts, respectively (Table 2). These percentages are unchanged since 1993. As in past years, the pollock TAC amounts specified for the Aleutian Islands subarea and the Bogoslof District are not seasonally apportioned.

When specifying seasonal allowances of the pollock TAC, the Council and NMFS considered the factors specified in section 14.4.10 of the FMP and listed in the proposed specifications (60 FR 62373, December 6, 1995). A discussion of these factors relative to the roe and non-roe seasonal allowances was presented in the final 1993 specifications for BSAI groundfish (58 FR 8703, February 17, 1993). Consideration under these factors remains unchanged from 1993 given that the relative seasonal allowances for 1993-96 are the same.

Apportionment of the Pollock TAC to the Inshore and Offshore Components

Regulations at § 675.20(a)(2)(iii) require that the proposed pollock ITAC amounts specified for the BSAI be allocated 35 percent to vessels catching pollock for processing by the inshore component and 65 percent to vessels catching pollock for processing by the

offshore component. Definitions of these components are found at § 675.2. The 1996 ITAC specifications are consistent with these requirements (Table 2).

TABLE 2.—SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TAC AMOUNTS^{1, 2}

Subarea	TAC	ITAC ³	Roe season ⁴	Non-roe season ⁵
Bering Sea:				
Inshore		354,025	159,311	194,714.
Offshore		657,475	295,864	361,611.
	1,190,000	1,011,500	455,175	556,325.
Aleutian Islands:				
Inshore		10,591	10,591	Remainder.
Offshore		19,669	19,669	Remainder.
	35,600	30,260	30,260	Remainder.
Bogoslof:				
Inshore		298	298	Remainder.
Offshore		552	552	Remainder.
	1,000	850	850	Remainder.

¹ TAC = total allowable catch.

² Based on an offshore component allocation of 0.65 (ITAC) and an inshore component allocation of 0.35 (ITAC).

³ ITAC = initial TAC = 0.85 of TAC.

⁴ January 1 through April 15—based on a 45/55 split (roe = 45 percent).

⁵ August 15 through December 31—based on a 45/55 split (non-roe = 55 percent).

Apportionment of the Pollock TAC to the Western Alaska Community Development Quota

Regulations at § 675.20(a)(3)(ii) require one-half of the pollock TAC placed in the reserve for each subarea or district, or 7.5 percent of each TAC, be assigned to a CDQ reserve for each subarea or district. The 1996 CDQ reserve amounts for each subarea are as follows:

BSAI Subarea	Pollock CDQ (mt)
Bering Sea	89,250
Aleutian Islands	2,670
Bogoslof	75
Total	91,995

Under regulations governing the CDQ program at § 675.27, NMFS may allocate the 1996 pollock CDQ reserves to

eligible Western Alaska communities or groups of communities that have an approved community development plan (CDP). NMFS has approved six CDP's and associated percentages of the CDQ reserve for each CDP recipient for 1996-98 (60 FR 66516, December 22, 1995). Table 3 lists the approved CDP recipients, and each recipient's allocation of the 1996 pollock CDQ reserve for each subarea.

TABLE 3.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS AND SEASONAL ALLOWANCES (METRIC TONS) OF THE 1996 POLLOCK CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS, AND THE BOGOSLOF DISTRICT (BD) AMONG APPROVED CDP RECIPIENTS

CDP recipient	Percent	Area	Allocation	Roe-season allowance ¹
Aleutian Pribilof Island Community Development Assn	16	BS	14,280	6,426
		AI	427	
		BD	12	
Total			14,719	
Bristol Bay Economic Development Corp	20	BS	17,850	8,033
		AI	534	
		BD	15	
Total			18,399	
Central Bering Sea Fishermen's Assn	4	BS	3,570	1,607
		AI	107	
		BD	3	
Total			3,680	
Coastal Villages Fishing Coop	25	BS	22,312	10,040
		AI	668	
		BD	19	
Total			22,999	
Norton Sound Fisheries Development Corp	22	BS	19,635	8,836
		AI	587	

