

Label Outline, Vertical and Horizontal Line Black

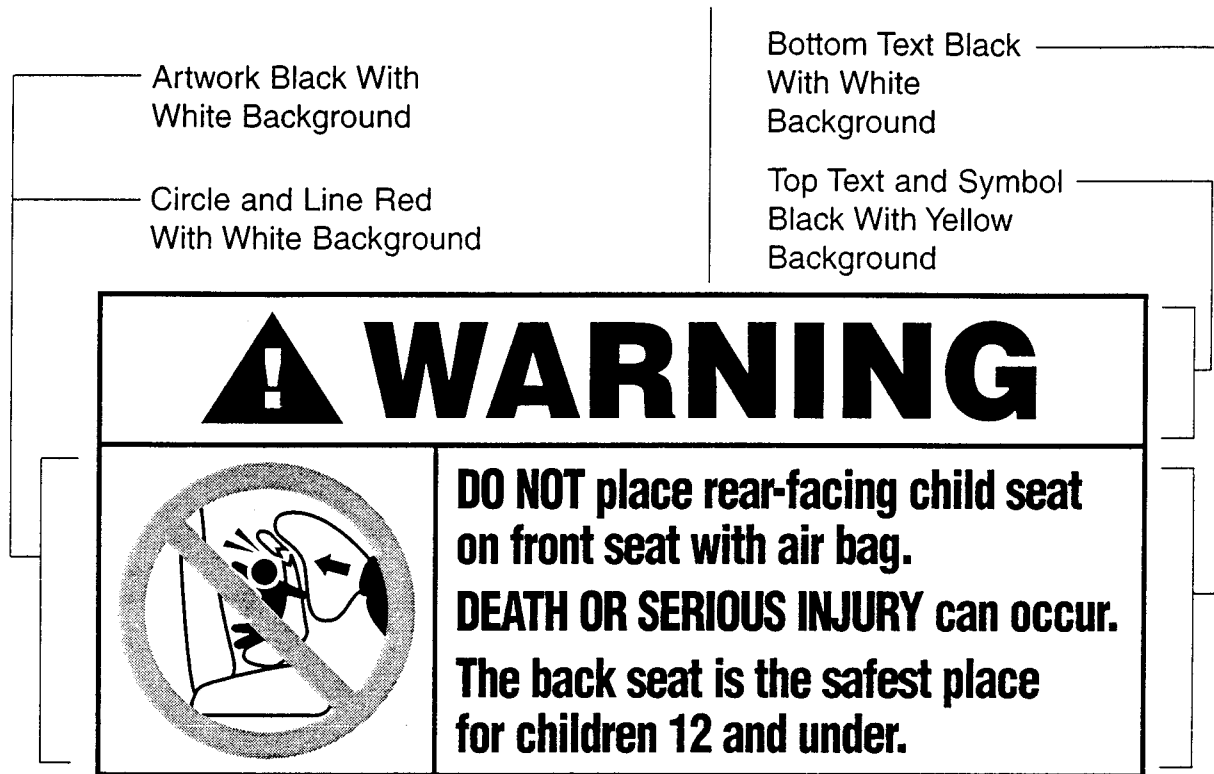


Figure 10. Label on Child Seat Where Child's Head Rests.

Issued on November 22, 1996.

Ricardo Martinez,
Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 111996A]

Atlantic Tuna Fisheries; Fishery Closure

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

ACTION: Quota transfer; closure.

SUMMARY: NMFS has projected that the Atlantic bluefin tuna (ABT) Incidental category quota, as previously adjusted, will be attained shortly. Therefore, NMFS further adjusts the quota for the Incidental category by transferring 20 metric tons (mt) from the General

category. Consequently, the General category fishery will be closed effective at 11:30 p.m. on November 26, 1996. This action is being taken to prevent overharvest of the total U.S. ABT quota.

EFFECTIVE DATES: The quota adjustment for the Incidental category is effective November 22, 1996 until December 31, 1996. The General category closure is effective 11:30 p.m. local time on November 26, 1996, until June 1, 1997.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the

catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

Incidental Category Transfer

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 110 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the Incidental category quota during calendar year 1996. Inseason actions decreased the quota to 69 mt (61 FR 48640, September 16, 1996; 61 FR 53677, October 15, 1996). In making such inseason reallocations, NMFS is required under the regulations to consider the following factors:

- (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock;
- (2) The catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made;
- (3) The projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin

tuna before the anticipated end of the fishing season; and

(4) The estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

The inseason transfers from the Incidental category were made to extend scientific data collection on certain size classes of ABT while preventing overharvest of the adjusted subquotas for the General and Angling fishing categories. Subsequent to those adjustments, fishery conditions have changed relative to catch and effort. ABT have largely migrated south and hook-and-line catch has essentially ceased in the traditional fall fishing areas of southern New England and the New York Bight. Conversely, current fishery conditions are likely to result in increased catch by longline vessels operating in the mid-Atlantic region, around Cape Hatteras, and in the Gulf of Mexico.

In November and December 1995, the Atlantic swordfish fishery was closed due to attainment of the directed fishery quota (60 FR 46775, September 8, 1995). In response to the economic hardship precipitated by this protracted closure during a prime market season, NMFS adjusted the swordfish fishing year to start the semiannual quota periods on June 1 and December 1 each year (61 FR 27304, May 31, 1996). Thus, longline fishing effort is likely to increase in December 1996 relative to this same period in recent years. Currently, less than 7 mt of ABT remain in the Incidental longline category while approximately 22 mt of ABT remain in

the General category. Given the low probability of additional hook-and-line catch in traditional fishing areas and the likelihood of increased ABT interaction rates with longline gear, it is necessary to transfer ABT to the Incidental category.

A transfer of 20 mt, 10 mt each to the northern and southern longline subcategories, meets the criteria for inseason transfers as specified in the regulations. After extended reopenings, the hook-and-line categories likely will not take the remaining quota. Without a transfer, unavoidable bycatch by longliners will result in unnecessary discard waste and loss of scientific information on the distribution of ABT during the southerly migration.

General Category Closure

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 541 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1996. Inseason actions increased the quota to 593 mt (61 FR 50765, September 27, 1996; 61 FR 53677, October 15, 1996). This current transfer of 20 mt to the Incidental category leaves approximately 2 mt of ABT in the General category allocation.

Based on reported catch and effort, NMFS projects that the revised General category quota will be reached shortly. Therefore, fishing for, retaining, possessing, or landing large medium or giant ABT under the General category quota must cease at 11:30 p.m. local time November 26, 1996.

This closure affects all areas including the New York Bight set-aside. Although established in October (61 FR 50765, September 27, 1996), the New York Bight set-aside was no longer necessary when subsequent quota transfers led to the reopening of the General category fishery in all areas. In recent weeks, the bluefin tuna have moved to the south and catch rates are increasing in North Carolina, while no bluefin landings have been reported from the New York/New Jersey area since November 4, 1996. Given the likelihood of increased catch rates as the bluefin concentrate in the coastal waters off North Carolina, the fishery must be closed to prevent the remaining General category quota from being exceeded.

The General category closure is effective in all areas of the Atlantic ocean. However, anglers may continue to fish for ABT 27 inches (69 cm) or greater under the NMFS tag and release program (50 CFR 285.27). This closure does not affect the Incidental category, which will remain open until the adjusted quota is reached.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

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

Dated: November 22, 1996.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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