

additional fatal takings of listed sea turtles. In addition, good cause exists because NMFS has addressed comments or similar provisions in the proposed rule in the context of this temporary action.

Pursuant to section 553(d) of the APA, the AA finds there is good cause to waive the 30-day delay in effective date. In addition to the immediate need to protect listed sea turtles, these restrictions are expected to impose only a minor burden on shrimp fishers. The predominant TED designs in use in the affected area are single-grid hard TEDs, which will not require any modifications. Trawlers equipped with only soft TEDs may be required to move out of the affected area, or to equip their nets with hard TEDs. However, these trawlers are expected to be few in number given that many may have already equipped their nets with hard TEDs in response to the previous rules requiring the use of such TEDs in waters off Georgia in 1995. For those trawlers who have yet to equip their nets with hard TEDs, single-grid hard TEDs are available for \$75.00 to \$350.00 and take only several hours to install. While some fishers may not elect to equip their larger try nets with hard grid TEDs, and thus, would be unable to monitor their catch rate during long tows, they could monitor their catch rate with smaller try nets not required to have an NMFS-approved hard TED installed. The burden of this action on shrimp fishers is expected to be minimized by the fact that fishers in most of the affected areas have previously modified or acquired gear to comply with earlier restrictions that were identical or more stringent than the present action.

The AA prepared an EA for the final rule (57 FR 57348, December 4, 1992) requiring TED use in shrimp trawls and establishing the 30-day notice procedures. An EA has been prepared for this action. Copies of the EA are available (see **ADDRESSES**).

Dated: June 21, 1996.

Charles Karnella,  
*Acting Director, Office of Management Information, National Marine Fisheries Service.*

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## 50 CFR Part 625

[Docket No. 960314074-6074-01; I.D. 061896B]

### Summer Flounder Fishery; Extension of Scup Fishery Emergency

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Emergency interim rule; extension.

**SUMMARY:** NMFS issues an extension to an emergency interim rule that implements minimum fish size and minimum mesh requirements for the scup fishery north of Cape Hatteras. Emergency implementation of the measures is necessary because of the overexploited status of the stock. The emergency interim rule for scup that is effective from March 22, 1996, through June 25, 1996, is extended another 90 days by this action.

**EFFECTIVE DATE:** The emergency interim rule published on March 27, 1996 at 61 FR 13452 is extended through September 23, 1996.

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

**SUPPLEMENTARY INFORMATION:** In November 1995, the Mid-Atlantic Fishery Management Council (Council) initially requested emergency action to implement management measures for the scup fishery, which include a minimum fish size of 9 inches (22.9 cm) total length (TL) for the commercial scup fishery and 7 inches (17.8 cm) TL for the recreational fishery, and a mesh restriction for any vessel fishing in the Exclusive Economic Zone (EEZ) and possessing 4,000 lb (1,814 kg) or more of scup. An emergency rule to implement immediately these measures was published in the Federal Register on March 27, 1996 (61 FR 13452), with effective dates of March 22, 1996, through June 25, 1996. A full discussion of the status of the scup stock and the need for emergency action is found in the preamble to that emergency interim rule and is not repeated here.

In November 1995, the Council adopted the same measures contained in the emergency rule in Amendment 8 to the Fishery Management Plan for the Summer Flounder Fishery (FMP), which it has submitted for Secretarial review. Amendment 8 also contains many additional provisions not contained in the emergency rule. A proposed rule to implement Amendment 8 to the FMP was published in the Federal Register on June 3, 1996 (61 FR 27851), with an ending date for public comments of July 18, 1996. Therefore, if Amendment 8 is approved, the final rule to implement it will not be published prior to end of the first 90-day effective period of this emergency rule (June 25, 1996), thus leaving a gap between the ending date of the emergency interim rule and the final rule implementing Amendment 8.

This would leave the already overfished scup stock unprotected from increased exploitation. Therefore, an extension to the emergency rule is needed. The Council, at its April 1996 meeting requested an extension of the emergency interim rule implementing management measures for the scup fishery. This extension of the emergency rule is in effect from June 26, 1996, through September 23, 1996, or until regulations implementing Amendment 8 become effective.

## Classification

The Assistant Administrator for Fisheries (AA) has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Fishery Conservation and Management Act (Magnuson Act) and other applicable law.

