Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a sutstantial number of small entities. A certification statement of this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests

Dated: May 15, 1992.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.447, new paragraph (c) is added, to read as follows:

§ 180.447 Imazethapyr, ammonium salt; tolerance for residues.

* * * * *

(c) A tolerance that expires on May 27, 1994 is established for residues of the herbicide imazethapyr, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-ethyl-3-pyridine carboxylic acid, as its ammonium salt, and its metabolite, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-(1-hydroxyethyl)-3-pyridine carboxylic acid, in or on the following commodities:

Commodity	Parts per million
Corn grain, fodder, and forage	0.1

[FR Doc. 92-12294 Filed 5-26-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 92-167]

Delegations of Authority in Forfeiture Proceedings

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule appearing in the Federal Register of Wednesday, April 29, 1992 (57 FR 18088) FR Doc. 92-9752. The rule increased the forfeiture amounts that could be imposed by Commission Bureaus and Offices under delegated authority. The final rule is corrected to show that the item was adopted April 7, 1992, not April 8, 1992. We are also correcting an anomaly in the amended rules that was carried forward from the previous version of the rules. Pursuant to the corrected version of § 0.291(f), the Chief, Common Carrier Bureau, like all Bureau Chiefs, is delegated authority to assess forfeitures in amounts up to and including $20,000, not just up to $20,000. This correction is consistent with the language contained in the rule.

EFFECTIVE DATE: April 29, 1992.

FOR FURTHER INFORMATION CONTACT: Douglas Cooper, Office of General Counsel, Federal Communications Commission, (202) 632-6990.

SUPPLEMENTARY INFORMATION:

Accordingly FR Doc. 92-9752, published April 29, 1992 (57 FR 18088) is corrected as follows:

1. On page 18088, in the first column, in the first paragraph under SUPPLEMENTARY INFORMATION, the adoption date of "April 8, 1992" is corrected to read "April 7, 1992".

2. On page 18088, in the third column, § 0.291(f) is corrected to read as follows:

Chief, Common Carrier Bureau

§ 0.291 Authority delegated.

* * * * *

(f) Authority concerning forfeitures. The Chief, Common Carrier Bureau shall not have authority to impose, reduce or cancel forfeitures pursuant to section 203 or section 503(b) of the Communications Act of 1934, as amended, in amounts of more than $20,000.

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-11734 Filed 5-26-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-126F; Amdt. No. 172-126]

RIN 2137-AB26

Training for Safe Transportation of Hazardous Materials; Correction

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Final rule: correction.

SUMMARY: This amendment makes a revision to a final rule published in the Federal Register under Docket HM-126F (57 FR 20944, May 15, 1992). That final rule revised the Hazardous Materials Regulations with respect to regulatory requirements for the training and testing of hazardous materials (hazmat) employees by hazmat employers. This amendment clarifies that a hazmat employer must test each hazmat employee to ensure that the training received is effective.

DATES: This amendment is effective on July 1, 1992. However, compliance with the regulations amended herein is authorized immediately.

FOR FURTHER INFORMATION CONTACT: Jackie Smith, Office of Hazardous Materials Standards, RSPA, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, Telephone: (202) 366-4488.

SUPPLEMENTARY INFORMATION: On May 15, 1992, RSPA published a final rule under Docket HM-126F (57 FR 20944), which revised the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) with respect to training and testing requirements for persons involved in the transportation of hazardous materials. This action was necessary to comply with Section 7 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), enacted November 16, 1990, which amended Section 106 of the Hazardous Materials Transportation Act (HMTA), 49 App. U.S.C. 1801 *et seq.*, to require training and testing to be given by all "hazmat employers" to their "hazmat employees" regarding the safe transportation of hazardous materials including emergency response.

In § 172.704(d)(5) of the final rule, a hazmat employer is required to provide a record which includes certification that a hazmat employee has received training and has been tested. RSPA inadvertently omitted a similar requirement for testing of hazmat employees in § 172.702, which requires a hazmat employer to ensure that each hazmat employee is trained. This amendment adds a requirement in § 172.702(d) that each hazmat employer ensure that each hazmat employee is tested.