TABLE 3.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS AND SEASONAL ALLOWANCES (METRIC TONS) OF THE 1996 POLLOCK CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS, AND THE BOGOSLOF DISTRICT (BD) AMONG APPROVED CDP RECIPIENTS—Continued

CDP recipient	Percent	Area	Allocation	Roe-season allowance ¹
Total .....	.....	BD	16	.....
		.....	20,238	
Yukon Delta Fisheries Development Corp	13	BS	11,603	5,221
		AI	347	
		BD	10	
Total .....	.....	.....	11,960	.....
Total	100	.....	91,995	40,163

¹ No more than 45 percent of a CDP recipient's 1996 pollock allocation may be harvested during the pollock roe season, January 1 through April 15.

Allocation of the Pacific Cod TAC

Under § 675.20(a)(2)(iv), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 44 percent to vessels using hook-and-line or pot gear, and 54 percent to vessels using trawl gear. At its December 1995 meeting, the Council recommended a seasonal apportionment of the portion of the

Pacific cod TAC allocated to vessels using hook-and-line or pot gear. The seasonal apportionments are authorized under § 675.20(a)(2)(v) to provide for the harvest of Pacific cod when flesh quality and market conditions are optimum and Pacific halibut bycatch rates are low. The Council's recommendations for seasonal apportionments are based on: (1) Seasonal distribution of Pacific cod

relative to prohibited species distributions, (2) expected variations in prohibited species bycatch rates experienced in the Pacific cod fisheries throughout the year, and (3) economic effects of seasonal apportionment of Pacific cod on the hook-and-line and pot gear fisheries. The seasonal allocation of the Pacific cod ITAC is specified in Table 4.

TABLE 4.—1996 GEAR SHARES OF THE BSAI PACIFIC COD INITIAL TAC

Gear	Percent TAC	Share ITAC (mt)	Seasonal apportionment		
			Date	Percent	Amount (mt)
Jig	2	4,590	Jan. 1–Dec. 31 .	100	4,590
Hook-and-line/pot gear	44	100,980	Jan. 1–Apr. 30 ..	79	80,000
			May 1–Aug. 31 .	18	18,000
			Sep. 1–Dec. 31	3	2,980
			Jan 1–Dec 31 ...	100	123,930
Trawl gear	54	123,930			
Total	100	229,500			

Sablefish Gear Allocation and CDQ Allocations for Sablefish

Regulations at § 675.24(c)(1) require that sablefish TACs for BSAI subareas be divided between trawl and hook-and-line/pot gear types. Gear allocations of

TACs are established in the following proportions: Bering Sea subarea: Trawl gear—50 percent; hook-and-line/pot gear—50 percent; and Aleutian Islands subarea: Trawl gear—25 percent; hook-and-line/pot gear—75 percent. In addition, regulations under § 676.24(b)

require NMFS to withhold 20 percent of the hook-and-line and pot gear sablefish allocation as sablefish CDQ reserve. Gear allocations of sablefish TAC and CDQ reserve amounts are specified in Table 5.

TABLE 5.—1996 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

Subarea	Gear	Percent of TAC (mt)	Share of TAC (mt)	Initial TAC (mt) ¹	CDQ reserve
Bering Sea	Trawl	50	550	468	N/A
	Hook-and-line/pot gear ²	50	550	N/A	110
Total .....	.....	.....	1,100	468	.....
Aleutian Islands	Trawl	25	300	255	N/A
	Hook-and-line/pot gear ²	75	900	N/A	180
Total .....	.....	.....	1,200	255	290

¹ Except for the sablefish hook-and-line and pot gear allocation, 0.15 of TAC is apportioned to reserve. The ITAC is the remainder of the TAC after the subtraction of these reserves.