Extension of the emergency rule is intended to prevent the possible collapse of the scup fishery. The AA finds good cause to extend the emergency rule in accordance with section 305(c)(3)(B) of the Magnuson Act. It would be contrary to the public interest to provide notice and opportunity for comment, or to delay for 30 days the effective date of this emergency rule under the provisions of sections 553(b) and (d) of the Administrative Procedure Act. Failure to implement an extension of the emergency measures would leave the overfished scup stock unprotected.

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

This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comment.

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

Dated: June 20, 1996.

Henry R. Beasley,  
*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 96-16372 Filed 6-24-96; 4:13 pm]

BILLING CODE 3510-22-F

## 50 CFR Part 679

[Docket No. 960321089-6175-02; I.D. 031396B]

RIN 0648-AG41

### Fisheries of the Exclusive Economic Zone off Alaska; Allow Processing of Non-Individual Fishing Quota Species

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule that implements Amendment 33 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 37 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA). These amendments and this final implementing rule are necessary to allow fuller use of the fishery resources in and off of Alaska. This action is intended to allow persons authorized to harvest individual fishing quota (IFQ) sablefish to process species other than IFQ halibut and IFQ sablefish.

**EFFECTIVE DATE:** July 26, 1996.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) for this action may be obtained from the Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

**FOR FURTHER INFORMATION CONTACT:** John Lepore, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** As part of the President's Regulatory Reform Initiative, NMFS issued a final rule (61 FR 31228, June 19, 1996) removing six parts in title 50 of the CFR (50 CFR parts 671, 672, 673, 675, 676, and 677) and consolidated the regulations contained therein into one new part (50 CFR part 679). This consolidated regulation provides the public with a single reference source for the Federal fisheries regulations specific to the EEZ off Alaska. The restructuring of the six parts results in one set of regulations that is more concise, clearer, and easier to use than the six separate parts. NMFS also identified duplicative and obsolete provisions and removed those measures from the six parts. No substantive changes were made to the regulations by the consolidation or removal of duplicative and obsolete provisions. The consolidated final rule will become effective July 1, 1996.

Amendments 33 and 37 allow persons authorized to harvest IFQ sablefish, based on an annual allocation of IFQ assigned to vessel categories B or C, to process species other than IFQ halibut and IFQ sablefish. Additional information on this action may be found in the preamble to the proposed rule.

Several changes to the regulations implementing the IFQ program are necessary to implement Amendments 33 and 37. First, the definitions of "freezer vessel" and "catcher vessel" (as

"catcher vessel" relates to the IFQ program) are removed.

Second, references to the removed definitions are replaced with alternative language. Finally, a provision is added to allow the processing of fish other than IFQ halibut and IFQ sablefish on board vessels on which persons are harvesting IFQ sablefish based on an annual allocation of IFQ assigned to vessel categories B and C. A detailed explanation of these changes follows.

#### Removal of the "Freezer Vessel" and "Catcher Vessel" Definitions

After evaluating the effects that Amendments 33 and 37 would have on the IFQ Program, NMFS determined that the definitions of "freezer vessel" and "catcher vessel" at § 679.2 (previously found in part 676, subparts B and C) were unnecessary and proposed their removal. NMFS proposed to replace these definitions with the definition of "processing," which can be found at § 679.2 (previously found at §§ 672.2 and 675.2).

The definition of processing is important to the revised specifications of vessel categories at § 679.40(a)(5)(ii) (previously found in § 676.20(a)(2)). Vessel category A, which currently is freezer vessels of any length, is changed to be vessels of any length authorized to process IFQ species. Quota share (QS) and the resulting IFQ is designated by IFQ species; therefore, a person can only process the IFQ species designated on the IFQ permit (i.e., IFQ halibut or IFQ sablefish). The authorization to process IFQ species is an inherent characteristic of QS assigned to vessel category A. This determination was made at initial issuance based on criteria found at § 679.40(a)(5) (previously found in § 676.20(c)). The other vessel categories found at § 679.40(a)(5)(ii) (previously found in § 676.20(a)(2)) (i.e., vessel categories B, C, and D) also do not refer to the removed definitions.