The diversity of job functions covered by the final rule makes it impractical to develop specific requirements for testing all categories of employees to ensure they have been properly trained. Therefore, there are no detailed testing procedures specified in the rule, which allows the hazmat employer maximum flexibility.

The final rule published May 15, 1992 at 57 FR 20944, (FR Doc. 92-11460) is corrected as follows:

In § 172.702, on page 20952, in the third column, the section heading is revised and a new paragraph (d) is added to read as follows:

§ 172.702 Applicability and responsibility for training and testing.

* * * * *

(d) A hazmat employer shall ensure that each of its hazmat employees is tested by appropriate means on the training subjects covered in §172.704.

* * * * *

Issued in Washington, DC on May 20, 1992, under authority delegated in 49 CFR part 1.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

[FR Doc. 92-12240 Filed 5-26-92; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

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

ACTION: Closure of directed fishing for sablefish.

SUMMARY: NMFS is closing the directed fishery for sablefish using hook-and-line gear in the Southeast Outside (SEO) and East Yakutat (EY) districts of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the share of the sablefish total allowable catch (TAC) assigned to hook-and-line gear in these districts.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), May 23, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, Fisheries Management Division, NMFS, (907) 586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the exclusive economic zone within the GOA is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the GOA (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The share of the sablefish TAC assigned to hook-and-line gear in the SEO and EY districts, which are defined at § 672.2, is established by the final notice of specifications (57 FR 2844, January 24, 1992) as 4,740 metric tons.

Under § 672.24(c)(3)(i), the Director of the Alaska Region, NMFS (Regional Director), has determined that the share of the sablefish TAC assigned to hook-and-line gear in the SEO and EY districts will be taken before the end of the year. Therefore, to provide adequate bycatch amounts of sablefish to ensure continued groundfish fishing activity by hook-and-line gear, NMFS is prohibiting directed fishing for sablefish by vessels using hook-and-line gear in the SEO and EY districts, effective from 12 noon, A.l.t., May 23, 1992, through 12 midnight, A.l.t., December 31, 1992.

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

Classification

This action is taken under 50 CFR 672.24 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: May 20, 1992.

David S. Crestin,

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

[FR Doc. 92-12286 Filed 5-21-92; 2:27 pm]

BILLING CODE 3510-22-M

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50 CFR Part 675

[Docket No. 920520-2120]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Emergency interim rule and request for comments.

SUMMARY: NMFS has determined that an emergency exists in groundfish fisheries in the Bering Sea and Aleutian Islands area (BSAI). Additional halibut bycatch management measures must be implemented to respond to unexpectedly high bycatch amounts in the BSAI trawl fisheries and to maintain halibut bycatch amounts within the halibut bycatch limits established for the 1992 trawl fisheries. This action is intended to further the goals and objectives contained in the fishery management plans for the groundfish fisheries off Alaska.

DATES: Effective May 21, 1992, through August 25, 1992. Comments are invited on this action through June 11, 1992.

ADDRESSES: Copies of the Environmental Assessment (EA) prepared for this action may be obtained from Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Comments should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fisheries Management Biologist, NMFS, (907) 586-7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the BSAI are managed by the Secretary of Commerce (Secretary) under the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations governing the foreign fishery at 50 CFR part 611 and by regulations governing the U.S. fishery at 50 CFR part 675. Additional regulations applicable to the U.S. fisheries are codified at 50 CFR part 620.

At times, amendments to the FMP and its implementing regulations are necessary to respond to fishery conservation and management problems that cannot be addressed within the time frame of the normal procedures provided for by the Magnuson Act. Section 305(c) of the Magnuson Act authorizes the Secretary to implement emergency regulations necessary to address these emergencies. These emergency regulations may remain in effect for not more than 90 days after publication in the **Federal Register**, with a possible 90-day extension.

