

TABLE 5.—SUMMARY OF TRAINING PROGRAM ADEQUACY SCORES BY DOMAIN

	Heavy trucks		Motor-coaches	School buses
	School programs	Company programs	Company programs	Company programs
Sample size	41	24	28	30
Mean overall adequacy score (OAS)	-7.2	20.6	-16.6	2.3
Percent adequate (i.e., OAS zero or above)	22.0	39.1	29.6	33.3

TABLE 6.—SUMMARY OF INDUSTRY IMPACT QUESTIONS BY DOMAIN

Industry impact questions ¹	Response index values ² by domain		
	Heavy trucks	Motorcoaches	School buses
Condition of motor carriers:			
Present condition, as compared with five years ago [Range: Much worse off (-2) to much better (2)]	-0.47	0.00	-0.08
Effect of mandated training [Range: Hurt (-1) to Help (1)]	-0.03	0.15	0.08
Condition of drivers:			
Present condition, as compared with five years ago [Range: Much worse off (-2) to much better (2)]	-0.13	0.19	0.61
Effect of mandated training [Range: Hurt (-1) to help (1)]	-0.33	0.65	0.45
Driver turnover as a problem:			
Degree of seriousness [Range: No problem (0) to serious problem (-3)]	-1.99	-1.73	-1.93
Effect of mandated training [Range: greatly increase turnover (-2) to greatly reduce turnover (2)]	0.21	0.35	-0.04
Driver shortage as a problem:			
Degree of seriousness [Range: No problem (0) to serious problem (-3)]	-1.59	-1.56	-1.89
Effect of mandated training [Range: greatly increase shortage (-2) to greatly reduce shortage (2)]	-0.14	0.19	-0.30

¹ The actual phrasing of these questions, as they appeared in the Industry Surveys, are presented in Volume III, Sections 3, 4, and 5.

² See the Volume III, Section 7 for a description of how the Response Index values were calculated.

[FR Doc. 96-10206 Filed 4-24-96; 8:45 am]
BILLING CODE 4910-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 960416112-6112-01; I.D. 030896D]

RIN 0648-A129

Atlantic Tuna Fisheries; Annual Quotas and Effort Controls

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to amend the regulations governing the Atlantic tuna fisheries to: Set Atlantic bluefin tuna (ABT) fishing category quotas for the 1996 fishing year, revise allocations to monthly quota periods and establish the effort control schedule in the ABT General category, allow the partial

transfer of quotas among Purse Seine category permit holders and amend landing requirements, and increase minimum sizes for Atlantic yellowfin and bigeye tunas. The proposed regulatory amendments are necessary to implement the 1994 recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding fishing quotas for bluefin tuna, as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives. NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding these proposed amendments.

DATES: Comments are invited and must be received on or before May 28, 1996. See **SUPPLEMENTARY INFORMATION** for dates, times, and locations of public hearings.

ADDRESSES: Comments on the proposed rule should be sent to, and copies of supporting documents, including a Draft Environmental Assessment-Regulatory Impact Review (EA/RIR), are available from, William Hogarth, Acting Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM),

NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282.

FOR FURTHER INFORMATION CONTACT: William Hogarth, 301-713-2339.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under regulations at 50 CFR part 285 issued under the authority of ATCA. ATCA authorizes the Secretary of Commerce (Secretary) to implement regulations as may be necessary to carry out the recommendations of ICCAT. The authority to implement ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Based on a revised stock assessment, parties at the 1994 meeting of ICCAT adopted a recommendation to increase the annual scientific monitoring quota of ABT in the western Atlantic Ocean from 1,995 metric tons (mt) to 2,200 mt. The share allocated to the United States was set at 1,311 mt, with the provision that unused quota from 1995 be carried over or overharvest be subtracted from the 1996 total. This proposed rule would implement that quota recommendation, accounting for overharvest and underharvest in each

regulatory category as well as inseason transfers between certain categories.

