

through November 30, 1993, period indicated that the mortality for eastern spinner and coastal spotted dolphin comprised 4.08 and 0.54 percent of the total mortality, respectively. An affirmative finding for Vanuatu was indicated based on these data.

The overall, rather than a weighted, incidental kill-per-set (kps) factor for Vanuatu was used to determine comparability for both periods because the U.S. fleet had fewer than five sets in Fishing Area 3 on common dolphins, an area and species grouping in which the Vanuatu fleet made sets (50 CFR 216.24(e)(5)(v)(F)). Observers assigned by the IATTC accompanied all fishing trips made by Vanuatu-flag purse seine vessels in the ETP during the 1993 fishing season and during the 12-month period submitted for reconsideration, as required by the Notice of Determination published in the Federal Register on January 8, 1992 (57 FR 666). A complete list of Vanuatu-flag tuna purse seine vessels over 400 short tons carrying capacity and their status during the two periods has been submitted, as required by § 216.24(e)(5)(ii)(B).

Therefore, based on the information described above, the AA, after consultation with the Department of State, found that the average rate of incidental taking of marine mammals by Vanuatu-flag vessels was comparable to that of U.S.-flag vessels, and Vanuatu's regulatory program governing the incidental taking of marine mammals in the course of harvesting yellowfin tuna by purse seine in the ETP was comparable to the regulatory program of the United States, as required by the tuna importation provisions of 50 CFR 216.24(e). As a result of this affirmative finding, yellowfin tuna and products derived from yellowfin tuna harvested by Vanuatu-flag purse seine vessels operating in the ETP may be imported into the United States through December 31, 1994.

At this time, primary embargoes banning the importation of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by purse seine vessels of Mexico, Colombia, Venezuela, and Panama remain in effect. In addition, intermediary nation embargoes banning the importation of all yellowfin tuna and yellowfin tuna products from Costa Rica, Italy, and Japan remain in effect. Questions regarding these primary and secondary embargoes should be directed to the Director, Southwest Region, NMFS (See ADDRESSES).

Dated: March 23, 1994.

Nancy Foster,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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50 CFR Part 651

[Docket No. 931243-3343; I.D. 032594B]

Northeast Multispecies Fishery

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

ACTION: Emergency interim rule, extension of effective dates.

SUMMARY: An emergency interim rule in effect through April 2, 1994, to protect overfished stocks of haddock is extended from April 3, 1994, through June 30, 1994, because conditions warranting the emergency still exist. The Secretary of Commerce (Secretary) extends the 500-lb (226.8-kg) possession limit of haddock for all vessels permitted under the regulations governing the Northeast Multispecies Fishery and for all vessels in possession of haddock from or in the exclusive economic zone (EEZ), except for scallop dredge vessels, which are prohibited from possessing or landing haddock; and the closure of the area known as Closed Area II. Extension of other measures contained in the emergency rule is not necessary, since these were permanently implemented on March 1, 1994, under Amendment 5 to the Northeast Multispecies Fishery Management Plan (FMP). The intended effect of this rule is to provide protection to depleted haddock and cod stocks.

EFFECTIVE DATE: Section 651.9 paragraphs (a) (11) and (12); (e) (33) and (34); and § 651.27(b), as published on March 1, 1994 (59 FR 9872), remain effective from April 3, 1994, through June 30, 1994. Section 651.21(b)(3)(i) is temporarily suspended and § 651.21(b)(6) is temporarily added, effective April 3, 1994, through June 30, 1994.

ADDRESSES: Copies of the Environmental Assessment (EA) supporting this action may be obtained from Richard B. Roe, Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. **FOR FURTHER INFORMATION CONTACT:** Susan A. Murphy, Fishery Policy Analyst, Northeast Region, NMFS, 508-281-9252.

SUPPLEMENTARY INFORMATION: Under section 305(c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary promulgated an emergency interim rule (59 FR 26, January 3, 1994) that implemented cod and haddock protective measures for the Northeast multispecies fishery for the period January 3, 1994, through April 2, 1994. The emergency interim rule implemented: (1) A 500-lb (226.8-kg) possession limit of haddock for all vessels permitted under 50 CFR 651.4 and for all vessels in possession of haddock from or in the EEZ, except scallop dredge vessels, which are prohibited from possessing or landing haddock; (2) an early closure of the area known as Closed Area II, except for lobster pot vessels and scallop dredge vessels; (3) an expansion of Closed Area II by 20 minutes longitude to the west and 15 minutes latitude to the south, along its existing western and southern boundaries, intersecting with the Regulated Mesh Boundary line; (4) a suspension of the closure of the area known as Closed Area I, except for vessels using sink gillnet gear; (5) a prohibition on transfer of fish at sea; and (6) a bar on pair trawling in the multispecies fishery. With the agreement of the New England Fishery Management Council, the Secretary extends the emergency interim rule under provisions of section 305(c)(3)(B) of the Magnuson Act because conditions warranting this emergency still exist. The 500-lb (226.8-kg) haddock possession limit, except for scallop dredge vessels, which are prohibited from possessing or landing haddock, and the closure of Closed Area II, are extended from April 3, 1994, through June 30, 1994.