At its December 3-9, 1991, meeting, the Council adopted revisions to prohibited species bycatch management measures that are proposed under Amendment 19 to the FMP and associated regulatory amendments. The Council further recommended that some of these measures be implemented early in the 1992 fishing year through emergency interim rulemaking, which was implemented on March 30, 1992 (57 FR 11433, April 3, 1992). A **Federal Register** notice of the availability of Amendment 19 that, if approved, would implement the Council's actions was published on April 28, 1992 (57 FR 17879). Pending Secretarial approval, a final rule implementing these measures will not be effective before September 1992.

Subsequent to the December Council meeting, unexpectedly high bycatch amounts of halibut, red king crab and *C. bairdi* Tanner crab were experienced during the January–February 1992 BSAI pollock fishery. In response to NMFS, Council, and industry concern about the potential effect of these bycatch amounts on other fisheries, the Council held a February 26, 1992, teleconference meeting. At this meeting, information presented to the Council by NMFS and industry representatives indicated that the 1992 halibut bycatch limit established for BSAI trawl gear (5,033 metric tons (mt)) would be grossly exceeded if additional restrictions were not placed on the pollock fishery when the second pollock season opens on June 1. Given these concerns, the Council recommended emergency rule implementation of the following two management measures:

(1) Include the BSAI pollock fishery under the vessel incentive program to reduce halibut bycatch rates in this fishery when directed fishing for pollock with non-pelagic trawl gear is prohibited; and

(2) Prohibit the use of trawl gear other than pelagic trawl gear by vessels participating in the directed fishery for BSAI pollock.

A fuller description of, and justification for each of these measures follows.

Expansion of the Vessel Incentive Program to Include the Pollock Fishery

Under the emergency rule, the vessel incentive program to reduce halibut bycatch rates at § 675.26 is expanded to include those vessels that participate in the BSAI pollock fishery when fishing for pollock with non-pelagic trawl gear is prohibited under § 675.21. The halibut bycatch rate standard specified for these vessels is 0.1 percent, or 1 kilogram (kg) of halibut per mt of groundfish for which a total allowable catch (TAC) is specified under criteria specified under § 675.20(a)(2). For purposes of the incentive program, the pollock fishery is defined as trawl fishing that results in an observed groundfish catch that is composed of 50 percent or more of pollock when the directed fishery for pollock by trawl vessels using non-pelagic trawl gear is closed.

Emergency rule implementation of the expanded incentive program is necessary to reduce the amount of halibut taken incidentally by vessels participating in the 1992 pollock fishery. The justification for and purpose of the vessel incentive program to reduce prohibited species bycatch rates is provided in the preamble to the interim final rule that implemented this program for the BSAI Pacific cod and flatfish fisheries (56 FR 21619, May 10, 1991). For purposes of the incentive program established under this emergency rule, the definition of the BSAI pollock fishery is based on NMFS' examination of historical observer data on groundfish catch composition and how closely a fishery's groundfish catch composition reflected intended target operations. Data on the species composition of a vessel's groundfish catch during any weekly reporting period will be derived from observer data collected from observed catch of allocated groundfish species.

The emergency rule implementation of the incentive program for the pollock fishery responds to the unforeseen high halibut bycatch rates experienced during the first season of the 1992 BSAI pollock fishery. Continued exemption of the pelagic trawl pollock fishery from measures to reduce halibut bycatch will cause the 1992 halibut bycatch limit specified for BSAI trawl fisheries to be exceeded by a significant amount. Action must be taken to maintain halibut bycatch amounts within the 1992 bycatch limit to respond to the international, social, and economic conflicts between U.S. and Canadian halibut fishermen and U.S. groundfish fishermen. These conflicts arise from the competing use of halibut as a bycatch species in the groundfish fisheries and as a target species in the Canadian and U.S. setline fisheries. When setting annual catch limits for the Canadian and U.S. halibut setline fisheries, the International Pacific Halibut Commission (IPHC) compensates for halibut bycatch mortality in the groundfish fisheries by reducing the harvest of halibut in the directed setline fisheries. The reduction in the setline halibut catch limit is intended to maintain the reproductive potential of the exploitable component of the halibut stock. The compensation factor currently used by the IPHC is one mt of halibut catch limit reduction for each mt of bycatch mortality. The greater the halibut bycatch mortality in the groundfish fishery, therefore, the less amount of halibut that will be made available to the Canadian and U.S. setline fisheries. Without emergency rule measures to reduce halibut bycatch amounts in the 1992 pollock fishery, the halibut bycatch limit established for the 1992 BSAI trawl fisheries will be exceeded, the BSAI pollock fishery will be closed prematurely, the 1993 setline halibut quota will be reduced by a commensurate amount, and economic growth in the traditional setline halibut fisheries will be obstructed.

