during this time that there has been no significant fishery off Mexico. Historically, the Mexican fishery has been based on availability and not on abundance. When the biomass was of a similar level in 1987. Mexico harvested 124,475 mt. The biomass dropped approximately 45 percent the next year and another 26 percent the following year, yet Mexico harvested approximately 80,000 mt in each of those 2 years. Recent harvests are not a reliable predictor of Mexican harvest under conditions of sudden increased abundance. The issue of uncertainty about the performance of the domestic industry and the intent of Mexican harvesters was discussed by the Council, which recommended that the portion allocated to TALFF be held in reserve. This action would have protected the domestic industry and helped assure that OY will not be exceeded; however, the FMP does not allow for a deviation from the designated formula.

The Regional Director has made the following determinations for the 1995–96 fishing season by applying the formulas in the FMP and in 50 CFR Part

662.20.

1. The total U.S. OY for northern anchovy is 66,500 mt, plus an unspecified amount for use as live bait.

2. The total U.S. harvest quota for reduction purposes is 13,000 mt.

- a. Of the total reduction harvest quota, 1,300 mt is reserved for the reduction fishery in Subarea A (north of Pt. Buchon). The FMP requires that 10 percent of the U.S. reduction quota or 9,072 mt, whichever is less, be reserved for the northern fishery. This is not a special quota, but only a reduction in the amount allocated to the southern fishery south of Pt. Buchon (Subarea B). After the northern fishery has harvested 1,300 mt, any unused portion of the Subarea B allocation may also be harvested north of Pt. Buchon.
- b. The reduction quota for subarea B (south of Pt. Buchon) is 11,700 mt.
- 3. The U.S. harvest quota for non-reduction fishing (i.e., fishing for anchovy for use as dead bait or human consumption) is 4,900 mt (as set by § 662.20).
- 4. There is no U.S. harvest limit for the live bait fishery.
- 5. The domestic annual processing capacity (DAP) is 13,000 mt.
- 6. The amount allocated to joint venture processing (JVP) is zero, because there is no history of, nor are there applications for, joint ventures.

7. Domestic annual harvest capacity (DAH) is 13,000 mt. DAH is the sum of DAP and JVP.

8. The TALFF is 48,600 mt.

The fishery will be monitored during the year and evaluated with respect to the OY and the estimated needs of the fishing industry. Adjustments may be made to comply with the requirements of the FMP and its implementing regulations.

This action is authorized by 50 CFR part 662 and is exempt from review under E.O. 12866.

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

Dated: August 2, 1995.

## Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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## 50 CFR Parts 672, 675, and 676

[Docket No. 950414104-5183-02; I.D. 110194B]

RIN 0648-AF53

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Maximum Retainable Bycatch Amounts

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

**ACTION:** Final rule and correcting amendments.

**SUMMARY:** NMFS is revising the regulations setting forth the standards for determining when a fishing vessel operator is engaged in directed fishing in the groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). This rule replaces the existing species-, gear-, and management-goal specific standards with specific retainable percentages for deriving the maximum amount of fish species or species group that may be retained as bycatch in fisheries that are closed to directed fishing. Retention of more than this amount constitutes directed fishing. The changes made by this rule are expected to promote compliance with groundfish regulations and to facilitate enforcement efforts. This action is intended to further the objectives of the fishery management plans (FMPs) for the groundfish fisheries of Alaska.

**EFFECTIVE DATE:** August 2, 1995.

ADDRESSES: Individual copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907–586–7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and the BSAI are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

This rule revises regulations at 50 CFR 672.20(g) and 675.20(h), which specify a large number of species-, area-, gear-, and management goalspecific standards for the GOA and BSAI, respectively, for determining when a vessel operator is engaged in directed fishing in the groundfish fisheries of GOA and BSAI. These directed fishing standards were intended to reduce harvest rates of groundfish species when their total allowable catch (TAC) limits are being approached, while, at the same time, reducing waste and minimizing the need to discard fish at sea by allowing retention of incidental groundfish bycatch, after closure of the directed fishery until the TAC limit is achieved.

In spite of increased specificity, the directed fishing standards often failed to prevent overharvest or underharvest of groundfish. Furthermore, the standards have not resulted in eliminating undesirable fishing practices, such as covert targeting on high value species after fishery closures or wasteful discarding.

A proposed rule addressing these concerns was published in the **Federal Register** on April 28, 1995 (60 FR 20952). Public comment was invited through May 30, 1995. Three letters of comments supporting the proposed rule, with some modifications, were received within the comment period and are summarized and responded to below in the "Response to Comments" section.

The final rule implements the following modifications to the directed fishing standards:

1. Usage of the term directed fishing standards is eliminated. Instead, "directed fishing" is defined as any fishing activity that results in the retention of an amount of fish species or species subgroup on board a vessel that