

minimum driving range, and specifying the model years for which the reduced driving range applies. The Administrator also publishes a notice of the grant in the Federal Register and the reasons for the grant.

(i) If the Administrator denies the petition, the petitioner is notified in writing. The Administrator also publishes a notice of the denial of the petition in the Federal Register and the reasons for the denial.

Issued on: December 26, 1996.

L. Robert Shelton,

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 961217359-6359-01; I.D. 121196B]

RIN 0648-AJ11

#### Pacific Halibut Fisheries; Catch Sharing Plan

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

**ACTION:** Proposed rule and proposed catch sharing plan.

**SUMMARY:** NMFS proposes to approve and implement revisions to the Catch Sharing Plan (Plan) for sport harvests of Pacific halibut off Oregon under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). NMFS also proposes sport fishery regulations to implement the Plan in 1997. The proposed rule is intended to carry out the objectives of the Plan for 1997.

**DATES:** Comments on the changes to the Plan must be received by January 19, 1997; comments on the proposed sport fishery regulations must be received by February 15, 1997.

**ADDRESSES:** Send comments or requests for the Plan to William Stelle, Jr., Director, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115.

**FOR FURTHER INFORMATION CONTACT:** Joe Scordino, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The Halibut Act of 1982 at 16 U.S.C. 773c provides that the Secretary of Commerce (Secretary) shall have general responsibility to carry out the Halibut

Convention between the United States and Canada and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) also authorizes the regional fishery management council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the International Pacific Halibut Commission (IPHC). Accordingly, catch sharing plans to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California) have been developed each year since 1988 by the Pacific Fishery Management Council (Council) in accordance with the Halibut Act. In 1995, NMFS implemented a Council-recommended long-term Plan (60 FR 14651, March 20, 1995) which was revised in 1996 (61 FR 11337, March 20, 1996). The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into two sectors; a directed (traditional longline) commercial fishery that is allocated 85 percent of the 31.7 percent (26.945 percent of the non-Indian commercial harvest), and incidental (troll salmon) commercial fishery is allocated 15 percent of the 31.7 percent (4.755 percent of the non-Indian commercial harvest). The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon and California. The Plan also divides the sport fisheries into seven geographic areas each with separate allocations, seasons, and bag limits.

#### Proposed Changes to the Plan

At its August 1996 public meeting, the Council adopted, for public comment, proposed changes to the Plan on: (1) Re-structuring the Oregon sport fisheries from quota managed seasons to fixed-length seasons that are determined and set preseason, and (2) deleting the rollover provisions for unused quota in

the commercial incidental halibut catch (salmon troll) fishery. At its October 1996 public meeting, the Council made final recommendations for modifying the Plan to restructure the May and August seasons in the Oregon Central Coast subarea sport fishery (Cape Falcon to Florence north jetty) from a quota managed to a fixed-length season fishery. At the request of the Oregon Department of Fish and Wildlife (ODFW), the Oregon South Coast subarea sport fishery in May was not recommended for modification based on input from sport users in that area; however, the August season, which is combined with the Central Coast subarea, was recommended for modification to a fixed-length season. The commercial, incidental halibut catch (salmon troll) fishery was not recommended for change because of the Council's desire to maintain its original intent in the Plan to roll over any remaining quota not incidentally harvested during the May/June chinook salmon troll fishery to the directed commercial (longline) fishery.

NMFS is proposing to implement the Council-recommended changes to the Plan.

#### Proposed Revised Section of the Plan for the Oregon Sport Fisheries

##### *Oregon Central Coast Subarea*

If the Area 2A TAC is 388,350 lb (176.2 mt) and greater, this Oregon Central Coast subarea extends from Cape Falcon to the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) and the sport fishery is allocated 88.4 percent of the Oregon/California sport allocation, which is 18.21 percent of the Area 2A TAC. If the Area 2A TAC is less than 388,350 lb (176.2 mt), this subarea extends from Cape Falcon to the California border and the sport fishery is allocated 95.4 percent of the Oregon/California sport allocation. The structuring objectives for this subarea are to provide two fixed-length periods of fishing opportunity in May and in August in productive deeper water areas along the coast, principally for charter and larger private boat anglers, and provide a period of fishing opportunity in the summer for nearshore waters for small boat anglers. Fixed-length seasons will be established preseason for the May and August openings and will not be modified inseason. The average catch per day observed in the previous 3 years in May and August will be used to estimate the number of open days for each fixed season. ODFW will monitor landings and provide a post-season estimate of catch within 2 weeks of the end of the fixed season. If sufficient

catch remains for an additional day of fishing after the May season or the August season, openings will be provided in May and August respectively. Potential additional open dates for both the May and August seasons will be announced preseason. If a decision is made inseason to allow fishing on one or more of these additional dates, notice of the opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. Any poundage remaining unharvested in the subquotas from earlier seasons will be added to the next season. The daily bag limit for all seasons is two halibut per person, one with a minimum 32-inch (81.3-cm) size limit and the second with a minimum 50-inch (127.0 cm) size limit. ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the opening dates for each season each year. The three seasons for this subarea are as follows.

