

submitted under this section be in writing or electronic form, or the carrier may permit oral requests.

§ 1305.3 Response to request for establishment of a new rate.

Where a shipper or a prospective shipper, or a person acting on behalf of a shipper or a prospective shipper, requests that the carrier establish a rate in the absence of an existing rate for particular transportation, the carrier must promptly establish and provide to the requester a rate and applicable service terms. The information may be provided either in writing or in electronic form, as agreed to by the parties. If the parties cannot agree, such information is to be provided in electronic form where both parties have the requisite capabilities; otherwise, it is to be provided in writing. The response should be provided as soon as reasonably possible, but no later than 10 business days from receipt of the request. If a carrier determines that additional information is required from the requester before a rate or term can be established, the carrier must so notify the requester as soon as possible, but no later than 10 business days after receipt of the request. Once the additional information is received, the carrier must set the rate and related service terms, and relay them to the requester, as soon as possible, but no later than 10 business days. The time period for response set forth in this section will not apply when the parties agree to a different time period. A pipeline carrier may, at its option, require that requests submitted under this section be in writing or electronic form, or the carrier may permit oral requests.

§ 1305.4 Notice requirement.

(a) A pipeline carrier may not increase any rates or charges, or change any service terms (except for changes that are equivalent to rate reductions) unless 20 days have expired after written or electronic notice has been provided to all persons who, within the previous 12 months:

(1) Have requested, under § 1305.2 or § 1305.3, the affected rates or service terms; or

(2) Have made arrangements with the carrier for a shipment that would be subject to the increased rates or changed service terms.

(b) The notice required by this section may be provided either in writing or in electronic form, as agreed to by the parties. If the parties cannot agree, the information is to be provided in electronic form where both parties have the requisite capabilities; otherwise, it is to be provided in writing.

(c) For purposes of this section, a mailed notice is deemed "provided" on the date such notice is postmarked.

(d) The notice required by this section must clearly identify the increase in rates or charges or the change in service terms.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 062896B]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fisheries

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

ACTION: Additions and modifications to fishery exemptions.

SUMMARY: NMFS issues this notification to authorize new fishery exemptions and to modify an existing exemption under the regulations implementing the Northeast Multispecies Fishery Management Plan (FMP). This notification advises the public of three additional exempted fisheries to be conducted in the Gulf of Maine/Georges Bank (GOM/GB) and Southern New England (SNE) regulated mesh areas, adds restrictions to an existing exempted fishery, and adds two species to the list of allowed bycatch species in the Cultivator Shoal whiting exemption program. The intent of this notification is to maximize fishing opportunities in a manner that is consistent with the conservation objectives of the FMP.

EFFECTIVE DATE: The GOM/GB monkfish exempted fishery is effective from July 1, 1996, through September 14, 1996. The GOM/GB dogfish exempted fishery is effective from July 1, 1996, through August 31, 1996. The SNE monkfish exempted fishery is effective from July 1, 1996, through October 31, 1996. The SNE dogfish exempted fishery modifications are effective from July 29, 1996 through October 31, 1996. The Cultivator Shoals whiting exemption program bycatch modification is effective from July 1, 1996, through December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, 508-281-9252.

SUPPLEMENTARY INFORMATION:

Regulations implementing Amendment 7 to the FMP are effective on July 1, 1996 (61 FR 27710, May 31, 1996). These regulations implement a comprehensive set of measures to control fishing mortality and rebuild the primary stocks of regulated multispecies. Among the specific measures is a bycatch control measure that prohibits prosecution of any fishery that has not been determined to have a minimal bycatch of regulated multispecies.

The bycatch control restriction is applied on a fishery basis in each of two specific geographical areas, referred to as regulated mesh areas: GOM/GB and SNE. A vessel may not fish in these areas unless it is fishing lawfully in the multispecies fishery, under a scallop days-at-sea allocation, with exempted gear, or in an exempted fishery. A list of the exempted fisheries that have been previously determined to meet the bycatch criteria and that may currently be conducted in each area appears in § 648.80.

Additions or deletions to the list of exempted fisheries may be authorized by the Director, Northeast Region, NMFS (Regional Director), if he/she determines that the bycatch of regulated species is, or can be reduced to, less than 5 percent by weight of the total catch and that such exemption will not jeopardize fishing mortality objectives (§ 648.80(a)(7), (c)(5), and (d)(4)). The Regional Director is also authorized to impose specific gear and area limitations to exempted fisheries. Proposals for exemptions were submitted by members of the fishing industry and have been examined by the NMFS Northeast Fisheries Science Center. The proposals were to allow a sink gillnet fishery for monkfish and dogfish and to allow squid (two species) to be retained as bycatch in the Cultivator Shoals whiting fishery within the GOM/GB area. Based on the data available, the Regional Director has determined that these fisheries meet the exemption criteria in specific areas during limited open seasons and under certain minimum mesh-size restrictions.

GOM/GB Monkfish Exempted Fishery

For the period July 1, 1996, through September 14, 1996, an exempted fishery for monkfish may be conducted by vessels using sink gillnet gear within a specific portion of the GOM/GB regulated mesh area. This is defined by connecting the following coordinates:

Latitude	Longitude
41°35' N.	70°00' W.
42°49.5' N.	70°00' W.

42°49.5' N. 69°40' W.
 43°12' N. 69°00' W.
 Maine shore-
 line 69°00' W.

