

231, adopted December 20, 1991, and released January 14, 1992.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Louisiana by removing Channel 261A and adding Channel 259C2 at Shreveport; by removing Channel 239A and adding Channel 287A at Vivian; by removing Channel 260A and adding Channel 272A at Homer; by removing Channel 285A and adding Channel 285C3 at Jonesboro; and by adding Channel 284C3 at Mansfield.

3. Section 73.202(b), the Table of FM Allotments, is amended under Arkansas by removing Channel 257A and adding Channel 254C3 at El Dorado; and by adding Channel 238A at Stamps.

4. Section 73.202(b), the Table of FM Allotments, is amended under Texas by removing Channel 257A and adding Channel 261C2 at Atlanta, by removing Channel 240A and adding Channel 240C3 at Hooks; by removing Channel 261A and adding Channel 260A at Henderson; and by removing Channel 260A and adding Channel 223A at San Augustine.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR Doc. 92-1446 Filed 1-23-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-440; RM-6763]

Radio Broadcasting Services; Texarkana, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 292C2 for 292A at Texarkana,

Arkansas, and modifies the permit of State Line County Broadcasting Company for Station KUKB to specify operation on the higher class channel. See 54 FR 41465 (October 10, 1989). Channel 292C2 can be allotted to Texarkana in compliance with the Commission's minimum distance separation requirements with a site restriction of 16.5 kilometers (10.3 miles) southeast at petitioner's requested site at coordinates 33-18-05 and 93-57-10. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 2, 1992.

FOR FURTHER INFORMATION CONTACT: Arthur Scrutchins, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-440, adopted January 9, 1991, and released January 21, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 292A and adding Channel 292C2 at Texarkana.

Federal Communications Commission.

Beverly McKittrick,
Assistant Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 92-1816 Filed 1-23-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 911176-2018]

Foreign Fishing; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final notice of 1992 initial specifications of groundfish and Pacific halibut bycatch management measures; directed fishing allowances; prohibition of directed fishing; and request for comments.

SUMMARY: NMFS announces initial specifications of groundfish in the Gulf of Alaska (GOA) for the 1992 fishing year and determinations pertaining to management of the GOA groundfish fisheries during 1992. This action is necessary to inform the public of the determinations. The measures are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

DATES: Effective 00:01 hours a.m., Alaska local time (a.l.t.), January 20, 1992. Comments are invited on the apportionments of reserves on or before February 3, 1992.

ADDRESSES: Comments on the apportionments of reserves, or directed fishery closures should be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 021668, Juneau, AK 99802. Copies of an environmental assessment (EA) may also be obtained from this address. The final Stock Assessment and Fishery Evaluation (SAFE) report, dated November 1991, may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Fishery Management Biologist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: .

Background

This notice announces for the 1992 fishing year: (1) Total allowable catches (TACs) for each category of groundfish in the GOA and apportionments thereof to domestic annual processing (DAP); (2) apportionment of reserves to DAP; (3) assignments of the sablefish TAC to authorized fishing gear users; (4) prohibitions of directed fishing; (5) prohibited species catch (PSC) limits relevant to fully utilized groundfish species; (6) Pacific halibut PSC mortality limits; and (7) seasonal apportionments of the Pacific halibut PSC limits. Each of these measures is discussed as follows:

The process for determining TACs for groundfish species in the GOA is established by regulations implementing the FMP which was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations

implementing the FMP appear at 50 CFR 611.92 and part 672. The sum of the TACs for all species must fall within the combined optimum yield (OY) range established for these species of 116,000–800,000 metric tons (mt) (§ 672.20(a)(2)(ii)).

Under § 611.92(c)(1) and § 672.20(a)(2)(i), TACs are apportioned initially among DAP, joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and reserves. The DAP amounts are intended for harvest by U.S. fisherman for delivery and sale to U.S. processors. Any JVP amounts are intended for joint ventures in which U.S. fishermen typically deliver their catches to foreign processors at sea. Any TALFF amounts are intended for harvest by foreign fishermen. The reserves for the GOA are 20 percent of the TAC for pollock, Pacific cod, flatfish target species categories, and "other species." If necessary, these reserve amounts may be set aside for possible reapportionment to DAP and/or JVP if the initial apportionments prove inadequate. Reserves that are not reapportioned to DAP or JVP may be reapportioned TALFF. Other groundfish target species, including sablefish and the rockfish species, are fully utilized by DAP, and no reserves are established.

The Council met during September 23–28, 1991, and developed recommendations for proposed 1992 TAC specifications for each target species category of groundfish on the basis of the best available scientific information. The Council also recommended other management measures pertaining to the 1992 fishing year.

Under § 672.20(c)(1), Council recommendations were proposed in the Federal Register (56 FR 58666; November 21, 1991). No JVP or TALFF amounts were specified. Under § 672.20(c)(1)(i), one-fourth of the proposed specifications and apportionments and one-fourth of the Pacific halibut PSC limits are effective January 1 on an interim basis and are now superseded by this Federal Register notice of final specifications.

Written comments on the proposed specifications and other management measures were requested until December 18, 1991. The Director, Alaska Region, NMFS (Regional Director) received no comments.

The Council met December 2–9, 1991, to review the best available scientific information concerning groundfish stocks, and intended industry harvest plans for 1992. The information is contained in the Stock Assessment and Fishery Evaluation Report for the 1992 Gulf of Alaska Groundfish Fishery (SAFE report) dated November 1991, which was prepared and presented by the GOA Plan Team to the Council and to the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP). New information contained in the November SAFE report includes the following.

1. For Pollock

Data from the 1991 spring hydroacoustic survey in Shelikof Strait conducted by the Alaska Fisheries Science Center; estimates of catch-at-age from the spring 1991 fishery; annual estimates of weight-at-age from the hydroacoustic survey; and revised estimates of maturity-at-age.

2. For Groundfish, Generally

Data from the NMFS Observer Program Office for 1991; revised estimates of groundfish biomass from the 1990 bottom trawl survey in the GOA; and updated estimates of catch.

The SSC adopted Acceptable Biological Catch (ABC) recommendations from the Plan Team, as provided in the SAFE report, for Pacific cod, deep-water flatfish, shallow-water flatfish, flathead sole, arrowtooth flounder, "other rockfish", shortraker/rougheye rockfish, pelagic shelf rockfish, and demersal shelf rockfish. The SSC recommended different ABCs for pollock, Pacific ocean perch, and thornyhead rockfish. The Council adopted SSC recommendations for the ABC for each target species category except pollock.

The Council recommended that TACs be equal to ABC for Pacific cod, sablefish, shortraker/rougheye rockfish, "other slope rockfish", pelagic shelf rockfish, demersal shelf rockfish, and thornyhead rockfish. The Council recommended that TAC be less than ABC for pollock, deep-water flatfish, shallow-water flatfish, flathead sole, arrowtooth flounder, and Pacific ocean perch.

The sum of the TACs approved by the Council for GOA groundfish is 282,066 mt (Table 1), which is within the OY range specified by the FMP. New information and subsequent actions by the Council for those target species categories for which final ABCs are different from those contained in the final SAFE report are summarized following Table 1. Additional information can be found in the SAFE report.

TABLE 1.—FINAL 1992 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWANCE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW). SPECIFICATIONS OF DOMESTIC ANNUAL PROCESSING (DAP) EQUAL TAC. VALUES ARE IN METRIC TONS

Species	Overfishing level	Area ¹	ABC	TAC=DAP
Pollock.....	219,000	SH.....	96,000	19,320
		CH.....		18,480
		KD.....		46,200
		W/C ²		84,000
		E.....	3,400	3,400
		Total.....	99,400	87,400
Pacific cod.....	8,900	W.....	23,500	23,500
		C.....	39,000	39,000
		E.....	1,000	1,000
		Total.....	63,500	63,500
		W.....	1,740	1,740
Deep water flatfish ³	87,600	C.....	33,550	15,000
		E.....	3,990	3,000
		Total.....	39,280	19,740
		W.....	27,480	3,000
		C.....	21,260	7,000
Shallow water flatfish ⁴	51,500	E.....	1,740	1,740
		W.....		
		C.....		
		E.....		

TABLE 1.—FINAL 1992 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWANCE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW). SPECIFICATIONS OF DOMESTIC ANNUAL PROCESSING (DAP) EQUAL TAC. VALUES ARE IN METRIC TONS—Continued

Species	Overfishing level	Area ¹	ABC	TAC=DAP
Flathead sole.....	70,900	Total.....	50,480	11,740
		W.....	12,580	2,000
		C.....	31,990	5,000
		E.....	3,710	3,000
	
Arrowtooth flounder.....	63,100	Total.....	48,280	10,000
		W.....	38,880	5,000
		C.....	253,320	15,000
		E.....	11,680	5,000
Sablefish.....	427,000	Total.....	303,880	25,000
		W.....	2,500	2,500
		C.....	9,570	9,570
		WYK.....	3,740	3,740
		SEO.....	4,990	4,990
	
Other rockfish ⁵	28,200	Total.....	20,800	20,800
		W.....	1,390	1,390
		C.....	6,510	6,510
		E.....	6,160	6,160
Pacific ocean perch ⁶	20,710	Total.....	14,060	14,060
		W.....	1,620	1,470
		C.....	1,720	1,561
		E.....	2,390	2,169
Shortraker/rougheye rockfish ⁷	5,730	Total.....	5,730	5,200
		W.....	100	100
		C.....	1,290	1,290
		E.....	570	570
Pelagic shelf rockfish ⁸	2,900	Total.....	1,960	1,960
		W.....	1,212	1,212
		C.....	4,393	4,393
		E.....	1,281	1,281
Demersal shelf rockfish ⁹	11,360	Total.....	6,886	6,886
Thornyhead rockfish.....	732	SEO.....	550	550
Other species ¹⁰	2,440	GW.....	1,798	1,798
		NA.....	NA	13,432
		TOTAL.....	656,604	282,066

Footnotes

¹ See figure 1 of § 672.20 for description of regulatory areas/districts.

² TAC for W/C Regulatory Area is 84,000 mt, representing the sum of the Shumagin (SH), Chirikof (CH), and Kodiak (KD) districts.

³ "Deep-water flatfish" means rex sole, Dover sole, and Greenland turbot.

⁴ "Shallow-water flatfish" means flatfish not including deep water flatfish, arrowtooth flounder, or flathead sole.