#### Other Changes to the Regulations Due to the Removal of the "Freezer Vessel" and "Catcher Vessel" Definitions

As explained above, § 679.40(a)(5)(ii) (previously found at § 676.20(a)(2)) no longer refers to freezer vessels or catcher vessels, but rather describes vessel categories in terms of: (1) Vessel length; (2) specific species designations (i.e., vessel category D for IFQ halibut only); and (3) authorization to process IFQ species. Similarly, all other references in part 679, subpart D (previously found in part 676 subparts B and C), to freezer vessels or catcher vessels are removed.

For example, § 679.7(f)(13) (previously found in § 676.16(o)) prohibits persons from having processed

and unprocessed IFQ species on board a vessel during the same trip. This replaces the current prohibition on operating as a catcher vessel and a freezer vessel during the same trip. This change, along with the addition of § 679.7(f)(16), allows a person authorized to harvest IFQ sablefish, based on an annual allocation of IFQ assigned to vessel categories B or C, to process fish other than IFQ halibut or IFQ sablefish, a behavior consistent with the intent of the North Pacific Fishery Management Council (Council) in proposing Amendments 33 and 37. Other sections from which references to freezer vessels and catcher vessels are removed include: § 679.41(g)(1) through (4) and (h) (previously found in § 676.21(f)(1) through (4), and (g)); and § 679.42(i), (i)(1), and (i)(2), (j), (j)(1), and (j)(4) (previously found in § 676.22(i), (i)(1), (i)(2), (j), (j)(1), and (j)(4)).

#### Processing Fish Other Than IFQ Halibut or IFQ Sablefish

A new paragraph, § 679.42(k), is added to allow processing of fish other than IFQ halibut or IFQ sablefish on board the harvesting vessel by persons authorized to harvest IFQ sablefish based on an annual allocation of IFQ assigned to vessel categories B or C. Without this change, fish other than IFQ halibut or IFQ sablefish could not be processed on board the harvesting vessel if, along with that fish, IFQ sablefish were harvested by a person authorized to harvest IFQ sablefish based on an annual allocation of IFQ assigned to vessel categories B and C. Prohibiting the processing of fish other than IFQ halibut or IFQ sablefish on category B or C vessels resulted in the unanticipated waste of fish caught incidentally with IFQ sablefish, because sablefish can be preserved longer on ice than some incidentally-caught fish (e.g., Pacific cod). The longer "shelf life" of fresh sablefish allowed a typical sablefish longline trip to exceed the time period in which fish other than IFQ halibut or IFQ sablefish maintain sufficient quality to market as fresh fish. This often resulted in the discard of some or all incidentally caught fish. Also, persons are required to retain Pacific cod and rockfish caught incidentally to IFQ sablefish. This forces persons authorized to harvest IFQ sablefish, based on an annual allocation of IFQ assigned to vessel categories B and C, to keep Pacific cod and rockfish caught incidentally with IFQ sablefish, even though the value of the Pacific cod and rockfish is diminished during a long sablefish trip. Amendments 33 and 37 will eliminate the lost revenue of

discarding, or landing poor quality, fish other than IFQ halibut and IFQ sablefish due to the repealed prohibition on processing fish other than IFQ halibut and IFQ sablefish.

Section § 679.42(i)(2) (previously found in § 676.22(i)(3)) was unnecessary with the addition of § 679.42(k) and the removal of the definitions of "freezer vessel" and "catcher vessel" (as the term "catcher vessel" applies to the IFQ program). Furthermore, some of the provisions in § 679.42(i)(2) (previously found in § 676.22(i)(3)) were contrary to the purposes of Amendments 33 and 37. For example, a person could not harvest IFQ sablefish with IFQ assigned to vessel categories B or C if "frozen or otherwise processed fish products" were on the vessel, regardless of whether the frozen or otherwise processed fish were IFQ halibut or IFQ sablefish, or fish other than those species. The intent of this action is to allow persons to harvest IFQ sablefish with IFQ assigned to vessel categories B or C even if frozen or otherwise processed fish other than IFQ halibut or IFQ sablefish are on board the harvesting vessel.