With the implementation of Amendment 5 to the FMP on March 1, 1994 (59 FR 9872), five of the measures contained in the emergency interim rule published January 3, 1994 (59 FR 26), were permanently added to 50 CFR part 651, and are therefore not included in this extension. These measures are: (1) The expansion of Closed Area II; (2) the closure of Area II from February through May in 1994 and 1995, and from January through June in 1996 and after; (3) the suspension of the closure of the area known as Closed Area I, except for vessels using sink gillnet gear; (4) a prohibition on transfer of fish at sea; and (5) a bar on pair trawling in the multispecies fishery.

This action is not subject to review under E.O. 12866.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 29, 1994.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.21, paragraph (b)(6) is temporarily added and paragraph (b)(3)(i) is temporarily suspended, effective April 3, 1994, through June 30, 1994, to read as follows:

§ 651.21 Closed areas.

* * * * *

(b) * * *

(6) Duration. No fishing vessel or person on a fishing vessel may fish or be in Closed Area II during the months of February through June.

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50 CFR Part 651

[Docket No. 931076-4094; I.D. 032894H]

Northeast Multispecies Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to delay for 30 days the effective date for implementation of the 6-inch (15.24-cm) minimum mesh size requirement for the Gulf of Maine/Georges Bank (GOM/GB) regulated mesh area and the Stellwagen Bank/Jeffreys Ledge (SB/JL) juvenile protection area as established under Amendment 5 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP) and its implementing regulations. Participants fishing in these areas in this fishery may continue to fish with 5½-inch (13.97-cm) mesh through April 30, 1994. The minimum mesh-size requirement for the GOM/GB and SB/JL areas will become 6 inches (15.24 cm) beginning May 1, 1994. The intent of this delay in effective date is to allow additional time

for fishermen to obtain nets with the required mesh size which are presently in short supply in the fishery.

EFFECTIVE DATE: April 1, 1994.

FOR FURTHER INFORMATION CONTACT:

Susan A. Murphy, Fishery Policy Analyst, NMFS, 508-281-9252.

SUPPLEMENTARY INFORMATION:

Background

Amendment 5 to the FMP was prepared by the New England Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) (Magnuson Act) and approved by NMFS. Regulations implementing Amendment 5 were published March 1, 1994 (59 FR 9872), and corrected on March 7, 1994 (59 FR 10588). In addition to other management measures, the regulations implemented a 6-inch (15.24-cm) minimum mesh size requirement in the GOM/GB regulated mesh area and the SB/JL juvenile protection area effective April 1, 1994.

The fishing industry has reported that local New England mesh suppliers do not have adequate supplies of 6-inch (15.24-cm) mesh available. In order to allow time for adequate supply quantities to become available and for all in the fishery to procure conforming nets, this rule delays the effective date of the 6-inch (15.24-cm) mesh requirement for 30 days. Beginning May 1, 1994, all multispecies permit holders must comply with the 6-inch (15.24-cm) minimum mesh-size requirement in the GOM/GB and SB/JL areas.

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

This rule makes a permanent change in the regulations at § 651.20(a)(2) and (a)(5) to incorporate language specifying that the 6-inch (15.24-cm) minimum mesh-size requirement is not effective until May 1, 1994, under the emergency authority of section 305(c)(3)(B) of the Magnuson Act. Although section 305(c)(3)(B) stipulates that emergency regulations may not remain in effect for more than two 90-day periods after publication in the Federal Register, the permanent change in the regulatory language which is needed for clarity and for the convenience of the public, will have regulatory effect on the public only from April 1 through April 30, 1994, which is well within the limitation on emergency rule effectiveness of the Magnuson Act.

List of Subjects in 50 CFR Part 651

Fisheries and Fishing.

Dated: March 29, 1994.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.20, paragraphs (a)(2) and (a)(5) are revised to read as follows:

§ 651.20 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(a) * * *

(2) Mesh-size restrictions. Except as provided in paragraphs (a)(3) through (5), (e), and (f) of this section, the minimum mesh size for any trawl net, sink gillnet, Scottish seine, or midwater trawl, on a vessel, or used by a vessel fishing in the GOM/GB regulated mesh area, shall be 5½ inches (13.97 cm) from March 1 through April 30, 1994, and beginning May 1, 1994, 6 inches (15.24 cm) diamond or square mesh throughout the entire net. This restriction does not apply to nets or pieces of nets smaller than 3 ft (0.9 m) × 3 ft (0.9 m), (9 sq. ft (0.81 m²)), or to vessels not holding a Federal multispecies permit under this part and that are fishing exclusively in state waters.

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(5) Stellwagen Bank/Jeffreys Ledge (SB/JL) juvenile protection area. During the period March 1, through April 30, 1994, the minimum mesh size for nets in the following area shall be 5 and ½ inches (13.97 cm) in all sink gillnets and 5 and ½ inches (15.24 cm) square mesh in the last 140 bars of the codend and extension piece of all mobile net gear. During the period May 1, through July 31, 1994, and March 1 through July 31 for each subsequent year, the minimum mesh size for nets in the following area shall be 6 inches (15.24 cm) in all sink gillnets and 6 inches (15.24 cm) square mesh in the last 140 bars of the codend and extension piece of all mobile net gear.

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[FR Doc. 94-7956 Filed 3-30-94; 11:53 am] BILLING CODE 3510-22-P