⁵ "Other rockfish" in the West Yakutat district and in the Central and Western Regulatory Areas means the 8 species of demersal shelf rockfish listed in footnote #9, below, and the following 17 rockfish species: *Sebastes polyspinis* (northern rockfish), *S. zacentrus* (sharpchin rockfish), *S. aurora* (aurora rockfish), *S. melanostomus* (blackgill rockfish), *S. goodei* (chilipepper rockfish), *S. crameri* (darkblotch rockfish), *S. elongatus* (greenstriped rockfish), *S. variegatus* (harlequin rockfish), *S. wilsoni* (pygmy rockfish), *S. jordani* (shortbelly rockfish), *S. diploproa* (splitnose rockfish), *S. saxicola* (stripetail rockfish), *S. miniatus* (vermillion rockfish), *S. reedi* (yellowmouth rockfish), *S. paucispinis* (bocaccio rockfish), *S. brevispinis* (silverygrey rockfish), and *S. proriger* (redstripe rockfish). "Other rockfish" in the Southeast Outside District means the above 17 species, but excludes the eight species of demersal shelf rockfish listed in footnote number 9 below.

⁶ Pacific ocean perch means *Sebastes alutus*.

⁷ Shortraker/rougheye rockfish includes 2 species *Sebastes borealis* and *S. aleutianus*, respectively.

⁸ "Pelagic shelf rockfish" includes 5 species: *Sebastes melanops* (black rockfish), *S. mystinus*, (bluerockfish), *S. ciliatus* (dusky rockfish), *S. entomelas* (widow rockfish), and *S. flavidus* (yellowtail rockfish).

⁹ "Demersal shelf rockfish" includes 8 species: *Sebastes nebulosus* (China rockfish), *S. caurinus* (copper rockfish), *S. maliger* (quillback rockfish), *S. helvomaculatus* (rosethorn rockfish), *S. nigrocinctus* (tiger rockfish), *S. ruberrimus* (yelloweye rockfish), *S. pinningeri* (canary rockfish), and *S. baxcocki* (red banded rockfish).

¹⁰ The category "other species" includes Atka mackerel, sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC is equal to 5 percent of the TACs of the target species.

1. New Information on Acceptable Biological Catch Determinations

Pollock—The exploitable biomass for pollock in the combined Western and Central Regulatory Areas during 1992 is 838,000 mt, which is based on the Stock Synthesis (SS) model. The Plan Team incorporated two revisions to information used for determining 1991 exploitable biomass. First, biomass estimates determined from the 1984, 1987, and 1990 bottom trawl surveys have been revised. This revision was necessary to accommodate differences

related to survey methodologies and resulting data obtained from the surveys. Second, estimates of discards occurring in the domestic commercial fishery since 1986 were included. These changes were reflected in the preliminary SAFE report, dated September 1991.

New information about pollock stocks has become available since September. This information includes: (1) Biomass estimates from the 1991 hydroacoustic survey; (2) estimates of catch-at-age from the spring 1991 commercial fishery; (3) annual estimates of weight-at-age

from the hydroacoustic survey; (4) revised estimates of maturity-at-age; (5) updated estimates of discard and catch; (6) historical length-frequency data; and (7) an estimate of biomass for the Chirikof statistical area in 1975 that was expanded to provide a GOA-wide estimate.

The Plan Team estimated ABC for pollock to be 108,000 mt, which represents the average expected yield between the years 1992–1994 under a pessimistic recruitment scenario and a fishing strategy in which fishing mortality (F) equals F_{msy}. The SSC

believed that the density-dependent relationship used by the Plan Team was not credibly demonstrated and could not support the F_{max} derived from the relationship. The SSC further believed that estimating the pollock ABC should continue to be done with caution to reflect uncertainty about the abundance of pollock stocks. The SSC also noted that a conservative exploitation strategy was appropriate because the pollock population biomass continues to decline, and because pollock are important to some marine mammals and sea birds for food. The SSC recommended that the pollock ABC in the Western/Central Regulatory Area be set at 84,000 mt, based on a harvest rate of 10 percent of the estimated pollock biomass at the beginning of the year.

The Council, on reviewing the Plan Team and SSC recommendations, recommended that the ABC for pollock in the combined Western/Central (W/C) Regulatory Area be 96,000 mt. This amount is midway between the Plan Team recommendation of 108,000 mt and the SSC recommendation of 84,000 mt. Nonetheless, the Council adopted the AP recommendation that TAC be 84,000 mt for the combined W/C Regulatory Areas. The Council also adopted the SSC and AP recommendations that specifications for ABC and TAC for pollock in Eastern Regulatory Area should be 3,400 mt.

Regulations that implement Amendment 25 to the FMP allow apportioning the pollock TAC specified for the combined W/C Regulatory Area among the Shumagin, Chirikof, and Kodiak Districts. These are coextensive with Statistical Areas 61, 62, and 63, respectively. Apportionments are proportional to distribution of exploitable biomass as determined by the most recent NMFS biomass surveys. These respective proportions are 23, 22, and 55 percent. Accordingly, respective apportionments would be 19,320 mt, 18,480 mt, and 46,200 mt. Table 1 of this notice establishes these apportionments.

Pacific ocean perch—The exploitable biomass is 229,100 mt based on the average of the 1987 and 1990 trawl surveys. The SSC recommended that ABC be 5,730 mt, using an exploitation rate one-half of that recommended by the Plan Team. The SSC also recommended that the ABC be apportioned among the regulatory areas according to the following amounts: Western—1,620 mt; Central—1,720 mt, and Eastern—2,390 mt. Because the sum of these amounts equaled the amount defined by the FMP to be overfishing, the AP recommended that TACs be established among the regulatory areas

as follows: Western—1,470 mt, Central—1,561 mt, and Eastern—2,169 mt. The Council adopted the SSC recommendations for ABC and the AP recommendations for TACs.