²For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. Regulations at § 675.20(a)(3) do not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

Under regulations governing the sablefish CDQ program at § 676.24, NMFS may allocate the 1996 sablefish CDQ reserve to eligible Western Alaska communities or groups of communities

that have an approved CDP. NMFS has approved seven CDP's and associated percentages of the sablefish CDQ reserve for each CDP recipient for 1995-97 (59 FR 61877, December 2, 1994). Table 6

lists the approved CDP recipients, and each recipient's allocation of the 1996 sablefish CDQ reserve for each subarea.

TABLE 6.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS (MT) OF THE 1996 SABLEFISH CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS AMONG APPROVED CDP RECIPIENTS

Sablefish CDP recipient	Area	Percent	Allocation (mt)
Atka Fishermen's Association	BS	0	0
	AI	0	0
Bristol Bay Economic Development Corp	BS	0	0
	AI	25	45
Coastal Villages Fishing Cooperative	BS	0	0
	AI	25	45
Norton Sound Economic Development Corporation	BS	25	28
	AI	30	54
Pribilof Island Fishermen	BS	0	0
	AI	0	0
Yukon Delta Fisheries Development Association	BS	75	82
	AI	10	18
Aleutian Pribilof Islands Community Development Association	BS	0	0
	AI	10	18
Total	BS	100	110
	AI	100	180

Allocation of Prohibited Species Catch (PSC) Limits for Crab, Halibut, and Herring

PSC limits of red king crab and *C. bairdi* Tanner crab in Bycatch Limitation Zones (50 CFR 675.2) of the Bering Sea subarea, and for Pacific halibut throughout the BSAI specified under § 675.21(a). The PSC limits are:

- Zone 1 trawl fisheries, 200,000 red king crabs;
- Zone 1 trawl fisheries, 1 million *C. bairdi* Tanner crabs;
- Zone 2 trawl fisheries, 3 million *C. bairdi* Tanner crabs;
- BSAI trawl fisheries, 3,775 mt mortality of Pacific halibut;
- BSAI nontrawl fisheries, 900 mt mortality of Pacific halibut; and
- BSAI trawl fisheries, 1,697 mt Pacific herring.

The PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. The best estimate of 1996 herring biomass is 169,700 mt. This amount was derived using 1995 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game. Therefore, the herring PSC limit for 1996 is 1,697 mt.

Regulations under § 675.21(b) authorize the apportionment of each PSC limit into PSC allowances for specified fishery categories. Regulations at § 675.21(b)(1)(iii) specify seven trawl fishery categories (midwater pollock, Greenland turbot/arrowtooth flounder/sablefish, rock sole/flathead sole/other flatfish, yellowfin sole, rockfish, Pacific cod, and bottom pollock/Atka mackerel/"other species"). Regulations at § 675.21(b)(2) authorize the apportionment of the non-trawl halibut PSC limit among five fishery categories (Pacific cod hook-and-line, sablefish hook-and-line, groundfish pot gear, groundfish jig gear, and other non-trawl fishery categories). The fishery bycatch allowances for the trawl and nontrawl fisheries are listed in Table 7.

The fishery bycatch allowances listed in Table 7 reflect the recommendations made to the Council by its AP. These recommendations generally reflect those established for 1995 except for the halibut bycatch allowance specified for the Greenland turbot/arrowtooth flounder/sablefish fishery category. A halibut bycatch allowance equal to zero is specified for this fishery category in 1996. This means that directed fishing for these species by vessels using trawl gear is prohibited. The reasons for this action were discussed in the December

6, 1995, publication of the proposed 1996 specifications (60 FR 62373). The remainder of the prohibited species bycatch allowances were based on 1995 bycatch amounts, anticipated 1996 harvest of groundfish by trawl gear and fixed gear, and assumed halibut mortality rates in the different groundfish fisheries.