1. The first season is an all-depth fishery that begins in mid-May and is allocated 68 percent of the subarea quota. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the subquota for this first season. No inseason adjustments will be made, except that additional opening days (established preseason) may be allowed if any quota for this season remains unharvested. The fishery will be open 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. The fishery will be open 3 days per week (Thursday through Saturday) if the season is for 5 or more fishing days.

2. The second season opens the day following closure of the first season, only in waters inside the 30-fathom (55-m) curve, and continues daily until 7 percent of the subarea quota is taken, or until early August, whichever is earlier.

3. The last season is a coastwide (Cape Falcon to Oregon/California border) all-depth fishery that begins in early August and is allocated 25 percent of the subarea quota. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the combined Oregon subarea quotas south of Cape Falcon. No inseason adjustments will be made, except that additional opening days (established preseason) may be allowed if quota remains unharvested. The fishery will be open 2 days per week (Friday and Saturday).

#### *Oregon South Coast Subarea*

If the Area 2A TAC is 388,350 lb (176.2 mt) and above, this Oregon South Coast subarea extends from the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) to the California border (42°00'00" N. lat.) and the sport fishery is allocated 7.0 percent of the Oregon/California sport allocation, which is 1.44 percent of the Area 2A TAC. If the Area 2A TAC is less than 388,350 lb (176.2 mt), this subarea will be included in the Oregon Central Coast subarea. The structuring objective for this subarea is to create a south coast management zone designed to accommodate the needs of both charterboat and private boat anglers in this area where weather and bar crossing conditions very often do not allow scheduled fishing trips. The first and second seasons will be managed for a quota, and a fixed-length season will be established preseason for the August coastwide season (Cape Falcon to Oregon/California border). The average catch per day observed in the previous 3 years fisheries in August would be used to estimate the number of days for the fixed season. Any poundage remaining in the subquotas from earlier seasons would be added to the next season. Additional open dates may be allowed after the August fixed-length season if sufficient quota remains for an additional day of fishing. If a decision is made inseason to allow fishing on one or more of these additional dates, notice of the opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. Additional open dates will be announced preseason. The daily bag limit for all seasons is two halibut per person, one with a minimum 32-inch (81.3-cm) size limit and the second with a minimum 50-inch (127.0-cm) size limit. ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the opening dates for each season each year. The three seasons for this subarea are as follows:

1. The first season is an all-depth fishery that begins in May and continues at least 3 days per week (dependent on TAC) until 80 percent of the subarea quota is taken.

2. The second season opens the day following closure of the first season, only in waters inside the 30-fathom (55 m) curve, and continues daily until the subarea quota is estimated to have been taken, or early August, whichever is earlier.

3. The last season is a coastwide (Cape Falcon to Oregon/California border) all-depth fishery that begins in early August. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the combined Oregon subarea quotas south of Cape Falcon. No inseason adjustments will be made, except that additional opening days (established preseason) may be allowed if quota remains unharvested. The fishery will be open 2 days per week (Friday and Saturday).

#### *Proposed Sport Fishery Regulations*

This document also proposes sport fishery regulations necessary to implement the Plan in 1997. These proposed sport fishery regulations are based on the 1996 Area 2A TAC of 520,000 lb (235.9 mt). Many of the proposed sport fishing regulations are the same as the 1996 regulations, which were published on March 20, 1996 (61 FR 11337). It is unknown at this time what the 1997 TAC will be, but information available from IPHC indicates the TAC will likely be greater than 1996. If the 1997 TAC is greater than 1996, the proposed sport regulations will be revised in a final rule as described in the Plan. The final TAC will be determined by the IPHC at its annual meeting in January 1997. The proposed sport fishing regulations for 1997 by subarea based on the 1996 TAC of 520,000 lb (235.9 mt), are as follows:

#### *Washington Inside Waters Subarea (Puget Sound and Straits)*

The proposed sport regulations for this subarea are similar to 1996, except that the season is reduced by 2 weeks, because the catch rate in 1996 was greater than predicted preseason in 1996. The proposed fishing season would be open from May 23 through July 13, 5 days a week (Thursday through Monday). If the 1997 TAC is greater than 1996, the season length and/or days open per week will likely increase. The final determination of the season dates that will be open will be based on the allowable harvest level, estimated catch rates, and recommendations developed in a public workshop sponsored by Washington Department of Fish and Wildlife after the 1997 TAC is set by the IPHC.

#### *Washington North Coast Subarea (north of the Queets River)*

The proposed sport regulations for this subarea are the same as 1996 with a May 1 opening and continuing 5 days per week (Tuesday through Saturday) until the quota is taken. If the 1997 TAC is the same as 1996, the quota for this

subarea would likely be reached by the end of May. If the 1997 TAC is greater than 1996, the Plan stipulates that the second priority (after a 5-days-per-week season in May) is to reopen the fishery on July 1 and continue through at least July 4. The next priority in the Plan, if the TAC is sufficient, is to increase the May season to 7 days per week and continue into June.