The authorization to process fish other than IFQ halibut or IFQ sablefish does not extend to persons authorized to harvest IFQ halibut based on an annual allocation of IFQ assigned to vessel categories B, C, or D. The Council declined to extend the IFQ sablefish exemption to IFQ halibut due to the socio-economic differences between the fisheries. The halibut fishery characteristically is prosecuted by local vessels that do not have on-board processing capabilities. Amendments 33 and 37 are not intended to change this characteristic of the halibut fishery. Also, not extending the authorization to process fish other than IFQ sablefish and IFQ halibut to persons authorized to harvest IFQ halibut based on an annual allocation of IFQ assigned to vessel categories B, C, or D is consistent with one of the objectives of the IFQ program (i.e., to maintain a diverse fleet where all segments continue to exist along with the social structures associated with those segments). The prohibition on processing on board the harvesting vessel by persons harvesting IFQ species with IFQ assigned to specific vessel categories is one method of accomplishing that objective. The Council expressed concern that, if the owners of large, industrial-type vessels that process their catch could harvest IFQ species with IFQ assigned to vessel categories B, C, or D while processed fish are on board, these owners would acquire the majority of the "catcher vessel" QS. The result would be an

increase in harvesting of IFQ species on large, industrial-type vessels that process their catch and a decrease in harvesting of IFQ species on small vessels that do not have processing capabilities. These small vessels, which do not have processing capabilities, are more likely to make landings at local coastal communities. The Council determined that phasing out small vessels that do not have processing capabilities and that would not be able to compete with the large, industrial-type vessels that process their catch for available IFQ would have detrimental socio-economic impacts on coastal communities. This was especially true for halibut IFQ. Many coastal communities rely on the delivery of halibut harvested by persons operating small vessels that do not have processing capabilities as a source of revenue.

#### Response to Comments

A comment was received from the Office of the Chief Counsel for Advocacy, Small Business Administration, regarding the analysis for the Regulatory Flexibility Act (RFA) that is contained in the EA/RIR. The comment concluded that the agency's language in section 4.1, Economic Impact on Small Entities, was ambiguous because the language stated that the action would positively affect sablefish catcher vessel QS holders. The Office of the Chief Counsel concluded that this ambiguity made it difficult for a reader of the analysis to determine whether the action would have a significant impact on a substantial number of small entities.

NMFS's determination was that this action will not have a significant impact on a substantial number of small entities. Actions can have an adverse economic impact, a positive economic impact, or a neutral economic impact on small entities. In this case, the action will have a positive impact. However, the positive economic effects of this action mentioned in section 4.1 will not have a significant impact on a substantial number of small entities.

Also, a comment was received from the U.S. Coast Guard stating that all enforcement and safety concerns with these amendments were addressed by the proposed rule.

#### Changes to the Proposed Rule

The proposed rule to implement Amendments 33 and 37 was published in the Federal Register on April 2, 1996 (61 FR 14547) as a proposed amendment to 50 CFR part 676 (Limited Access Management of Federal Fisheries In and Off of Alaska). Effective July 1, part 676

will be integrated with part 679. The final rule implementing Amendments 33 and 37 will become effective July 26, 1996; and consequently after 50 CFR part 676 has been integrated with 50 CFR part 679. Accordingly, the final rule to implement Amendments 33 and 37 has been revised to make the appropriate amendments to 50 CFR part 679 instead of 50 CFR part 676.

A new paragraph (f)(16) was added to § 679.7 to specifically prohibit the processing of fish on board a vessel using IFQ assigned to vessel categories B, C, or D, except as provided in new § 679.42(k). New section 679.42(k) authorizes limited processing of species other than IFQ sablefish and IFQ halibut. The addition of paragraph (f)(16) will eliminate any confusion caused by removing § 676.42(i)(2) (previously found in § 676.22(i)(3)).

A cite to § 676.22(i)(3) has been eliminated from proposed § 676.22(a) (now § 679.42(a)) because § 676.22(i)(3) itself is eliminated by the new rule.

#### Classification

An EA/RIR was prepared for this rule that describes the management background, the purpose and need for action, the management action alternatives, and the social impacts of the alternatives. The EA/RIR estimates the total number of small entities affected by this action, and analyzes the economic impact on those small entities. Based on the analysis, it was determined that this rule does not have a significant economic impact on a substantial number of small entities. Copies of the EA/RIR can be obtained from NMFS (see ADDRESSES).

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

#### List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: June 20, 1996.

Henry R. Beasley,

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

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

#### **PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. In § 679.2, the definition of "Freezer vessel" is removed, and paragraph (3) under the definition of

"Catcher vessel" is removed and paragraph (3) is reserved.