Regulations at § 675.21(b)(2) authorize exemption of specified non-trawl fisheries from the halibut PSC limit. As in 1995, the Council recommended that the pot gear, jig gear, and sablefish hook-and-line gear fishery categories be exempt from the halibut bycatch restrictions.

The Council recommended that the pot and jig gear fisheries be exempt from halibut-bycatch restrictions because these fisheries use selective gear types that experience low halibut bycatch mortality. In 1995, total groundfish catch for the pot gear fishery in the BSAI was approximately 21,000 mt with an associated halibut bycatch mortality of less than 15 mt. The 1995 groundfish jig gear fishery harvested about 700 mt of groundfish. The jig gear fleet is comprised of vessels less than 60 ft (18.3 m) length overall that are exempt from observer coverage requirements. As a result, no observer data are available on halibut bycatch in the BSAI

jig gear fishery. Nonetheless, the selective nature of this gear type and the relatively small amount of groundfish harvested with jig gear likely results in a negligible amount of halibut bycatch mortality.

As in 1995, the Council recommended that the sablefish Individual Fishing Quota (IFQ) fishery be exempt from halibut bycatch restrictions because of the sablefish and halibut IFQ program (50 CFR part 676). The IFQ program requires legal-sized halibut to be

retained by vessels using hook-and-line gear if a halibut IFQ permit holder is aboard. The best available information on the 1995 sablefish IFQ fishery indicates that less than 40 mt of halibut discard mortality was associated with this fishery.

TABLE 7.—FINAL 1996 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Trawl fisheries	Zone 1	Zone 2	BSAI-wide
Red king crab, number of animals:			
Yellowfin sole	50,000		
Rcksol/flatsol/othflat ¹	110,000		
Turb/arrow/sab ²	0		
Rockfish	0		
Pacific cod	10,000		
PICK/Atka/othr ³	30,000		
Total	200,000		
C. Bairdi tanner crab, number of animals:			
Yellowfin sole	250,000	1,530,000	
Rcksol/flatsol/othflat	425,000	510,000	
Turb/arrow/sab	0	0	
Rockfish	0	10,000	
Pacific cod	250,000	260,000	
PICK/Atka/othr	75,000	690,000	
Total	1,000,000	3,000,000	
Pacific halibut, mortality (MT):			
Yellowfin sole			820
Rcksol/flatsol/othflat			730
Turb/arrow/sab			0
Rockfish			110
Pacific cod			1,685
PICK/Atka/othr			430
Total			3,775
Pacific herring (MT):			
Midwater pollock ⁴			1,227
Yellowfin sole			287
Rcksol/flatsol/othflat			0
Turb/arrow/sab			0
Rockfish			7
Pacific cod			22
PICK/Atka/othr ⁴			154
Total			1,697
Non-Trawl Fisheries			
Pacific halibut, mortality (MT):			
Pacific cod hook-and-line			800
Sablefish hook-and-line			(5)
Groundfish pot gear			(5)
Groundfish jig gear			(5)
Other non-trawl			100
Total			900

¹ Rock sole, flathead sole, and other flatfish fishery category.
² Greenland turbot, arrowtooth flounder, and sablefish fishery category.
³ Pollock, Atka mackerel, and "other species" fishery category.
⁴ Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.
⁵ Exempt.

Seasonal Apportionments of PSC limits Regulations at § 675.21(b)(3) authorize NMFS, after consultation with the Council, to establish seasonal

apportionments of prohibited species bycatch allowances. At its December 1995 meeting, the Council recommended that certain crab bycatch allowances apportioned to the yellowfin

sole fishery, the trawl fishery halibut bycatch allowances, and the halibut bycatch allowance apportioned to the Pacific cod hook-and-line gear fishery be seasonally apportioned as shown in

Table 8. The recommended seasonal apportionments reflect recommendations made to the Council by its AP.