Apportionment of TACs

The Council, after adopting the TACs in Table 1, deliberated on the apportionment of the TACs for each category between DAP, JVP, TALFF, and reserve. Based on 1991 harvest levels and expected markets in 1992, the Council determined that the TAC for each target species category will be fully harvested by U.S. fishermen. The Council recommended that DAP be equal to TAC for each target species category. Therefore, no amounts are available for JVP or for TALFF.

NMFS has reviewed the Council's recommendations for ABCs, TACs, and apportionments of TAC to DAP for each target species category and hereby approves and implements these specifications of TAC and DAP under § 672.20(c)(1).

2. Apportionment of Reserves to DAP

Regulations implementing the FMP stipulate that 20 percent of each TAC for pollock, Pacific cod, flatfish species, and the "other species" category be set aside in a reserve for possible reapportionment at a later date (§ 672.20(a)(1)(i)). Because DAP is projected to need all reserve amounts, NMFS is reapportioning reserves for each species category to DAP at this time. By doing so, NMFS is anticipating that the domestic industry will need all of the DAP amounts so specified. The specifications of DAP for pollock, Pacific cod, flatfish categories, and the "other species" category that are shown in Table 1 of this notice reflect DAP totals after apportioning reserves to TAC.

Under § 672.20(d)(5)(iv), the public may submit comments on the apportionments of reserves. Comments should focus on whether, and the extent to which, vessels of the United States will harvest reserve or DAP amounts during the remainder of the year and whether, and the extent to which, U.S. harvested groundfish can or will be processed by U.S. fish processors or received at sea by foreign fishing vessels.

3. Assignments of the Sablefish TAC to Authorized Fishing Gear Users

Sablefish TACs for each of the regulatory areas and districts are further assigned to hook-and-line and trawl gear (Table 2) according to the percentages required by § 672.24(c).

TABLE 2.—SABLEFISH TOTAL ALLOWABLE CATCHES (TACs) IN METRIC TONS, ALLOCATED TO AUTHORIZED GEAR IN THE REGULATORY AREAS AND DISTRICTS OF THE GULF OF ALASKA

Area/district	TAC	Hook-and-line share	Trawl share
Western.....	2,500	2,000	500
Central.....	9,570	7,656	1,914
West Yakutat.....	3,740	3,553	187
Southeast Outside/ East Yakutat.....	4,990	4,740	250
Total.....	20,800	17,949	2,851

4. Prohibition of Directed Fishing

(A) Shortraker/Rougheye Rockfish in the Western Regulatory Area

The Regional Director has determined that the TAC for shortraker/rougheye rockfish will be taken as incidental catch to support other directed fisheries for other groundfish species in the Western Regulatory Area.

Under authority of § 672.20(c)(2), the Regional Director is establishing a directed fishing allowance in the Western Regulatory Area of zero mt for shortraker/rougheye rockfish effective January 17, 1992 and prohibits for the remainder of the fishing year directed fishing for shortraker/rougheye rockfish in the Western Regulatory Area. Under § 672.20(g)(3), the operator of a vessel is engaged in directed fishing for shortraker/rougheye rockfish if he retains, at any particular time during a trip, an amount of this species group equal to or greater than 20 percent of all other fish species retained at the same time on the vessel during the same trip.

(B) Sablefish by Vessels Using Trawl Gear in the Central and Western Regulatory Areas

The Regional Director has determined that the amount of the TAC for sablefish assigned to vessels using trawl gear will be taken as incidental catch to support other directed fisheries for other groundfish species in the Western and Central Regulatory Areas.

Under authority of § 672.20(c)(2), the Regional Director is establishing a directed fishing allowance of zero mt for sablefish in the Western and Central Regulatory Areas. This allowance is applicable to vessels using trawl gear, effective January 17, 1992 and prohibits, for the remainder of the fishing year, directed fishing for sablefish in the Western and Central Regulatory Areas. Under § 672.20(g)(1), the operator of a vessel is engaged in directed fishing for

sablefish if he retains at any particular time during a trip an amount of this species equal to or greater than the sum of 15 percent of the aggregate amount of deep-water flatfish and rockfish of the genera *Sebastes* and *Sebastolobus*, plus 5 percent of all other fish species retained at the same time on the vessel during the same trip.

This action is in addition to a closure to directed fishing for sablefish in the Eastern Regulatory Area by vessels using trawl gear. The closure is already required by regulations at 50 CFR 672.24(c)(1).

(C) Pollock in the Eastern Regulatory Area

The Regional Director has determined that the TAC for pollock will be taken as incidental catch to support other directed fisheries for other groundfish species in the Eastern Regulatory Area.

Under authority of § 672.20(c)(2), the Regional Director is establishing a directed fishing allowance in the Eastern Regulatory Area of zero mt for pollock effective January 17, 1992 and prohibits, for the remainder of the fishing year, directed fishing for pollock in the Eastern Regulatory Area. Under § 672.20(g)(3), the operator of a vessel is engaged in directed fishing for pollock if he retains, at any particular time during a trip, an amount of this species group equal to or greater than 20 percent of all other fish species retained at the same time on the vessel during the same trip.

5. PSC Limits Relevant to Fully Utilized Groundfish Species

Under § 672.20(b)(1), if the Secretary determines after consultation with the Council that the TAC for any species or species group will be fully utilized in the DAP fishery, he may specify a groundfish PSC limit applicable to the JVP fisheries for that species or species group.

The Council recommended that DAP equal TAC for each species category. Zero amounts of JVP are available. The Secretary concurs with the Council's recommendation, and has not established any JVP amounts. Therefore, no groundfish PSC limits under § 672.20(b)(1) are necessary. If future apportionments from DAP to JVP occur, the Secretary will also make the necessary determinations under § 672.20(c)(4) for PSC limits at that time.