Vessels fishing under this exemption are restricted to a minimum mesh size of 10 inches (25.4 cm)(diamond). No species other than monkfish, or lobsters in an amount not to exceed 10 percent by weight of the total catch on board or 200 lobsters (whichever is less), may be retained when fishing in this exempted fishery.

GOM/GB Dogfish Exempted Fishery

For the period July 1, 1996, through August 31, 1996, an exempted fishery for dogfish may also be conducted in the area defined above by vessels using sink gillnet gear with a minimum mesh size of 6.5 inches (16.5 cm)(diamond). No species other than dogfish, or lobsters in an amount not to exceed 10 percent by weight of the total catch on board or 200 lobsters (whichever is less), may be retained when fishing in this exemption program.

SNE Monkfish Exempted Fishery

For the period July 1, 1996, through October 31, 1996, an exempted fishery for monkfish may be conducted by vessels using sink gillnet gear within a specific portion of the SNE regulated mesh area. This is defined by a line running south from the Massachusetts shoreline at 41°35' N. lat. and 70°00' W. long. and bounded on the west by the Mid-Atlantic regulated mesh area. Vessels fishing under this exemption are restricted to a minimum mesh size of 12 inches (25.4 cm)(diamond). No species other than monkfish may be retained when fishing in this exempted fishery.

SNE Dogfish Exempted Fishery Modification

Analysis of the available data also revealed that an existing fishery exemption, allowing sink gillnets in the dogfish fishery to be used year-round in the SNE regulated mesh area, should be restricted by a season and a minimum mesh-size requirement to remain consistent with the bycatch control objective. NMFS observer data documents that several trips exceeded the bycatch limit during the months of November through April. Therefore, the Regional Director has determined that, during the months of November through April, this fishery should no longer be exempted; NMFS intends to address this through future rulemaking. To provide additional assurance against bycatch of regulated multispecies during the time period the fishery is exempted, effective from July 29, 1996 through October 31, 1996, a minimum mesh size of 6 inches

(15.24 cm)(diamond) must be used. Further, from July 1, 1996, through October 31, 1996, this fishery is restricted to the area described above for the SNE monkfish exempted fishery (i.e., the area defined by a line running south from the Massachusetts shoreline at 41°35' N. lat. and 70°00' W. long. and bounded on the west by the Mid-Atlantic regulated mesh area). The allowed bycatch species for this exemption are not changed.

Cultivator Shoals Whiting Exemption Program Bycatch

For the period July 1, 1996, through December 31, 1996, the bycatch of squid is to be allowed under the existing time, area, and mesh-size restrictions of the Cultivator Shoals whiting fishery exemption.

The Regional Director has informed the New England Fishery Management Council of the proposals to allow the sink gillnet fisheries for monkfish and dogfish in the GOM/GB area and to add squid to the list of allowable bycatch in the Cultivator Shoals whiting fishery during 1996. No objection was raised. The Regional Director has determined that the GOM/GB sink gillnet fisheries, as described above, and the previously exempted SNE sink gillnet fishery for dogfish, as temporarily modified by this action, meet the exemption qualification requirements specified in § 648.80(a)(7).

Fish that are caught, possessed, or landed in accordance with provisions of this action will be deemed by NMFS to be in accordance with 50 CFR 648.80.

Classification

This action is taken under 50 CFR 648.80 and is exempt from review under E.O. 12866.

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

Dated: June 28, 1996.

Richard H. Schaefer,
 Director, Office of Fisheries Conservation and
 Management, National Marine Fisheries
 Service.

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50 CFR Part 660

[Docket No. 951227306-5306-01 ; I.D.
 062696A]

Pacific Coast Groundfish Fishery; Trip Limit Reductions

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces further restrictions to the Pacific coast groundfish fisheries for Pacific ocean perch (POP) coastwide and Dover sole north of Cape Mendocino, CA (40°30' N. lat.). These actions are authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. These restrictions are intended to keep landings as close as possible to the 1996 harvest guidelines for these species.

DATES: Effective from 0001 hours (local time) July 1, 1996, until the effective date of the 1997 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the *Federal Register*. Comments will be accepted through July 22, 1996.

ADDRESSES: Submit comments to William Stelle, Jr., Director, Northwest Region (Director), National Marine Fisheries Service, 7600 Sand Point Way NE., BIN-C15700, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140; or Rodney McInnis at 310-980-4040.

SUPPLEMENTARY INFORMATION: The following changes to routine management measures for POP and Dover sole were recommended by the Pacific Fishery Management Council (Council) at its June 18-19, 1996, meeting in Seattle, WA.

POP. POP has been overfished and has been managed under a rebuilding schedule since 1981. The acceptable biological catch (ABC) is zero, and the harvest guideline is intended to provide only for incidental catch of POP taken while fishing for other species. The harvest guideline was reduced from 1,300 metric tons (mt) in 1995 to 750 mt on January 1, 1996, at which time a 2-month cumulative trip limit of 10,000 lb (4,536 kg) was implemented.

The best available information at the June 1996 Council meeting indicated that 315 mt of POP had been taken through May 31, 1996, and that the 750-mt harvest guideline would be reached by September 28, 1996, if the rate of landings is not slowed. The Council recommended that the 2-month cumulative limit for POP be reduced from 10,000 lb (4,536 kg) to 8,000 lb (3,629 kg) coastwide to keep landings within the harvest guideline in 1996.

Dover sole. Dover sole is one component of the Dover sole,