The Council recommended a seasonal apportionment of the Zone 1 red king crab and Zone 1 *C. bairdi* bycatch allowances apportioned to the yellowfin sole fishery. This recommendation was intended to balance concerns about undesirable high bycatch rates of red king crab in Zone 1 with the recognition that Zone 1 provides desirable fishing grounds for the yellowfin sole fleet during the time of the year when trawl closure areas and ice cover in more northern waters restrict fishing opportunities. Furthermore, halibut and *C. bairdi* bycatch rates experienced in Zone 1 tend to be lower than those encountered on other fishing grounds in the Bering Sea.

The Council recommended seasonal apportionments of the halibut bycatch allowances specified for the trawl flatfish and rockfish fisheries to provide additional fishing opportunities in the BSAI early in the year and to reduce the incentive for trawl vessel operators to move from the BSAI to the Gulf of Alaska after the rock sole roe fishery is closed, typically by the end of February.

The seasonal apportionment of the halibut bycatch allowance specified for the Pacific cod trawl fishery is intended to provide the opportunity for a late fall fishery in the event that sufficient amounts of the Pacific cod TAC allocated to vessels using trawl gear remain.

The recommended seasonal apportionment of the halibut bycatch allowance for the pollock/Atka mackerel/"other species" fishery category is based on the seasonal allowances of the Bering Sea pollock ITAC recommended for the roe and non-roe seasons, and the assumption that most of the pollock taken during the roe season will be taken with pelagic trawl gear with reduced halibut bycatch rates.

The Council recommended three seasonal apportionments of the halibut bycatch allowance specified for the Pacific cod hook-and-line fishery. The intent of this recommendation was to provide amounts of halibut necessary to support the harvest of the seasonal apportionments of Pacific cod TAC listed in Table 4, as well as limit a hook-and-line fishery for Pacific cod during summer months when halibut bycatch rates are high. As authorized under § 675.21(b)(3)(iii), the Council further recommended that any unused portion of the first seasonal halibut bycatch allowance specified for the Pacific cod hook-and-line fishery be reapportioned to the third seasonal allowance to avoid

opportunity for additional fishing for Pacific cod during summer months. Any overage of a halibut bycatch allowance would be deducted from the remaining seasonal bycatch allowances specified for 1996 in amounts proportional to those remaining seasonal bycatch allowances.

TABLE 8.—FINAL SEASONAL APPORTIONMENTS OF THE 1996 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Trawl fisheries	Sea-sonal bycatch allow-ance
Pacific halibut, mortality (mt):	
Yellowfin sole:	
Jan. 20–Mar. 31	160
Apr. 01–May 10	150
May 11–Aug. 14	100
Aug. 15–Dec. 31	410
Total	820
Rock sole/flathead sole/"other flat-fish":	
Jan. 20–Mar. 31	453
Apr. 01–Jun. 30	139
Jul. 01–Dec. 31	138
Total	730
Rockfish:	
Jan.20–Mar. 31	30
Apr.01–Jun. 30	50
Jul.01–Dec. 31	30
Total	110
Pacific cod:	
Jan. 20–Oct. 24	1,585
Oct. 25–Dec. 31	100
Total	1,685
Pollock/Atka mackerel/"other spe-cies":	
Jan. 20–Apr. 15	330
Apr. 16–Dec. 31	100
Total	430
Zone 1 Red king crab, Number of animals:	
Yellowfin sole:	
Jan. 20–Mar. 31	5,000
Apr. 01–May 10	15,000
May 11–Aug. 14	10,000
Aug. 15–Dec. 31	20,000
Total	50,000
Zone 1 C. Bairdi crab, number of animals:	
Yellowfin sole:	
Jan. 20–Mar. 31	50,000
Apr. 01–Dec 31	200,000

TABLE 8.—FINAL SEASONAL APPORTIONMENTS OF THE 1996 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES—Continued

Trawl fisheries	Sea-sonal bycatch allow-ance
Total	250,000
Non-Trawl Gear:	
Pacific halibut mortality (mt):	
Pacific cod hook-and-line: ¹	
Jan. 01–Apr. 30	475
May 01–Aug. 31	40
Sep. 01–Dec. 31	285
Total	800

¹ Any unused portion of the first seasonal halibut bycatch allowance specified for the Pacific cod hook-and-line fishery will be reapportioned to the third seasonal allowance. Any overage of a seasonal halibut bycatch allowance would be deducted from the remaining seasonal bycatch allowances specified for 1996 in amounts proportional to those remaining seasonal bycatch allowances.