3. In § 679.7, paragraph (f)(13) is revised and a new paragraph (f)(16) is added to read as follows:

**§ 679.7 General prohibitions.**

\* \* \* \* \*

(13) Possess processed and unprocessed IFQ species on board a vessel during the same trip except when fishing exclusively with IFQ derived from vessel category A QS;

\* \* \* \* \*

(16) Process fish on board a vessel on which a person aboard has unused IFQ derived from QS issued to vessel categories B, C, or D, except as provided in § 679.42(k) of this part;

\* \* \* \* \*

4. In § 679.40, paragraph (a)(5)(ii) is revised to read as follows:

**§ 679.40 Sablefish and halibut QS.**

\* \* \* \* \*

(a) \* \* \*

(5) \* \* \*

(ii) *Vessel categories.* Quota share assigned to vessel categories include:

(A) Category A quota share, which authorizes an IFQ cardholder to catch and process IFQ species on a vessel of any length.

(B) Category B quota share, which authorizes an IFQ cardholder to catch IFQ species on a vessel greater than 60 ft (18.3 m) in length overall.

(C) Category C quota share, which authorizes an IFQ cardholder to catch IFQ sablefish on a vessel less than or equal to 60 ft (18.3 m) in length overall, or which authorizes an IFQ cardholder to catch IFQ halibut on a vessel greater than 35 ft (10.7 m) but less than or equal to 60 ft (18.3 m) in length overall; and

(D) Category D quota share, which authorizes an IFQ cardholder to catch IFQ halibut on a vessel less than or equal to 35 ft (10.7 m) in length overall.

\* \* \* \* \*

5. In § 679.41, paragraphs (g) and (h) are revised to read as follows:

**§ 679.41 Transfer of QS and IFQ.**

\* \* \* \* \*

(g) *Transfer restrictions, catcher vessel QS.* (1) Except as provided in paragraph (f) or paragraph (g)(2) of this section, only persons who are IFQ crew members, or that were initially assigned QS assigned to vessel categories B, C, or D, and meet the other requirements in this section may receive QS assigned to vessel categories B, C, or D.

(2) Except as provided in paragraph (g)(3) of this section, only persons who are IFQ crew members may receive QS assigned to vessel categories B, C, or D in IFQ regulatory area 2C for halibut or

in the IFQ regulatory area east of 140° W. long. for sablefish.

(3) Individuals who were initially issued QS assigned to vessel categories B, C, or D may transfer that QS to a corporation that is solely owned by the same individual. Such transfers of QS assigned to vessel categories B, C, or D in IFQ regulatory area 2C for halibut or in the IFQ regulatory area east of 140° W. long. for sablefish will be governed by the use provisions of § 679.42(i); the use provisions pertaining to corporations at § 679.42(j) shall not apply.

(4) The Regional Director will not approve an Application for Transfer of QS assigned to vessel categories B, C, or D subject to a lease or any other condition of repossession or resale by the person transferring QS, except as provided in paragraph (h) of this section, or by court order, operation of law, or as part of a security agreement. The Regional Director may request a copy of the sales contract or other terms and conditions of transfer between two persons as supplementary information to the transfer application.

(h) *Leasing QS (applicable until January 2, 1998).* A person may not use IFQ resulting from a QS lease for harvesting halibut or sablefish until an Application for Transfer complying with the requirements of paragraph (b) of this section and the lease agreement are approved by the Regional Director. A person may lease no more than 10 percent of that person's total QS assigned to vessel categories B, C, or D for any IFQ species in any IFQ regulatory area to one or more persons for any fishing year. After approving the Application for Transfer, the Regional Director shall change any IFQ accounts affected by an approved QS lease and issue all necessary IFQ permits. QS leases must comply with all transfer requirements specified in this section. All leases will expire on December 31 of the calendar year for which they are approved.

\* \* \* \* \*

6. In § 679.42, paragraphs (a), (i), and (j) introductory text, (j)(1), and (j)(4), are revised and paragraph (k) is added to read as follows:

**§ 679.42 Limitations on use of QS and IFQ.**

(a) *IFQ regulatory area.* The QS or IFQ specified for one IFQ regulatory area and vessel category must not be used in a different IFQ regulatory area or vessel category except as provided in § 679.41(i)(1).