6. Pacific Halibut PSC Mortality Limits

Under § 672.20(f)(2)(ii), annual Pacific halibut PSC limits are established and apportioned to trawl and hook-and-line gear and may be apportioned to pot gear. For 1992, the Council recommended that 2,000 mt and 750 mt

of Pacific halibut mortality be apportioned to trawl and hook-and-line gear, respectively. For purposes of accounting for Pacific halibut bycatch mortality, hook-and-line gear includes jigs.

The Regional Director will use observed halibut bycatch rates and reported groundfish catch to project when the 1992 Pacific halibut PSC limits will be reached during the fishing year. Mortality rates vary, depending on the gear being used. Based on information contained in the SAFE report (November 1991), assumed mortality rates of Pacific halibut that are caught as bycatch are the following: non-pelagic trawl—65 percent; hook-and-line—16 percent; and pot, 10 percent.

The 65 percent mortality rate for trawl-caught Pacific halibut bycatch will result in smaller amounts of Pacific halibut caught before the 2,000 mt cap is reached, compared to the assumed 50 percent mortality rate of previous years. Whether this rate will constrain the groundfish trawl fisheries is speculative. Fishermen are expected to actively change fishing methods in response to a vessel incentive program in which a fisherman is subject to a civil penalty if his observed Pacific halibut bycatch rate exceeds a standard rate specified in regulations. Full harvests of groundfish, subject to market constraints, may occur even under a lower Pacific halibut mortality cap.

The Council recommended that pot gear be exempt from accountability for Pacific halibut bycatch mortality for the 1992 fishing year. Groundfish catches by pot gear have been small to date. About 9,700 mt of Pacific cod were caught through December 8, 1991. Observer information, although not substantial, suggests that bycatch mortality is low, about 10 percent of the Pacific halibut caught in pots. Using this rate, NMFS estimates that about 5 mt of Pacific halibut mortality has occurred in the GOA pot fisheries during 1991.

NMFS concurs with the Council's recommendations listed above. The following types of information as presented in, and summarized from, the 1992 SAFE report, or as otherwise available from NMFS, Alaska Department of Fish and Game (ADF&G), the International Pacific Halibut Commission (IPHC), or public testimony have been considered.

(A) Estimated Pacific Halibut Bycatch in Prior Years

The best available information on estimated Pacific halibut bycatch is 1991 data on the groundfish fishery collected by NMFS observers. The total calculated Pacific halibut bycatch

mortality by all gear types through November 22, 1991, was 2,864 mt. Resulting mortality by gear type was trawl gear—2,034 mt (71 percent of all mortality), hook-and-line gear—825 mt (29 percent), and pot gear—5 mt (less than 1 percent). In 1991, these amounts constrained groundfish catches in fisheries using hook-and-line gear and trawl gear: hook-and-line fisheries were closed on July 8, 1991, and trawl fisheries were closed on October 14, 1991. Pot gear was exempt from Pacific halibut PSC accountability during 1991.

(B) Expected Changes in Groundfish Catch

The 1992 TACs for pollock, Pacific cod, and flatfish are reduced from 1991. Catches of pollock and Pacific cod during 1991 were larger than the specified TACs for 1992. Actual catches of these two species in 1992 are expected to reach 1992 TACs. Full attainment of the pollock TAC is expected because pollock can be harvested with pelagic trawls. The 1992 TACs for rockfish and flatfish in the aggregate are larger than the 1991 catches. Pacific halibut bycatch may be significant in these fisheries, depending on the time of year and actual species being fished. Because the starting date for the rockfish trawl fishery is expected to be delayed until July 1 for purposes of reducing Pacific halibut bycatches, TACs for each of the rockfish target species categories are expected to be attained. The Pacific halibut PSC mortality limit is expected to constrain trawl fisheries for flatfish.

Sablefish is the only GOA groundfish species that is allocated by gear type. When the hook-and-line fishery was closed on July 8, 1991, all the TAC for sablefish assigned to hook-and-line in the Eastern and Central Regulatory Areas had been caught. In the Western Regulatory Area, 747 mt of sablefish TAC remained unharvested during 1991 because the Pacific halibut PSC assigned to hook-and-line gear had been reached. A shortfall may again occur in 1992.

(C) Expected Changes in Groundfish Stocks

Reductions in the TACs for pollock, Pacific cod, sablefish, and rockfish have resulted from new analyses of information obtained from stock assessments that show decreased biomass estimates, as derived from the 1990 bottom-trawl survey. Except for reduced abundance of rock sole, which is a component of shallow-water flatfish, all flatfish species are at high levels of abundance. A full discussion of

these changes is contained in the final SAFE report.

(D) Current Estimates of Pacific Halibut Biomass and Stock Condition

The most current stock assessment of Pacific halibut biomass from the IPHC indicates that the total exploitable biomass of Pacific halibut available in 1991 was 235.6 million pounds (106,576 mt). This amount represents a decline of 8 percent from 1990, which is a rate slightly higher than the 5-6 percent decline observed in recent years. A substantial decline in recruitment (abundance of 8-year-old fish) was also noted for 1991, an observation that is consistent with cyclical patterns of recruitment that have occurred over the last 50 years. The 1991 13-year-old age class continues to make up a large part of the catch and should continue to influence the catch for several more years. The low recruitment exhibited in recent years in conjunction with an exploitation rate of 0.35 in the commercial fishery can be expected to contribute to a continued decline in the overall stock at a rate of 5-15 percent over the next several years.