For purposes of monitoring the fishery halibut bycatch mortality allowances and apportionments, the Regional Director will use observed halibut bycatch rates and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The Regional Director monitors the fishery's halibut bycatch mortality allowances using assumed mortality rates that are based on the best information available, including information contained in the final annual SAFE report.

The Council recommended that the assumed halibut mortality rates developed by staff of the International Pacific Halibut Commission (IPHC) for the 1996 BSAI groundfish fisheries be adopted for purposes of monitoring halibut bycatch allowances established for the 1996 groundfish fisheries. NMFS concurs with the Council's recommendation. The IPHC's assumed halibut mortality rates generally are based on an average of mortality rates determined from NMFS observer data collected during 1993 and 1994. Assumed Pacific halibut mortality rates for BSAI fisheries during 1996 are specified in Table 9.

TABLE 9.—ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1996

Fishery	Assumed mortality (percent)
Hook-and-line gear fisheries:	
Rockfish	24
Pacific cod	11.5
Greenland turbot	22
Sablefish	17
Trawl gear fisheries:	
Midwater pollock	88
Non-pelagic pollock	78
Yellowfin sole	73
Rock sole, flathead sole, other flatfish	73
Rockfish	75
Pacific cod	63
Atka mackerel	63
Arrowtooth flounder	49
Greenland turbot	49
Sablefish	49
Other species	82
Pot gear fisheries:	
Pacific cod	7

Groundfish PSC Limits

No PSC limits for groundfish species are specified in this action. Section 675.20(a)(6) authorizes NMFS to specify PSC limits for groundfish species or species groups for which the TAC will be completely harvested by domestic fisheries. These PSC limits apply only to JVP or TALFF fisheries. At this time, no groundfish are allocated to either JVP or TALFF and specifications of groundfish PSC limits are unnecessary.

Closures to Directed Fishing

Under § 675.20(a)(8), if the Regional Director determines that the amount of a target species or "other species" category apportioned to a fishery or, with respect to pollock, to an inshore or offshore component allocation, is likely to be reached, the Regional Director may establish a directed fishing allowance for the species or species group. If the Regional Director established a directed fishing allowance, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea or district. Similarly, under §§ 675.21(c) and 675.21(d), if the Regional Director determines that a fishery category's bycatch allowance of halibut, red king crab, or *C. bairdi* tanner crab for a specified area has been reached, the Regional Director will prohibit directed fishing for each species in that category in the specified area.

The Regional Director has determined that the TAC amounts of pollock in the Bogoslof District, Pacific ocean perch in the Bering Sea subarea and in the

Eastern and Central Aleutian Islands districts, shortraker/rougheye rockfish in the Aleutian Islands subarea, other rockfish in the BSAI subareas, and other red rockfish in the Bering Sea will be necessary as incidental catch to support other anticipated groundfish fisheries. Therefore, NMFS is prohibiting directed fishing for these target species in the specified area identified in Table 10 to prevent exceeding the groundfish TACs specified in Table 1 of this document.