Regulations for the management of the prohibited species bycatch limits established for BSAI trawl fisheries (§ 675.21(c)) and regulations promulgated under the March 30, 1992, emergency rule (§ 675.21(h)) exempt vessels that use pelagic trawl gear in the directed fishery for pollock from fishery closures caused by the attainment of prohibited species bycatch limits. This exemption was provided under the assumption that operators of vessels using pelagic trawl gear to fish for pollock experience minimal bycatch rates of halibut and crab.

NMFS observer data indicate that halibut and crab bycatch rates during the first month of the 1992 BSAI pollock roe fishery here were unexpectedly high. The best information available indicates these high rates occurred because fishermen fished on or near the sea bed in an attempt to find concentrations of nature pollock while avoiding a high abundance of unmarketable juvenile pollock. The resulting high bycatch amounts of halibut and crab supported emergency adjustments of the BSAI fishery allocations of the 1992 halibut bycatch limit to avoid premature closures of other fisheries that shared prohibited species bycatch allowances with the pollock fishery. The BSAI pollock fishery was closed on March 6, 1992, when the pollock quota specified for the first season pollock fishery was reached. The second pollock season will open June 1, 1992, when about 500 mt of the 1,692 mt halibut bycatch allowances specified for this fishery will remain.

During the second season of the 1991 pollock fishery, vessels participating in this fishery took about 832 mt of halibut bycatch. Of this amount, 521 mt are estimated to have been taken in the midwater pollock fishery. Given that over 500,000 mt of Bering Sea pollock will be available for harvest in the second season of the 1992 pollock fishery and that high halibut bycatch rates are anticipated to continue, the use of non-pelagic trawl gear to fish for pollock, together with a continued exemption of the pelagic trawl fishery from bycatch limit restrictions, will result in a significant overage of the 1,692 mt halibut bycatch allowance specified for this fishery. As a result, the total halibut bycatch limit specified for BSAI trawl gear will be exceeded. This situation will cause international, social, and economic conflicts between U.S.

and Canadian halibut fishermen and U.S. groundfish fishermen that take halibut as bycatch.

Emergency rule implementation of the vessel incentive program for the 1992 pollock fishery, together with prohibiting the use of trawl gear other than pelagic trawl gear by vessels participating in the directed fishery for pollock (see below), will reduce average halibut bycatch rates during the second pollock season so that associated bycatch amounts can be maintained with the halibut bycatch allowance specified for this fishery.

Closure of Directed Fishing for BSAI Pollock by Vessels Using Non-pelagic Trawl Gear.

Under the emergency rule, operators of vessels participating in the directed fishery for BSAI pollock are prohibited from using non-pelagic trawl gear. This action, together with the expansion of the incentive program to include the pollock fishery (discussed above) will reduce the amount of halibut taken as bycatch in the BSAI pollock fishery by limiting the amount of pollock that is taken in trawls fished in contact with the sea bed. As with the expansion of the incentive program, emergency rule implementation of the non-trawl gear prohibition responds to the unexpectedly high bycatch of halibut in the first quarter pollock fishery and an anticipation that, without regulatory intervention, continued bycatch amounts in this fishery during the second pollock season will result in a significant overage of the halibut bycatch limit specified for the BSAI trawl fisheries.

At its September and December 1991 meetings, the Council did not recommend that the amount of pollock TAC taken with non-pelagic trawl gear be limited in 1992 in anticipation that this gear type would take only a small percentage of the total pollock TAC. In 1991, non-pelagic trawl gear took less than 6 percent of the total pollock TAC. During the first season of the 1992 pollock fishery, however, non-pelagic trawl gear accounted for over 13 percent of the total pollock catch. The use of non-pelagic trawl gear is expected to continue once the second pollock season reopens on June 1, 1992. During the second opening of the 1991 pollock fishery, the bottom trawl pollock fishery took over 300 mt of halibut bycatch, compared to 521 mt of halibut bycatch in the midwater trawl pollock fishery. Although much of the bycatch in the bottom trawl pollock fishery was the result of fishing on the sea bed with modified pelagic trawl gear, fishing for pollock with non-pelagic trawl gear is expected to result in significant amounts of halibut bycatch. Under the March 30, 1992, emergency rule, about 500 mt of the 1,692 mt halibut bycatch allowance apportioned to the pollock fishery remains to support the second season opening. This amount is insufficient to support a directed fishery for pollock with nonpelagic trawl gear. Given that pollock can be effectively harvested with pelagic trawl gear fished off the bottom in a manner that minimizes the bycatch of halibut, the emergency rule prohibits the use of trawl gear other than pelagic trawls in any directed fishery for pollock. Directed fishing for pollock by trawl vessels using non-pelagic trawl gear is thereby closed as of the effective date of this action. Under existing directed fishing standards, the round weight equivalent amounts of pollock harvested with nonpelagic trawl gear and retained at any time during a fishing trip must be less than 20 percent of the round-weight equivalent of other species retained at the same time during the same trip. As in 1991 and 1990, most of the second season pollock TAC will be taken with pelagic trawl gear, and no significant displacement of effort or cost to groundfish fishermen is expected.

Secretarial Determinations

The Secretary concurs with the Council's recommendation for emergency rule implementation of the management measures promulgated under this emergency rule. When the BSAI pollock fishery reopens on June 1, 1992, the prohibition of trawl gear other than pelagic trawl gear in the directed fishery for pollock, combined with the inclusion of this fishery under the vessel incentive program, will reduce halibut bycatch rates from those experienced earlier in 1992. These actions are necessary to maintain total halibut bycatch amounts within specified limits. Comments on this action are invited through June 11, 1992, (see ADDRESSES).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator finds that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date under sections 553(b) and (d) of the Administrative Procedure Act. Revised bycatch management measures that respond to new information that was developed from the Council's December 1991 meeting and its February 26, 1992, teleconference must be implemented as soon as possible to avoid serious problems pertinent to the management and monitoring of prohibited species, and minimize foregone groundfish harvests and associated revenues that occur under existing prohibited species catch limits.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

Based on the EA prepared for this action, the Assistant Administrator concluded that no significant impact on the human environment will result. A copy of the EA is available (see ADDRESSES).

NMFS has determined that none of the actions taken under this emergency rule will adversely affect endangered or threatened species. Therefore, formal consultation pursuant to section 7 of the Endangered Species Act is not required for the implementation of this rule.

This emergency rule is exempt from the normal review procedures of E.O. 12291, as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why following the usual procedures of that order is not possible.

This rule is exempt from the procedures of the Regulatory Flexibility Act, because it is issued without opportunity for prior public comment.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

The rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under E.O. 12612.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: May 20, 1992.

Michael F. Tillman,

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—GROUNDFISH 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 § 675.24, new paragraph (c)(2)(iii) is temporarily added from May 21, 1992, through August 25, 1992, to read as follows:

§ 675.24 Gear limitations.

* * * * *

(c) * * *

(2) * * *

(iii) Notwithstanding paragraph (c)(2)(ii) of this section, it is unlawful for any person to engage in directed fishing for pollock with trawl gear other than pelagic trawl gear.