In addition to the proposed quota allocations, NMFS proposes changes to operations of the ABT General and Purse Seine permit categories. Changes to regulations pertaining to the General category would serve to lengthen the fishing season and facilitate enforcement by revising the percentages of total allowable catch apportioned into monthly quotas and by changing restricted fishing days from Sunday, Monday and Wednesday to Sunday, Monday and Tuesday. Changes to regulations pertaining to the Purse Seine category would allow Purse Seine permit holders to transfer a portion of their annual allocation to other Purse Seine permit holders; these permit holders are already authorized to transfer the total annual allocation among themselves. Also, it is proposed that purse seine operators be allowed to land dressed ABT.

Finally, NMFS proposes to increase yellowfin and bigeye tuna minimum size limits from 22 inches (56 cm) to 27 inches (69 cm) according to the curved measurement method, to prevent ABT between 22 inches (56 cm) and 27 inches (69 cm) from being inadvertently retained. Increased catch of ABT below the minimum size of 27 inches (69 cm) has been attributed to misidentification of small tunas. NMFS has determined that these requirements would bring the United States into compliance with the 1994 ICCAT recommendations pertaining to management of ABT and would improve economic returns to fishery participants.

Fishing Category Quotas

In the 1992 final rule (57 FR 32905, July 24, 1992), NMFS established quotas for the various commercial and recreational categories in the ABT fishery, based upon the historical share of catch in each of these categories during the period 1983 through 1991. These quotas were used in 1992, 1993 and 1994, with overharvests and underharvests added and subtracted where appropriate (as required by ICCAT) and with some inseason transfers.

The total 1996 quota allocated by ICCAT to the United States is 1,311 mt, to be used for scientific monitoring purposes. Proposed fishing category allocations for 1996 (see Table) were determined using the following procedure:

Step 1. Determine the difference between the 1995 quotas (adjusted for within year transfers among categories) and the 1995 landings for each fishing category, subcategory and total.

Step 2. Subtract or add the differences obtained from Step 1 to the quotas set in 1992 (base quotas) for the total fishery, each category, and subcategory (except for the Purse Seine category for which the base quota of 301 mt was reduced to 250 mt in 1995, and the Incidental category from which 3 mt were transferred in 1995 to allow for an Angling "trophy" fish category).

Step 3. Adjust, as inseason actions, the results from Step 2 for the 1996 quotas by: (1) Transferring 10 mt from the Reserve to the General category to ensure that the October fishery in the New York Bight occurs; (2) transferring 43 mt from the Incidental category to the Reserve to ensure that the total U.S.

quota is not exceeded; and (3) transferring 95 mt from the Reserve to Angling to increase the likelihood that the Angling category remains open throughout most of the year.

Thus, the proposed ABT fishing category quotas for the 1996 fishing year are as follows: General category—541 mt; Harpoon Boat category—53 mt; Purse Seine category—251 mt; Angling category—243 mt; Incidental category—110 mt; Reserve—108 mt.

The proposed transfer of 95 mt to the Angling category large school-small medium quota in part accounts for the net overharvest of 74 mt in 1994–95 for all size classes. An additional 21 mt are added to the Angling category quota to account for landings of large school-small medium ABT observed in the North Carolina fishery during January through March 1996. This additional 95 mt would allow NMFS to reopen the large school-small medium segment of the ABT Angling category previously closed (61 FR 11336, March 20, 1996) and allow adjustment to the Angling Category daily catch limit previously restricted to one ABT per vessel per day (61 FR 8223, March 4, 1996).

These transfers from the Reserve are authorized under § 285.22(i), given the high likelihood, based on historical catch rates and effort levels, that landings in the General and Angling categories will fully meet their quotas. Participation in the General and Angling categories has increased in recent years and has resulted in early closures for these categories. In addition, the General and Angling categories currently provide the most useful fishery-dependent scientific data for stock assessment purposes.