#### *Washington South Coast Subarea*

The proposed sport regulations for this subarea are the same as 1996 with a May 1 opening and continuing 7 days per week until 1,000 lb (0.45 mt) remain in the quota, and then would reopen as a nearshore fishery until the remaining quota is taken, or September 30, whichever occurs first. The Plan does not stipulate any change in the structuring of this season if the 1997 TAC is greater than 1996.

#### *Columbia River Subarea*

The proposed sport regulations for this subarea are the same as 1996 with a May 1 opening and continuing 7-days per week until the quota is reached or September 30, whichever occurs first. The Plan does not stipulate any change in the structuring of this season if the 1997 TAC is greater than 1996.

#### *Oregon Central Coast Subarea*

The proposed changes to the Plan would change the structuring for the May and August seasons in this area to fixed-seasons. With an Area 2A TAC of 520,000 lb (235.9 mt), the May opening would be a 5-day fishery with a 3-day season from May 8 through May 10, and a 2-day season on May 16 and 17. If sufficient quota remains after this season for additional days fishing, the open dates would be May 31, then May 30, then May 29. The 30-fathom fishery would open on May 18 and continue until July 31 or attainment of quota for this season. The August coastwide unrestricted-depth fishery (Cape Falcon to Oregon/California border) would be a 2-day season on August 1 and 2. If sufficient quota remains after this season for additional days fishing, the open dates would be August 16, then August 15, then August 14. If the 1997 TAC is greater than 1996, the May season may be more than 5 days, and the fishery would be open 3 days per week as described in the above proposed changes to the Plan. The final determination of the season dates will be based on the allowable harvest level, estimated catch rates, and recommendations developed in a public workshop sponsored by ODFW after the 1997 TAC is set by the IPHC.

#### *Oregon South Coast Subarea*

The proposed sport regulations for the first and second seasons are the same as 1996 with the first season opening May 16 and continuing 3 days per week until 80 percent of the quota is taken, then switching to a nearshore water fishery until the subarea quota is taken or July 31, whichever is earlier. The third coastwide (Cape Falcon to OR/CA border) unrestricted depth season would be a 2-day season on August 1 and 2. If sufficient quota remains after this season for additional days fishing, the open dates would be August 16, then August 15, then August 14. The Plan, as proposed to be changed (described above), does not stipulate any change in the structuring of the seasons if the 1997 TAC is greater than 1996. The final determination of the season opening dates will be based on recommendations developed in a public workshop sponsored by ODFW after the 1997 TAC is set by the IPHC.

#### *California Subarea*

The proposed sport regulations for this subarea are the same as 1996 with a May 1 opening and continuing 7-days per week until September 30. The Plan does not stipulate any change in the structuring of this season if the 1997 TAC is greater than 1996.

NMFS requests public comments on the Council's recommended modifications to the Plan and the proposed sport fishing regulations. The Area 2A TAC will be set by the IPHC at its annual meeting on January 27–30, 1997. Comments on the proposed changes to the Plan are requested by January 19, 1997 so that final changes to the Plan can be approved before the IPHC meeting. Comments on the proposed sport regulations are requested by February 15, 1997, after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments on the proposed sport fishing regulations. The States of Washington and Oregon will conduct public workshops shortly after the IPHC meeting to obtain input on the sport season dates. After the Area 2A TAC is known, and after NMFS reviews public comments and comments from the States, NMFS will issue final rules for the Area 2A Pacific halibut sport fishery concurrent with the IPHC regulations for the 1997 Pacific halibut fisheries.

Copies of the Plan are available from NMFS (see **ADDRESSES**).

#### *Classification*

The proposed revisions to the Plan and sport regulations are not significant

and fall within the scope of the 1995 Environmental Assessment/Regulatory Impact Review prepared by the Council, which also applies to this action.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed action, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The proposed revisions to the Catch Sharing Plan would not change the allocation of the total allowable catch of Pacific halibut between treaty and non-Indian fisheries, and among non-Indian commercial and sport fisheries in International Pacific Commission Statistical Area 2A (off Washington, Oregon, and California). The proposed revisions, recommended by the Pacific Fishery Management Council, would affect only the non-Indian sports fishery and are intended to allow users to better utilize allocations in the sport fisheries off Oregon.

Many of the proposed sport fishing regulations are similar to those implemented in 1996 and are based on the Area 2A 1996 total allowable catch of 520,000 pounds (235.9 metric tons) of Pacific halibut. If the International Pacific Halibut Commission determines that the 1997 total allowable catch for Area 2A is greater than the 1996 amount, the fishing seasons and open fishing dates could be adjusted to provide for an increased sport fishery harvest. Any increase in the 1997 total allowable catch would have a positive economic impact on the sport fisheries.

Therefore, a regulatory flexibility analysis was not prepared.

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

Dated: December 27, 1996.

Nancy Foster,

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 97-6 Filed 1-2-96; 8:45 am]

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#### **50 CFR Part 622**

**[I.D. 120696E]**

#### **South Atlantic Fishery Management Council; Public Hearings; Correction**

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

**ACTION:** Public hearings; correction.

**SUMMARY:** This document corrects the notice announcing hearings on Draft Amendment 8 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic