

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 951116270-530802; I.D. 102896C]

**Fisheries of the Northeastern United States; Summer Flounder Fishery**

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

**ACTION:** Commercial quota harvest.

**SUMMARY:** NMFS announces that the summer flounder commercial quota available to the Commonwealth of Virginia (Virginia) has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Virginia for the remainder of calendar year 1996, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notification to advise that the quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in that state.

**EFFECTIVE DATE:** October 31, 1996, through December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Regina Spallone, Fishery Policy Analyst, 508-281-9221.

**SUPPLEMENTARY INFORMATION:** Regulations governing the summer flounder fishery are found at 50 CFR part 648, subparts A and G. The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percentage allocated to each state is described in § 648.100. Amendment 7 to the Fishery Management Plan for the Summer Flounder Fishery (November 24, 1995, 60 FR 57955) revised the fishing mortality rate reduction schedule for summer flounder, and the revised schedule was the basis for establishing the 1996 quota. The total commercial quota for summer flounder for the 1996 calendar year was adopted to ensure achievement of the fishing mortality rate of 0.41 for 1996 and is set equal to 11,111,298 lb (5,040,000 kg) (January 4, 1996, 61 FR 291). The percentage allocated to vessels landing summer flounder in Virginia is 21.31676 percent or 2,368,569 lb (1,074,365 kg). On

March 13, 1996 (61 FR 10286), the State of North Carolina transferred 5,773 lb (2,619 kg) of summer flounder quota to Virginia. The resulting quota for Virginia was 2,374,342 lb (1,076,983 kg).

Section 648.100(d) provides that any overages of the commercial quota landed in any state be deducted from that state's annual quota for the following year. In calendar year 1995, a total of 3,355,838 lb (1,522,183 kg) were landed in Virginia. The amount allocated for Virginia landings in 1995 was 3,182,177 lb (1,443,411 kg), creating an overage of 173,661 lb (78,771 kg) that was deducted from the amount allocated for landings in that state during 1996 (April 5, 1996, 61 FR 15199). The resulting 1996 quota for Virginia is 2,200,681 lb (998,212 kg).

Section 648.101(b) requires the Regional Administrator, Northeast Region (Regional Administrator) to monitor state commercial quotas and to determine when a state commercial quota has been harvested. The Regional Administrator is further required to publish a notification in the Federal Register advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined that the 1996 summer flounder quota allocation for vessels landing in Virginia has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective October 31, 1996, through December 31, 1996, further landings of summer flounder in Virginia by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1996 calendar year, unless additional quota becomes available through a transfer and is announced in the Federal Register. Federally permitted dealers are also advised that effective on October 31, 1996, through December 31, 1996, they may not purchase summer flounder from federally permitted vessels that land in Virginia for the remainder of the calendar year, or until additional quota becomes available.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: October 30, 1996.

Gary C. Matlock,

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

[FR Doc. 96-28362 Filed 10-31-96; 10:28 am]

BILLING CODE 3510-22-F

**50 CFR Part 660**

[Docket No. 951227306-5306-01; I.D. 102996A]

**Fisheries Off West Coast States and in the Western Pacific; 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 fishery for yellowtail rockfish. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This restriction is intended to keep landings as close as possible to the 1996 harvest guideline for yellowtail rockfish.

**DATES:** Effective from 0001 hours (local time) November 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 November 20, 1996.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN-C15700, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Administrator, 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 yellowtail rockfish were recommended by the Pacific Fishery Management Council (Council), in consultation with the States of Washington, Oregon, and

California, at its October 22–25, 1996, meeting in San Francisco, CA.

Yellowtail rockfish is one component of the *Sebastes* complex and is managed with different harvest guidelines and trip limits north and south of Cape Lookout, OR (45°20'15" N. lat.). South of Cape Mendocino, CA (40°30' N. lat.) there is no specific harvest guideline or trip limit for yellowtail rockfish, other than the overall limit for the *Sebastes* complex. The northern harvest guideline for yellowtail rockfish (which includes the U.S. portion of the Vancouver area plus the Columbia area north of Cape Lookout) is 3,590 mt, and the southern harvest guideline (for the Columbia area south of Cape Lookout plus the Eureka area) is 2,580 mt.