PROPOSED ABT QUOTAS BY FISHING CATEGORY

	1995 quota	Inseason transfers to quota	Net 1995 quota	1995 land- ings	1995 over- age/(un- derage)	1992 base quota	Quota for 1996 net of over/under	Adjust- ments to quotas	Proposed 1996 quota
General	438	^a +120	558	558	0	531	531	+10	541
Harpoon	47	^b +10	57	57	0	53	53	0	53
Incidental	125	^c -10	115	72	(43)	110	153	-43	110
Other	2	.....	2	1	(1)	1	2	-1	1
Longline	123	-10	113	71	(42)	109	151	-42	109
North	23	+15	38	31	(7)	23	30	-7	23
South	100	-25	75	40	(35)	86	121	-35	86
Purse Seine	250	0	250	249	(1)	^e 250	251	0	251
Angling	^d 330	0	330	404	74	222	148	^f 95	243
School	248	0	148	109	(39)	99	138	0	138
North	78	0	78	.....	.....	53	73	0	73
South	70	0	70	.....	.....	47	65	0	65
Lrg school/small med	178	0	178	293	115	120	5	+95	100
Trophy	4	0	4	2	(2)	3	5	0	5
Reserve	145	-120	25	0	(25)	145	170	^g -62	108
Total	1,335	0	1,335	1,340	5	1,311	1,306	0	1,306

^a General category received a transfer of 110 mt from the Reserve and 10 mt from the Incidental longline South.

^b Harpoon category received a transfer of 10 mt from the Reserve.

^c Incidental category provided 10 mt to the General category; also, 15 mt were transferred from longline south to longline north.

^d Angling category quotas for 1995 are expressed as what they would have been if the Large Pelagic Survey final results had been available.

^e The 1992 base quota of 301 mt was reduced to 250 mt in 1995.

^f The 95 mt transferred from the Reserve to the Angling category represents the overage due to the delay of the Large Pelagic Survey (74 mt) plus the 21 mt of landings already observed in January and February 1996 in North Carolina.

^g The net Reserve is equal to: 170 mt – 10 mt (to General) – 95 mt (to Angling) + 43 mt (from Longline) = 108 mt.

General Category Effort Controls

In the 1995 fishery, NMFS implemented time period subquotas for the ABT General category to increase the likelihood that fishing would continue throughout most of the year for scientific monitoring purposes. These subquotas also addressed concerns regarding allocation of fishing opportunities, allowed for a late season fishery, and improved marketing conditions. Due to delayed effectiveness of the 1995 rule changes, and the unexpected increase in recreational landings at the end of the season, these monthly subquotas were not fully implemented.

NMFS proposes to adjust the time period subquotas of the General category quota in 1996. Based upon historical catch and recent trends in catch rates and fishing effort, the General category quota is proposed to be distributed as follows: 25 percent in June-July; 35 percent in August; 30 percent in September; and 10 percent in October-December. These percentages would be applied only to the base quota of 531 mt, with the remaining 10 mt being reserved for the New York Bight fishery in October. Thus, of the 531 mt total, 133 mt would be available in the period beginning June 1 and ending July 31; 186 mt would be available in the period beginning August 1 and ending August 31; 159 mt would be available in the period beginning September 1 and ending September 30; and 63 mt (53 mt based on 10 percent, plus 10 mt New York Bight fishery) would be available in the period beginning October 1 and ending December 31.

Attainment of quota in any period would result in a closure until the subsequent period, whereupon any underharvest or overharvest would be carried over to the subsequent period to adjust the base quota for that period. Inseason closures would be filed at the Office of the Federal Register, stating the effective date of closure, and announced through local media and over NOAA weather radio.

This proposed rule would change allowable fishing days for vessels permitted in the ABT General category. In 1995, daily closures (Sunday, Monday, and Wednesday) were implemented to lengthen the fishing season. This rule proposes to remove Wednesday as a restricted fishing day and include Tuesday as a restricted

fishing day. Having three consecutive days closed would increase the likelihood of accomplishing the objective of temporarily extending the fishing season by facilitating enforcement of the daily closures. Economic conditions for vessel crew members who fish part time and/or must travel between home and fishing ports would also be improved.

NMFS is proposing to maintain Sunday closures, with the exception of certain holiday weekends, during the effective period of effort controls. It is also proposed that the effective period of the effort controls be limited to mid-July through mid-September, corresponding to the historical period when catch rates are highest.