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

Impacts of the groundfish fishery on Pacific halibut stocks and the halibut fisheries will be constrained by the overall PSC mortality limit. The 1992 groundfish fisheries are expected to use the entire Pacific halibut PSC limit of 2,750 mt. According to the IPHC, the PSC limit will result in an equal amount of 2,750 mt being deducted from the constant exploitable yield (CEY). The effect of this deduction depends on the CEY as determined by the IPHC. The CEY represents about one-third of the exploitable biomass, based on an exploitation rate of 0.35. The allowable directed commercial catch is determined by subtracting recreational catch and waste and bycatch amounts from the CEY, and then providing the remainder to the directed fishery.

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

Methods available for reducing Pacific halibut bycatch include (1) reducing amounts of groundfish TACs, (2) reducing the Pacific halibut bycatch rate through vessel incentive programs, (3) gear modifications, (4) changes in groundfish fishing seasons, and (5) reducing the PSC mortality limits. Reductions in groundfish TACs provide no incentives for fishermen to reduce

bycatch rates. Costs that would be imposed on fishermen as a result of reducing TACs depend on species and amounts of groundfish foregone.

The Council has recommended that NMFS implement regulatory changes that would place all trawl fisheries under the Vessel Incentive Program (VIP) during 1992. This action, if approved by the Secretary, is a change from existing regulations that only include the Pacific cod and rockfish trawl fisheries under the VIP. The proposed expansion of the program is intended to encourage operators of all trawl vessels to take action to reduce Pacific halibut bycatch rates such that each vessel's rate observed in a fishery during a month would not exceed specified standard bycatch rates. If the standard rate is exceeded, the vessel operator would be subject to civil penalties under the Magnuson Act.

The Council also has recommended that NMFS delay, by regulatory amendment, the start of the trawl fishery for all rockfish target species categories, except demersal shelf rockfish, until July 1. One purpose of the delay is to prohibit the rockfish trawl fishery until such time when Pacific halibut would have migrated into shallower water, thereby escaping the rockfish trawl fishery, which largely is conducted at depths through which Pacific halibut migrate during late winter and spring months. If this regulation is implemented, fewer Pacific halibut might be caught as bycatch in the rockfish trawl fishery, providing more Pacific halibut PSC to support other trawl fisheries.

The start of the sablefish hook-and-line fishery is May 15, as it was in 1991. The purpose of this date is to allow sufficient time for most Pacific halibut to migrate into shallower water and thereby escape the sablefish fishery, which is primarily conducted in deep water. During 1991, observed bycatch rates in the sablefish fishery were lower in each management area during May than corresponding rates in the same areas during April in 1990. During June, bycatch rates increased. Although the reason for the increase is not certain, overcrowding on the fishing grounds may have caused some fishermen to fish in shallower water where Pacific halibut would be more prevalent in June, causing the rates to increase.

Regulations at 50 CFR 672.24(b)(2) require groundfish pots to have Pacific halibut exclusion devices to reduce Pacific halibut bycatches by that gear type. Amounts of Pacific halibut PSC that otherwise might have been caught by pots have been made available to

trawl and hook-and-line gear, promoting the potential for increased groundfish catches.

While the numerical mortality limits for Pacific halibut have not been reduced, the new assumed mortality rate applied to trawl gear has increased from 50 percent to 65 percent. This increase will result in the trawl mortality limit being reached sooner.

NMFS and the Council will continue to review methods listed under (F) to determine their effectiveness. Changes will be implemented, as necessary, in response to this review, either through regulatory or FMP amendments.

In keeping with the goals and objectives of the FMP to reduce Pacific halibut bycatches while providing opportunity to harvest the groundfish OY, NMFS has approved the assignments of 2,000 mt and 750 mt of Pacific halibut PSC mortality limits to trawl and hook-and-line gear, respectively. The 65 percent mortality rate is expected to result in smaller amounts of halibut being caught before the cap is reached by trawl gear. Whether the cap constrains the groundfish trawl fishery depends, in part, on action taken by vessel operators to reduce Pacific halibut bycatches as they respond to requirements of the current and proposed VIP.

NMFS notes the recommendation made by the Council that a regulatory amendment be implemented that would authorize a PSC mortality limit specifically for the demersal shelf rockfish hook-and-line fishery in the Southeast Outside District of the Eastern Regulatory Area. If this regulatory amendment is approved, a PSC limit of 10 mt is expected to be subtracted from the balance of the overall 750 mt hook-and-line PSC limit. The demersal shelf rockfish hook-and-line fishery is slower paced, and the proposed PSC limit intended for this fishery is expected to result in fuller harvest of demersal shelf rockfish.

7. Seasonal Apportionments of Pacific Halibut PSC Limits

Under § 672.20(f)(2)(iii), the Pacific halibut PSC limits are apportioned based on recommendations from the Council (Table 3), which are the same apportionments that were in effect during the 1991 fishing year. Regulations specify that any overages or shortfalls in PSC catches will be accounted for in the next season within the current fishing year.