In January 1996, the limited entry trip limit for the *Sebastes* complex was 70,000 lb (31,752 kg) cumulative per 2-month period north of Cape Lookout, and could include no more than 32,000 lb (14,515 kg) yellowtail rockfish and 18,000 lb (8,165 kg) canary rockfish (61 FR 279, January 4, 1996). On September 1, 1996 the 2-month cumulative trip limit for yellowtail rockfish was reduced to 20,000 lb (9,072 kg) (61 FR 47089, September 6, 1996). At the same time, the resumption of 1-month cumulative trip limits in November and December 1996 was announced for greater management flexibility. The change to 1-month cumulative trip limits also removed the provision that enabled 60 percent of the 2-month cumulative trip limit to be landed in one of the two months.

The best available information at the October 1996 Council meeting indicated that 2,808 mt of yellowtail rockfish had been taken north of Cape Lookout through September 30, 1996. If no action is taken, the 3,590-mt harvest guideline for this area would be reached by late October-early November 1996, and the harvest guideline would be exceeded by 5 percent by the end of the year. The Council recommended an immediate reduction in the cumulative trip limit for yellowtail rockfish north of Cape Lookout, from 20,000 lb (9,072 kg) cumulative per 2-month period to 6,000 lb (2,722 kg) cumulative per 1-month period starting November 1, 1996. The 1-month cumulative trip limits in November and December 1996 also apply to the *Sebastes* complex and

canary rockfish north of Cape Lookout and are the same as announced on September 6, 1996, at 61 FR 47089: 35,000 lb (15,876 kg) for the *Sebastes* complex, and 9,000 lb (4,082 kg) for canary rockfish. The 1-month cumulative trip limits for the *Sebastes* complex between Cape Lookout and Cape Mendocino, CA (40°30' N. lat.) also are the same as announced on September 6, 1996, at 61 FR 47089 for November and December 1996: 50,000 lb (22,680 kg) for the *Sebastes* complex, 35,000 lb (15,876 kg) for yellowtail rockfish, and 9,000 lb (4,082 kg) for canary rockfish.

#### NMFS Action

NMFS concurs with the Council's recommendation, which is intended to keep landings of yellowtail rockfish as close as possible to its 1996 harvest guideline. The trip limit changes apply to both the limited entry and open access fisheries, including exempt trawl gear used to harvest pink shrimp and prawns. In addition, as stated in the annual management measures at 61 FR 279 (January 4, 1996), "A vessel operating in the open access fishery must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery; or for the same gear and/or subarea in the limited entry fishery \* \* \*"

The annual management measures published at 61 FR 279, January 4, 1996, as amended, are modified as follows:

1. Paragraph IV.C.(2)(a)(i)(B) of the annual management measures for yellowtail rockfish and the *Sebastes* complex north of Cape Lookout is revised to read as follows:

IV. \* \* \*

C. \* \* \*

(2) \* \* \*

(a) \* \* \*

(i) \* \* \*

(B) *November-December 1996.* The cumulative trip limit for the *Sebastes* complex taken and retained north of Cape Lookout is 35,000 lb (15,876 kg) per vessel per 1-month period. Within this cumulative trip limit for the *Sebastes* complex, no more than 6,000 lb (2,722 kg) may be yellowtail rockfish taken and retained north of Cape Lookout, and no more than 9,000 lb (4,082 kg) may be canary rockfish.

2. Paragraph IV.C.(3)(b) of the annual management measures for yellowtail rockfish and the *Sebastes* complex is revised to read as follows:

IV. \* \* \*

C. \* \* \*

(3) \* \*

(b) *Open access fishery.* If smaller than the limits at paragraph IV.I. of the annual management measures, the following cumulative monthly trip limits apply (within the limits at paragraph IV.I.) during November-December 1996: For the *Sebastes* complex, 35,000 lb (15,876 kg) north of Cape Lookout, 50,000 lb (22,680 kg) between Cape Lookout and Cape Mendocino, and 100,000 lb (45,359 kg) south of Cape Mendocino; for yellowtail rockfish, 3,000 lb (1,361 kg) north of Cape Lookout, and 35,000 lb (15,876 kg) between Cape Lookout and Cape Mendocino; for bocaccio, 30,000 lb (13,608 kg) south of Cape Mendocino; and, for canary rockfish, 9,000 lb (4,082 kg) coastwide.

#### Classification

These actions are authorized by the regulations implementing the FMP. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see ADDRESSES) during business hours. Because of the need for immediate action to slow the rate of harvest of yellowtail rockfish, and because the public had an opportunity to comment on the action at the October 1996 Council meeting, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR 660.323(b)(1)(i) and are exempt from review under E.O. 12866.

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

Dated: October 31, 1996.

Richard W. Surdi,

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

[FR Doc. 96-28402 Filed 10-31-96; 2:40 pm]

BILLING CODE 3510-22-F