Thus, under this proposed rule, persons aboard vessels permitted in the General category or the Charterboat/Headboat category would not be allowed to fish for, catch, retain or land large medium or giant ABT on the designated restricted fishing days listed below. This management measure would serve to prevent overharvest of quota in any period and is tied, in part, to the "Sunday-Monday-Tuesday" principle, and to market closures in Japan (the major export market), to minimize potential negative economic consequences to U.S. fishermen. Some of the standard restricted fishing days would be eliminated according to market factors as well as holiday periods. The proposed effort controls would improve distribution of fishing opportunities without increasing ABT mortality.

NMFS proposes that, for 1996, scheduled days on which no large medium or giant ABT may be retained by persons aboard vessels permitted in the General category or Charter/Headboat category be: July 14, 15, 16, 21, 22, 23, 28, 29, and 30; August 4, 5, 6, 9, 10, 11, 12, 13, 18, 19, 20, 25, 26, and 27; and September 3, 8, 9, 10, 15.

Purse Seine Requirements

This rule proposes to implement, for the Purse Seine category alone, a more flexible method of allocation of the domestic U.S. quota for 1996, notably, a market-based allocation alternative. Current regulations allow for Purse Seine permit holders to transfer, in whole, their annual allocation of the Purse Seine category quota, or to permanently consolidate Purse Seine permits.

As proposed, individual purse seine allocations of bluefin tuna quota would be transferable, in whole or in part, to any other purse seine vessel permitted in the Atlantic tunas fisheries. Wholesale or partial transfers of allocation would require written notice to NMFS 3 days in advance of landing any bluefin tuna transferred from another purse seine vessel's annual allocation. Such notice would indicate the transfer date, amount (mt) transferred, and the permit numbers of vessels involved in the transfer.

In addition, it is proposed to allow purse seine vessel operators to land ABT in dressed, rather than round, form. This proposed amendment would extend to purse seine vessels the current ABT landing requirement applicable to all other vessels engaged in recreational or commercial fishing.

Minimum Size for Yellowfin and Bigeye Tuna

NMFS proposes to increase yellowfin and bigeye tuna minimum size limits to 27 inches (69 cm) according to the curved measurement method. Currently, the ICCAT recommendation on minimum sizes for these species is expressed as 3.2 kg (7 lb), which is equivalent to 22 inches (56 cm). Given the similarity in appearance of juvenile Atlantic tunas, especially bluefin and yellowfin, the 2-year catch of sublegal ABT in 1994 and 1995 comprised 28 percent of the total catch below 47 inches (119 cm). Because of the need to comply with the ICCAT ABT minimum size recommendation of 27 inches (69 cm), NMFS proposes uniform minimum sizes on ABT, yellowfin, and bigeye tuna. This measure should ensure compliance with the ICCAT recommendation on ABT minimum size by facilitating enforcement.

In 1995, NMFS received comment that the ICCAT recommendation on the minimum size for yellowfin tuna does not coincide with age of first spawning and that these fish should have the opportunity to spawn at least once. At the time, NMFS responded that more information is needed on the potential impact for both recreational and commercial sectors, especially the effect on discard rates for yellowfin tuna and an analysis of release mortality. NMFS continues to assess the costs and benefits of the increased minimum size and invites comment relative to management of yellowfin and bigeye

tuna. However, the proposed action is intended to protect juvenile ABT, for which a strict quota management program is already in place.

Request for Comments

Although NMFS is not currently proposing a change in the opening date of the General category fishing season, NMFS has received requests for division of the quota to allow for a General category fishery during the winter months when ABT are present in waters off North Carolina. Comments are sought regarding this issue. Also, NMFS has received numerous comments that the use of aircraft to locate tuna for General category vessels is working against the effort controls previously established. NMFS therefore requests specific comments on ways to mitigate this impact.

Also, under current regulations, a designated restricted fishing day may be waived, or the daily catch limit may be adjusted, if the AA determines that such effort control is impeding attainment of the monthly quota or needed to avert premature closure. However, NMFS has received comment that the 5-day advance notice of such waiver or catch limit adjustment should be reduced to make these adjustments more effective. NMFS, therefore, requests comment on a change to file such notices with the Office of the Federal Register a minimum of 3 calendar days in advance of the effective date.

In addition, NMFS has received two petitions for rulemaking regarding the Atlantic tuna fisheries. Petitioners have requested that NMFS list pair trawl as an authorized gear for tunas other than ABT. Other petitioners have requested that NMFS prohibit retention of ABT smaller than the large medium size class. NMFS requests comment on the merits and impacts of these proposed regulatory changes. Copies of the petitions are available from NMFS (see **ADDRESSES**).

Locations of Public Hearings

The public hearing schedule is as follows:

Monday, May 6, 1996, Silver Spring, MD, 2–5 p.m.

NOAA Building 3, Room 4527, 1315 East-West Highway, Silver Spring, MD 20910

Thursday, May 9, 1996, Boston, MA, 6–10 p.m.

John B. Hynes Veterans Memorial Convention Center, 900 Boylston Street, Boston, MA 02115

Friday, May 10, 1996, Madeira Beach, FL, 6–9 p.m.

City Hall, 300 Municipal Drive, Madeira Beach, FL 33708

Classification

This proposed rule is published under the authority of the ATCA, 16 U.S.C. 971 *et seq.* Preliminarily, the AA has determined that the regulations contained in this proposed rule are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic tuna fisheries.

NMFS prepared a draft EA for this proposed rule with a preliminary finding of no significant impact on the human environment. In addition, a draft RIR was prepared with a preliminary finding of no significant impact. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule would not have a significant economic impact on a substantial number of small entities. For most fishing categories, quotas are proposed at levels similar to prior years. Although the reduction in Incidental category quotas of 28 percent amounts to a significant impact on gross revenues for that sector, the number of vessel operators affected does not exceed 5 percent of the tuna fleet. Thus, an initial Regulatory Flexibility Analysis was not prepared.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

Notifications of purse seine allocation transfers are not subject to the Paperwork Reduction Act (PRA), because a maximum of five vessels could be subject to reporting under this requirement. Since it is impossible for ten or more respondents to be involved, the notifications are exempt from the PRA clearance requirement.

NMFS issued a biological opinion under the Endangered Species Act on July 5, 1989, indicating that the level of impact and marine mammal takes in the Atlantic tuna fisheries is not likely to jeopardize the continued existence of any sea turtle species or any marine mammal populations. It has been preliminarily determined that additional information on the Atlantic tuna fisheries collected since that time has not changed the conclusion of that consultation.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: April 19, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 285 is proposed to be amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. In § 285.22, paragraphs (a)(1), (a)(3), (b), (c), (d), (e), and the heading and first sentence of paragraph (f) are revised, to read as follows:

§ 285.22 Quotas.

* * * * *

(a) *General.* (1) The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the General category under § 285.21(b) is 541 mt, of which 133 mt are available in the period beginning June 1 and ending July 31; 186 mt are available in the period beginning August 1 and ending August 31; 159 mt are available in the period beginning September 1 and ending September 30; and 63 mt are available beginning October 1.

* * * * *

(3) When the October General category catch is projected to have reached a total of 10 mt less than the overall October quota, the Director will publish a notice in the Federal Register to set aside the remaining quota for an area comprising the waters south and west of a straight line originating at a point on the southern shore of Long Island at 71°51' W. long. (Montauk Point) and running SSE 150° true. The daily catch limit for the set-aside area will be one large medium or giant Atlantic bluefin tuna per vessel per day. Upon the effective date of the set-aside, fishing for, retaining, or landing large medium or giant Atlantic bluefin tuna must cease in all waters outside of the set-aside area.

(b) *Harpoon Boat.* The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed, or landed in the regulatory area by vessels permitted in the Harpoon Boat category under § 285.21(b) is 53 mt.

(c) *Purse Seine.* The total amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed, or landed in the regulatory area by vessels permitted in the Purse

Seine category under § 285.21(b) is 251 mt.

(d) *Angling*. The total annual amount of Atlantic bluefin tuna that may be caught, retained, possessed, or landed in the regulatory area by anglers is 243 mt. No more than 5 mt of this quota may be large medium or giant bluefin tuna quota. No more than 138 mt of this quota may be school Atlantic bluefin tuna. The quota for school Atlantic bluefin tuna is further subdivided as follows:

(1) 65 mt of school Atlantic bluefin tuna may be caught, retained, possessed, or landed south of 38°47' N. lat.