TABLE 3.—ALLOCATION OF PACIFIC HALIBUT PSC LIMITS BETWEEN GEAR TYPES

Trawl gear		Hook-and-line gear	
Dates	Amount (mt)	Dates	Amount (mt)
Jan. 1– Mar. 31.	600 (30%)	Jan. 1– May 14.	200 (27%)
Apr. 1– Jun. 30.	600 (30%)	May 15– Aug. 31.	500 (66%)
Jul. 1–Sep. 29.	400 (20%)	Sep. 1– Dec. 31.	50 (7%)
Sep. 30– Dec. 31.	400 (20%)		
Total	2,000 (100%)		750 (100%)

As required by § 672.20(f)(2)(iii), determinations about seasonal allocations of the Pacific halibut PSC limits are based on information found in the SAFE report, or as otherwise available, which is summarized as follows:

(A) Seasonal Distribution of Pacific Halibut

Adult Pacific halibut spawn in deep water during winter months, then migrate to shallow water in summer months and feed. They generally spawn in water 230–450 meters deep from November through March; the peak of spawning is in December and January. During April and May, Pacific halibut migrate onto the offshore banks in water 135–270 meters deep. During June through August, Pacific halibut are found in much shallower water, 45 meters or less. During September and October, Pacific halibut migrate back to deeper water for spawning.

The recommended seasonal trawl apportionments will accommodate intensive fishing for deep-water rockfish and flatfish species, which occurs during the first half of the fishing year when most Pacific halibut will be in deep water. These amounts will also accommodate intensive fishing for Pacific cod. Although Pacific cod is mostly a shallow water species, some juvenile Pacific halibut in shallow water will be caught as bycatch in this fishery. The recommended seasonal hook-and-line apportionments will accommodate intensive fishing for sablefish starting on May 15. Even though Pacific halibut bycatches should be markedly reduced after that date as Pacific halibut migrate into shallower water, the sablefish fishery is so valuable that the industry prefers to have substantial bycatch to support the sablefish fishery.

(B) Seasonal Distribution of Target Groundfish Species Relative to Pacific Halibut Distribution

Most of the groundfish species are found in deep water during winter when water temperatures are relatively warmer (4°C) than temperatures in shallower water (1°C). As detailed in the SAFE report, pollock, Pacific cod, shallow water flatfish species, and certain rockfish species are in deep water during winter but generally at depths shallower than where Pacific halibut are found. In summer, these species are in the same shallow water as Pacific halibut.

In winter, deep-water flatfish, certain rockfish species, and sablefish are found in deep water with Pacific halibut and remain in deep water throughout the year, whereas Pacific halibut move to shallow water in summer. The Council's recommended larger first and second quarterly apportionments of the Pacific halibut PSC limit assigned to trawl gear will accommodate fishing for deep-water flatfish and rockfish species, as well as the Pacific cod fishery, which is in shallower water and has some Pacific halibut bycatch.

(C) Expected Pacific Halibut Bycatch Needs on a Seasonal Basis Relevant to Changes in Pacific Halibut Biomass and Expected Catches of Target Groundfish Species.

TACs for pollock, Pacific cod, sablefish, and flatfish are lower in 1992 than in 1991. Nonetheless, all of the 2,000 mt of Pacific halibut bycatch mortality allocated to trawl gear and the 750 mt allocated to hook-and-line gear are expected to be taken.

The Council has recommended four seasonal apportionments of the Pacific halibut PSC mortality limit for trawl gear that are equal to 30, 30, 20, and 20 percent. These proportions are the same that were in effect during 1991. Most of the trawl share of the Pacific halibut PSC limit is expected to be needed during the first three quarters. The TAC for pollock is allocated quarterly. During the first quarter, most of the pollock harvest will be conducted with pelagic trawls, which take very small amounts of Pacific halibut as bycatch. During the first quarter, most of the Pacific halibut bycatch will occur in trawl fisheries for Pacific cod and flatfish. Pacific halibut bycatch mortality while trawling for deep water species of flatfish could be proportionately higher and require a larger proportion of the halibut seasonal allocation at this time.

The starting date for the rockfish trawl fishery is proposed to be July 1, which is the start of the third quarter.

Most of this trawl fishery will be conducted in deep water, whereas Pacific halibut will be in shallower water during the third quarter. A smaller proportion of Pacific halibut (20 percent) is allocated to the third quarter as a result. A smaller proportion of the Pacific halibut PSC mortality limit is needed for trawl fisheries for Pacific cod during the third quarter, because trawl fishing for this species will be minimal while the fish are dispersed. Directed trawl fishing for Pacific cod could occur during the fourth quarter, but by that time Pacific halibut would be expected to have migrated to deeper water. Therefore, bycatch needs of Pacific halibut during the fourth quarter are expected to be smaller during any fourth quarter Pacific cod fishery. Nonetheless, some PSC would be needed to harvest the remaining Pacific cod TAC and to continue fishing for flatfish. The latter will probably be the principal species category available during the fourth quarter.

(D) Expected Variations in Bycatch Rates Throughout the Fishing Year

Pacific halibut bycatch rates will vary with the seasonal distribution of Pacific halibut. During winter months when Pacific halibut are in deep water, groundfish fisheries for deepwater species will result in higher Pacific halibut bycatch rates. Fisheries for shallow-water species will result in lower Pacific halibut bycatch rates. This situation will be reversed during summer months when Pacific halibut are in shallower water. For a given amount of effort, higher by-catch rates would be expected in summer when Pacific halibut commingle with shallow-water species, such as Pacific cod, and in winter when halibut commingle with deep-water species, such as sablefish. Nonetheless, the Council's recommended large first and second quarterly apportionments to trawl gear and large second trimester apportionment to hook-and-line gear reflect expected increases in bycatch rates resulting from higher catches per unit of effort in trawl fisheries for Pacific cod and hook-and-line fisheries for sablefish, respectively.