\* \* \* \* \*

(i) *Use of IFQ resulting from QS assigned to vessel categories B, C, or D*

*by individuals.* In addition to the requirements of paragraph (c) of this section, IFQ cards issued for IFQ resulting from QS assigned to vessel categories B, C, or D must be used only by the individual who holds the QS from which the associated IFQ is derived, except as provided in paragraph (i)(1) of this section.

(1) An individual who receives an initial allocation of QS assigned to vessel categories B, C, or D does not have to be on board and sign IFQ landing reports if that individual owns the vessel on which IFQ sablefish or halibut are harvested, and is represented on the vessel by a master employed by the individual who received the initial allocation of QS.

(2) The exemption provided in paragraph (i)(1) of this section does not apply to individuals who receive an initial allocation of QS assigned to vessel categories B, C, or D for halibut in IFQ regulatory area 2C or for sablefish QS in the IFQ regulatory area east of 140° W. long., and this exemption is not transferrable.

(j) *Use of IFQ resulting from QS assigned to vessel categories B, C, or D by corporations and partnerships.* A corporation or partnership that receives an initial allocation of QS assigned to vessel categories B, C, or D may use the IFQ resulting from that QS and any additional QS acquired within the limitations of this section provided the corporation or partnership owns the vessel on which its IFQ is used, and it is represented on the vessel by a master employed by the corporation or partnership that received the initial allocation of QS. This provision is not transferrable and does not apply to QS assigned to vessel categories B, C, or D for halibut in IFQ regulatory area 2C or for sablefish in the IFQ regulatory area east of 140° W. long. that is transferred to a corporation or partnership. Such transfers of additional QS within these areas must be to an individual pursuant to § 676.41(c) of this part and be used pursuant to paragraphs (c) and (i) of this section.

(1) A corporation or partnership, except for a publicly-held corporation, that receives an initial allocation of QS assigned to vessel categories B, C, or D loses the exemption provided under paragraph (j) of this section on the effective date of a change in the corporation or partnership from that which existed at the time of initial allocation.

\* \* \* \* \*

(4) QS assigned to vessel categories B, C, or D and IFQ resulting from that QS held in the name of a corporation or

partnership that changes, as defined in this paragraph, must be transferred to an individual, as prescribed in § 679.41 of this part, before it may be used at any time after the effective date of the change.

(k) *Processing of fish other than IFQ halibut and IFQ sablefish.* Fish other than IFQ halibut or IFQ sablefish may be processed on a vessel on which persons:

(1) Are authorized to harvest IFQ halibut or IFQ sablefish based on allocations of IFQ resulting from QS assigned to vessel category A; or

(2) Are authorized to harvest IFQ sablefish based on allocations of IFQ resulting from QS assigned to vessel categories B or C unless any person aboard the vessel is authorized to harvest IFQ halibut based on allocations of IFQ resulting from QS assigned to vessel categories B, C, or D.

[FR Doc. 96-16379 Filed 6-26-96; 8:45 am]

BILLING CODE 3510-22-W

## 50 CFR Part 679

[Docket No. 960129019-6019-01, I.D. 062196C]

### Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Cod by Vessels Using Trawl Gear

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration, Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for Pacific cod by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery in the BSAI.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), June 23, 1996, until 12 noon, A.l.t., October 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR parts 600 and 679.

The first seasonal bycatch allowance of Pacific halibut for the BSAI trawl Pacific cod fishery category, which is defined at § 675.21(b)(1)(iii)(E), was established by the Final 1996 Harvest Specifications of Groundfish (61 FR

4311, February 5, 1996) as 1,585 metric tons (mt). This fishery was previously closed on May 14, 1996, with the expectation that the first seasonal allocation had been taken (61 FR 24730, May 16, 1996). The fishery was subsequently opened on June 14, 1996, when NMFS determined that 89 mt of halibut mortality remained in the allocation (61 30544, June 17, 1996).

The Director, Alaska Region, NMFS, has determined, in accordance with § 679.21(e)(1)(iv), that the first seasonal bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery in the BSAI has been caught. Therefore, NMFS is prohibiting the directed fishery for Pacific cod by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

#### Classification

This action is taken under 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: June 21, 1996.

Donald J. Leedy,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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