

The final rule makes minor technical amendments to 50 CFR 675.20 and 675.21. These amendments are a logical outgrowth of the proposed 1995 TAC specifications, which separated flathead sole from the "other flatfish" category, and are necessary to implement the specifications. Prior notice and opportunity for public comment would serve no useful purpose and is, therefore, unnecessary. Accordingly, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) finds good cause to waive prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B).

This action adopts final 1995 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 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 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 technical amendment 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.

NMFS has determined that the BSAI groundfish fisheries are not likely to affect Steller sea lions in a way or to an extent not already considered in previous Section 7 consultations on this fishery. NMFS has determined that reinitiation of formal consultation under this ESA is not required.

NMFS prepared an EA on the 1995 TAC specifications. The Assistant Administrator concluded that no significant impact on the environment will result from their implementation. A copy of the EA is available (see addresses).

**List of Subjects**

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements

50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: February 7, 1995.

**Richard H. Schaefer,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 675 is amended as follows:

**PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA**

1. The authority citation for part 675 continues to read as follows:

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

2. In § 675.20, paragraph (h)(2) is revised to read as follows:

**§ 675.20 General limitations.**

\* \* \* \* \*

(h) \* \* \*

(2) *Yellowfin sole, rock sole, arrowtooth flounder, flathead sole, or "other flatfish."* The operator of a vessel is engaged in directed fishing for yellowfin sole, rock sole, arrowtooth flounder, flathead sole or "other flatfish" if he or she retains, at any time during a trip, an amount of one of these species equal to or greater than 35 percent of the amount of the other respective species retained at the same time on the vessel during the same trip, plus 20 percent of any groundfish species other than yellowfin sole, rock sole, flathead sole or "other flatfish" retained at the same time on the vessel during the same trip.

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3. In § 675.21, paragraph (b)(1)(iii)(B)(2) is revised to read as follows:

**§ 675.21 Prohibited species catch (PSC) limitations.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iii) \* \* \*

(B) \* \* \*

(2) *Rock sole/flathead sole/"other flatfish" fishery.* Fishing with trawl gear during any weekly reporting period that is defined as a flatfish fishery under paragraph (b)(1)(iii)(B) of this section and is not a yellowfin sole fishery as defined under paragraph (b)(1)(iii)(B)(1) of this section.

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[FR Doc. 95-3485 Filed 2-8-95; 4:37 pm]

BILLING CODE 3510-22-P