(E) Expected Changes in Directed Groundfish Fishing Seasons

As of the date of this notice, the only changes in the groundfish fishing seasons pertain to the trawl fishery, which will commence when regulations implementing Amendment 25 are effective. The Council also has recommended that the rockfish trawl fishery be delayed until July 1. Should

the Secretary implement the Council's recommendation for the rockfish fishery, a substantial amount of Pacific halibut PSC is expected to be needed at the start of the third quarter. Because Pacific halibut bycatch is relatively minor in the pollock fishery, the Council's recommended season change for pollock is not a major factor for the Secretary's consideration of Pacific halibut PSC management.

(F) Expected Start of Fishing Effort

Fishing with trawl gear will start for most groundfish species near the end of January. Fishing with hook-and-line and pot gear for Pacific cod might start in early January, because Pacific cod are aggregated into spawning schools, promoting good catch rates. Trawling for rockfish species might start July 1.

(G) Economic Effects of Establishing Seasonal Pacific Halibut Allocations on Segments of the Target Groundfish Industry

The manner in which PSC limits are seasonally apportioned will affect the amount of groundfish OY that will be harvested during a season. Ideally, the seasonal apportionment of Pacific halibut PSC limits will provide the means for each fishery to fully harvest the available resource without exceeding the PSC limits for each gear group. Nonetheless, seasonal apportionments may not allow full harvests. For example, the second trimester allocation of 500 mt of Pacific halibut PSC is intended to support the hook-and-line sablefish fishery, which starts May 15. This amount may not be sufficient to harvest the sablefish TAC. Expressed in pounds and round weight, the resulting shortfall in 1991 was 747 mt of sablefish that cost fishermen about \$1.1 million in gross revenue. Hook-and-line fishermen could have also continued to harvest Pacific cod if the closure had not occurred in 1991.

After the trawl fisheries were closed October 14, 1991, upon reaching the PSC limit for Pacific halibut, about 21,000 mt of flatfish target categories (excluding arrowtooth flounder, which is largely a bycatch species) and about 7,700 mt of Pacific cod remained unharvested. Lacking market incentives, some groundfish would not have been harvested, regardless of the closure. Market demand for Pacific cod was strong in 1991, and fishing for Pacific cod likely would have continued. At \$0.20 per pound round weight for Pacific cod, trawl fishermen could have lost \$3.4 million in gross revenue. A fuller discussion of economic effects is contained in the SAFE report.

NMFS has determined that the Council's recommendation for the seasonal apportionments of the Pacific halibut PSC to gear types is appropriate and, therefore, is implementing the Council's recommendation.

Classification

This action is taken under § 611.92 and § 672.20 and complies with Executive Order 12291. NMFS finds that the purpose of the reserves is to save portions of the TAC in case they were needed by DAP later in the fishing year rather than apportioning them to JVP or TALFF at the beginning of the fishing year. Because the best available information indicates that DAP will harvest all the TAC amounts, no JVP or TALFF specifications have been established. Providing an opportunity for public comment on the apportioning of reserves before actually apportioning them would serve no purpose, when no JVP or TALFF has been established, and therefore is unnecessary. This adjustment is effective January 17, 1992. Comments are invited on the reserve apportionments for 15 days after the date of filing of this notice.

NMFS prepared an environmental assessment on the 1992 TAC specifications, which concludes that no significant impact on the environment will result from their implementation.

NMFS concluded formal Section 7 Consultation on the GOA FMP and fisheries. The biological opinion issued for the consultation concluded that the FMP and fisheries are not likely to jeopardize the continued existence and recovery of any endangered or threatened species under the jurisdiction of NMFS. Implementation of the management measures described in this notice will not affect listed species in a way that was not already considered in the aforementioned biological opinions. NMFS has determined that no further Section 7 Consultation is required for the implementation of these measures.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Dated: January 17, 1992.

Samuel W. McKeen,
Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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50 CFR Part 663

[Docket No. 911174-2010]

RIN 0648-AE32

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to establish an April 15 opening date for the Pacific whiting season in the exclusive economic zone (EEZ) off Washington, Oregon, and California. This action is intended to maintain the traditional fishing season, prevent potential bycatches of rockfish and salmon south of 39° N. latitude from exceeding current levels, and spread the harvesting and processing of whiting along the entire coast. This action is authorized under the Pacific Coast Groundfish Fishery Management Plan (FMP).

EFFECTIVE DATE: January 17, 1992.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, Rodney R. McInnis at 213-514-6677, or the Pacific Fishery Management Council at 503-326-6352.

SUPPLEMENTARY INFORMATION: This rule amends the regulations implementing the FMP at 50 CFR 663.23. The FMP contains a socioeconomic framework process that provides the authority, guidelines, and criteria for the Pacific Fishery Management Council (Council) to recommend changes to the implementing regulations to the Secretary of Commerce (Secretary) without further amending the FMP.

Since the FMP was implemented in 1982, the domestic whiting fishery was allowed to start at any time of year. However, there was a restriction on joint venture operations (foreign processing at sea of U.S.-caught fish) prohibiting foreign processing vessels south of 39° N. latitude (near Pt. Arena, California). The traditional whiting fishery, which since 1986 was dominated by joint venture processing, usually started between April and May because whiting, which migrate south to north between March and October, were not predictably available north of 39° N. latitude earlier in the year. Since 1986, shore-based processors, all located north of 39° N. latitude and whose fishing vessels stay relatively close to port to maintain product quality, processed small amounts of whiting in March, and much larger amounts in April and May. In 1991, the high-capacity American at-sea processing fleet totally displaced foreign processing