A Zone 1 red king crab bycatch allowance of zero crab is specified for the rockfish trawl fishery, which is defined at § 675.21(b)(1)(iii)(D). Similarly, the BSAI halibut bycatch allowance specified for the Greenland turbot/arrowtooth flounder/sablefish trawl fishery category, defined at § 675.21(b)(1)(iii)(C), is 0 mt. The Regional Director has determined, in accordance with §§ 675.21(c)(1)(i) and 675.21(c)(1)(iii), that the red king crab bycatch allowance specified for the trawl rockfish fishery in Zone 1 and the halibut bycatch allowance specified for the Greenland turbot/arrowtooth flounder/sablefish trawl fishery category has been caught. Therefore, NMFS is prohibiting directed fishing for rockfish in Zone 1 by vessels using trawl gear, and for Greenland turbot, arrowtooth flounder, and sablefish in the BSAI by vessels using trawl gear (Table 10).

The closures listed in Table 10 supersede the closures announced in the 1996 interim specifications (60 FR 62339, December 6, 1996). In accordance with § 675.20(a)(7)(ii), these closures will remain in effect until 12 midnight, A.l.t., December 31, 1996. While these closure are in effect, the maximum retainable bycatch amounts at § 675.20(h) apply at any time during a fishing trip. Additional closures and restrictions may be found in existing regulations at 50 CFR part 675.

Under the 1996 interim specification, NMFS closed directed fishing for Pacific ocean perch in the Western Aleutian Islands District. The final 1996 specifications contained in this action supersede the interim 1996 specifications. Therefore, directed fishing for Pacific ocean perch is authorized in the Western Aleutian Islands District under the final 1996 specifications.

TABLE 10.—CLOSURES TO DIRECTED FISHING UNDER 1996 TACs¹

Fishery (all gear)	Closed area ²
Pollock in Bogoslof District.	Statistical Area 518.
Pacific ocean perch ..	Bering Sea. Eastern Al. ³

TABLE 10.—CLOSURES TO DIRECTED FISHING UNDER 1996 TACs¹—Continued

Fishery (all gear)	Closed area ²
Shortraker/rougheye rockfish.	Central Al. Al.
Other rockfish ⁴	BSAI.
Other red rockfish ⁵ ...	Bering Sea.
Rockfish (trawl only) .	Zone 1.
Greenland turbot/arrowtooth/sablefish (trawl only).	BSAI.

¹ These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 675.

² Refer to § 675.2 for definitions of areas.

³ "Al" means Aleutian Islands area.

⁴ In the BSAI, "Other rockfish" includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch and the "other red rockfish" species.

⁵ "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern.

Classification

This action is authorized under 50 CFR 611.93(b), 675.20, and 676; and is exempt from review under E.O. 12866.

This action adopts final 1996 harvest specifications for the BSAI, revises associated management measures, and closes specified fisheries. Generally, this action does not significantly revise management measures in a manner that would require time to plan or prepare for those revisions. In some cases, such as closures, action must be taken immediately to conserve fishery resources. Without these closures, specified prohibited species bycatch allowances will be exceeded, established TAC amounts will be overharvested, and retention of some groundfish species will become prohibited, which would disadvantage fishermen who could no longer retain bycatch amounts of these species. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources. Accordingly, the Assistant Administrator for Fisheries, NOAA (AA), finds good cause exists to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3) with respect to such provisions. In some cases, the interim specifications in effect would be insufficient to allow directed fisheries to operate during a 30-day delayed effectiveness period, which would result in unnecessary closures and disruption within the fishing industry; in many of these cases, the final specifications will allow the fisheries to continue, thus relieving a restriction. Provisions of a rule relieving a restriction under 5 U.S.C. 553(d)(1) are

not subject to a delay in the effective date.

Pursuant to section 7 of the Endangered Species Act, NMFS and the U.S. Fish and Wildlife Service have determined that the groundfish fisheries operating under the 1996 BSAI TAC specifications are unlikely to jeopardize the continued existence or recovery of species listed as endangered or threatened or to adversely modify critical habitat of these species.

NMFS prepared an EA on the 1996 TAC specifications. The AA concluded that no significant impact on the environment will result from their implementation. A copy of the EA is available (see **ADDRESSES**).

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

Dated: January 30, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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