* * * * *

3. In § 675.26, paragraphs (a)(2)(ii)(A), (a)(2)(ii)(B), (b), and (d)(3) are temporarily suspended from May 21, 1992, through August 25, 1992, and new paragraphs (a)(2)(ii)(C), (a)(2)(ii)(D), (d)(4), and (e) are temporarily added from May 21, 1992, through August 25, 1992, to read as follows:

§ 675.26 Program to reduce prohibited species bycatch limits.

(a) * * *

(2) * * *

(ii) * * *

(C) The ratio of total round weight of halibut, in kilograms, to the total round weight, in metric tons, of groundfish for which a TAC has been specified under § 675.20 while participating in the pollock, Pacific cod, or flatfish fisheries, as defined in paragraph (e) of this section; and

(D) The ratio of number of red king crab to the total round weight, in metric tons, of groundfish for which a TAC has been specified under § 675.20 while participating in the flatfish fishery, as defined in paragraph (e) of this section.

* * * * *

(d) * * *

(4) *Determination of individual vessel bycatch rates*—(i) *Calculation of monthly bycatch rates.* (A) For each vessel, the Regional Director will aggregate from sampled hauls the observed data collected during a weekly reporting period on the total round weight, in metric tons, of each groundfish species or species group for which a TAC has been specified under § 675.20 of this part to determine to which of the fisheries described in paragraph (e) of this section the vessel should be assigned for that week.

(B) At the end of each fishing month during which an observer sampled at least 50 percent of a vessel's total number of trawl hauls retrieved while an observer was on board (as recorded in the vessel's daily logbook required under § 675.5), the Regional Director will calculate the vessel's bycatch rate based on observed data for each fishery described in paragraph (e) of this section to which the vessel was assigned for any weekly reporting period during that fishing month. Only observed data that have been checked, verified, and analyzed by NMFS will be used to calculate vessel bycatch rates for purposes of this section.

(C) The bycatch rate of a vessel for a fishery described under paragraph (e) of this section during a fishing month is a ratio of halibut to groundfish that is calculated by using the total round weight of halibut (in kg), or total number of red king crab, in samples during all weekly reporting periods in which the vessel was assigned to that fishery and the total round weight of the groundfish (in mt) for which a TAC has been specified under § 675.20 in samples taken during all such periods.

(ii) *Compliance with bycatch rate standards.* A vessel has exceeded a bycatch rate standard for a fishery if the vessel's bycatch rate for a fishing month, as calculated under paragraph (d)(4)(i)(C) of this section, exceeds the bycatch rate standard established for that fishery under paragraph (c) of this section.

(e) *Fisheries.* A vessel will be subject to provisions of this section if the groundfish catch of the vessel is observed on board the vessel, or on board a mothership processor that receives unsorted codends from the vessel, at any time during a weekly reporting period; and the vessel is assigned, under paragraph (d)(4)(i)(A) of this section, to either the pollock fishery, the Pacific cod fishery or the flatfish fishery defined in paragraphs (e)(1), (e)(2) and (e)(3) of this section. During any weekly reporting period, a vessel's observed catch composition of groundfish species for which a TAC has been specified under § 675.20 will determine the fishery to which the vessel is assigned, as follows:

(1) The *pollock fishery* means fishing with trawl gear when directed fishing for pollock with non-pelagic trawl gear is closed under § 675.21 part that results in an observed groundfish catch during a weekly reporting period that is composed of 50 percent or more of pollock;

(2) The *Pacific cod fishery* means trawl fishing that does not qualify as a pollock fishery under paragraph (e)(1) of this section and results in an observed groundfish catch during a weekly reporting period that is composed of 45 percent or more of Pacific cod; and

(3) The *flatfish fishery* means trawl fishing that does not qualify as a pollock or Pacific cod fishery under paragraphs (e)(1) or (e)(2) of this section and results in an observed catch of yellowfin sole, rock sole, and "other flatfish," in the aggregate, that is 40 percent or more of the total amount of groundfish caught during the week.

[FR Doc. 92-12285 Filed 5-21-92; 2:27 pm]

BILLING CODE 3510-22-M