(2) 73 mt of school Atlantic bluefin tuna may be caught, retained, possessed, or landed north of 38°47' N. lat.

(e) *Incidental*. The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed, or landed in the regulatory area by vessels permitted in the Incidental Catch category under § 285.21(b) is 110 mt. This quota is further subdivided as follows:

(1) 109 mt for longline vessels. No more than 86 mt may be caught, retained, possessed, or landed in the area south of 34°00' N. lat.

(2) For vessels fishing under § 285.23 (a) and (b), 1 mt may be caught, retained, possessed, or landed in the regulatory area.

(f) *Inseason adjustment amount*. The total amount of Atlantic bluefin tuna that will be held in reserve for inseason adjustments is 108 mt. * * *

* * *

3. In § 285.24, paragraph (a)(1) and the first sentence of paragraph (a)(2) are revised to read as follows:

§ 285.24 Catch limits.

(a) *General category*. (1) From the start of each fishing year, except on designated restricted fishing days, only one large medium or giant Atlantic bluefin tuna may be caught and landed

per day from a vessel for which a General category permit has been issued under § 285.21. On designated restricted fishing days, persons aboard such vessels may not possess, retain or land any large medium or giant Atlantic bluefin tuna. For calendar year 1996, designated restricted fishing days are: July 14, 15, 16, 21, 22, 23, 28, 29, and 30; August 4, 5, 6, 9, 10, 11, 12, 13, 18, 19, 20, 25, 26, and 27; and September 3, 8, 9, 10, and 15.

(2) The Assistant Administrator may increase or reduce the catch limit over a range from zero (restricted fishing days) to a maximum of three large medium or giant Atlantic bluefin tuna per day per vessel based on a review of dealer reports, daily landing trends, availability of the species on the fishing grounds, and any other relevant factors, to provide for maximum utilization of the quota. * * *

* * *

4. In § 285.25, the last sentence of paragraph (c), and paragraph (d)(2) are revised to read as follows:

§ 285.25 Purse seine vessel requirements.

* * *

(c) *Inspection*. * * * Purse seine vessel owners must have each large medium and giant bluefin tuna in their catch weighed, measured, and the information recorded on the landing card required under § 285.28(a) at the time of offloading and prior to transporting said tuna from the area of offloading.

(d) *Vessel allocations*. * * *

(2) The Regional Director will review applications for allocations of Atlantic bluefin tuna on or about May 1, and will make equal allocations of the available size classes of Atlantic bluefin tuna among vessel owners so requesting. Such allocations are freely transferable, in whole or in part, among purse seine vessel permit holders. Any purse seine vessel permit holder intending to land

bluefin tuna under an allocation transferred from another purse seine vessel permit holder must provide written notice of such intent to the Regional Director 3 days before landing any such bluefin tuna. Such notification must include the transfer date, amount (mt) transferred, and the permit numbers of vessels involved in the transfer. Trip or seasonal catch limits otherwise applicable under § 285.24(c) are not altered by transfers of bluefin tuna allocation. Purse seine vessel permit holders who, through landing and/or transfer, have no remaining bluefin tuna allocation may not use their permitted vessels in any fishery in which Atlantic bluefin tuna might be caught.

* * *

5. In § 285.31, paragraph (a)(4) is revised to read as follows:

§ 285.31 Prohibitions.

(a) * * *

(4) Fish for, catch, or possess or retain Atlantic bluefin tuna in excess of the catch limits specified in § 285.24, or to possess or retain large medium or giant ABT on designated restricted fishing days, except that fish may be caught and released under the provisions of § 285.27.

* * *

6. In § 285.52, paragraph (a) is revised to read as follows:

§ 285.52 Size limits.

(a) Fishing for, catching, retention, or possession of Atlantic yellowfin and bigeye tunas in the regulatory area by persons aboard fishing vessels subject to the jurisdiction of the United States is authorized only for yellowfin or bigeye tuna measuring 27 inches (69 cm) or more in total curved fork length.

* * *

[FR Doc. 96-10247 Filed 4-22-96; 4:21 pm]

BILLING CODE 3510-22-P