

the Gulf of Mexico migratory group of king mackerel set the annual commercial quota at 0.77 million lb (0.35 million kg) for the western zone.

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial quota of 0.77 million lb (0.35 million kg) for the western zone of the Gulf migratory group of king mackerel was reached on August 25, 1996. Hence, the commercial fishery for Gulf group king mackerel from the western zone is closed effective 12:01 a.m., local time, August 26, 1996, through June 30, 1997, the end of the fishing year. The boundary between the eastern and western zones is 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

Except for a person aboard a charter vessel or headboat, during the closure, a person aboard a vessel for which a commercial permit for king and Spanish mackerel has been issued may not fish for king mackerel in the EEZ in the western zone and may not retain king mackerel in or from the western zone EEZ. A person aboard a charter vessel or headboat may continue to retain king mackerel in or from the western zone EEZ under the bag and possession limits set forth in § 622.39(c)(1) and (2), provided the vessel is operating as a charter vessel or headboat and the vessel has an annual charter vessel/headboat permit, as specified in § 622.4(a)(1). A charter vessel or headboat that also has a commercial permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the western zone taken in the EEZ, including those harvested under the bag and possession limits, may not be purchased, bartered, traded, or sold. This prohibition does not apply to trade in king mackerel from the western zone that were harvested, landed ashore, and bartered, traded, or sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 622.43(a) and is exempt from review under E.O. 12866.

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

Dated: August 23, 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. 081296C]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Nontrawl Sablefish Regular Season

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

ACTION: End of nontrawl sablefish regular season.

SUMMARY: NMFS announces that the regular season for the nontrawl sablefish limited entry fishery will end at 12 noon local time (l.t.), September 6, 1996. This action is intended to provide advance notice of the duration of the nontrawl sablefish regular season.

DATES: The closing date of the nontrawl sablefish regular season and the reimposition of the daily trip limits are effective at 12 noon l.t., September 6, 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 until September 11, 1996.

ADDRESSES: Comments on these actions should be sent to Mr. William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or Ms. Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these actions has been compiled in aggregate form and is available for public review during business hours at the office of the Director, Northwest Region, NMFS.

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

SUPPLEMENTARY INFORMATION: These actions are authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California.

The "regular season" for the limited entry nontrawl sablefish fishery begins at 1201 hours l.t. on September 1, 1996, and ends when 70 percent (1,928 mt) of the 2,754-mt nontrawl allocation is projected to be taken. (The remainder of the allocation is to be taken in a mop-up fishery about 3 weeks later, if sufficient amounts remain.) The regulations at 50 CFR 660.323(a)(2)(ii) state that the end of the regular season may be announced in the Federal Register either before or during the regular season. NMFS is announcing the closure date in advance of the regular season in 1996, because, as in 1995, effort is expected to be so intense that there will be inadequate time to monitor landings and make a projection during the season. An early announcement enables fishers to plan more carefully and to decide whether to participate.

NMFS consulted with the Pacific Fishery Management Council (Council) and its Groundfish Management Team (Team) at the April 1996 Council meeting. At that meeting, the best available estimates of expected catch and effort indicated that 70 percent of the nontrawl allocation would be taken in about 5 days. The Council recommended a season length of 5 days, unless new information became available before its July 1996 meeting. A review of 1996 and historical landings data at the June Team meeting confirmed the 5-day projection. Because no new information was presented to the Council at its July 1996 meeting, its April 1996 recommendation remained in effect. The Director, Northwest Region concurs with the Council's recommendation, which is based on current and past landings data, and has determined that the regular season, which starts at 1201 hours on September 1, 1996, will end just 5 days later, at 12 noon l.t., September 6, 1996. Commencing at 12 noon l.t., September 6, 1996, the following daily trip limits for nontrawl sablefish will resume: 300 lb (136 kg) per day north of 36° N. lat., and 350 lb (159 kg) per day south of 36° N. lat. (Daily trip limits apply to calendar days. Therefore, on September 6, 1996, a daily trip limit may be landed between 12 noon and 12 midnight l.t. At 0001 hours l.t. on September 7, 1996, daily trip limits will apply to the full 24 hours.) A vessel must begin landing its catch before 12 noon l.t., September 6, 1996, and complete the offloading before returning to sea or continuing a trip at sea, or the daily trip limit will apply to the fish remaining on board after 12 noon l.t. on September 6, 1996. One exception applies: A vessel landing sablefish in Puget Sound, WA, that was

taken under a limited entry permit with nontrawl gear during the regular season is not subject to the daily trip limit for that trip if the landing complies with Washington State regulations governing such sablefish landings (50 CFR 660.323(a)(2)(iv)). However, the regular season trip limit for sablefish smaller than 22 inches (56 cm) still applies.

Further information regarding the nontrawl sablefish fishery and the closure before the start of the regular season are contained in the proposed and final rules for that action at 60 FR 11062 (March 1, 1995) and 60 FR 34472 (July 3, 1995), respectively, which are found in the Federal regulations at 50 CFR 660.323(a)(2).

NMFS Actions

NMFS announces the following changes to the 1996 fishery specifications and management

measures published at 61 FR 279, January 4, 1996, as modified:

Paragraph IV.E.(3)(c) introductory text is revised to read as follows:

IV. * * *

E. * * *

(3) * * *

(c) *Nontrawl trip and size limits.* The daily trip limits in paragraphs (i) and (ii) below, which apply to sablefish of any size, are in effect until 12 noon, August 29, 1996, at which time all fixed gear used to take and retain groundfish must be removed from EEZ waters according to the regulations at 50 CFR 660.323(a)(2). These same daily trip limits will be reimposed at 12 noon, September 6, 1996, the end of the regular season.

Classification

The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are

available for public inspection at the office of the Director, Northwest Region, NMFS (see **ADDRESSES**) during business hours. Because of the need for immediate action, and because the public had an opportunity to comment on these actions at the Council meeting, NMFS has determined that good cause exists for this action to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. This action is taken under the authority of 50 CFR 660.323(a)(2)(ii) and (b)(1)(i)(E), and is exempt from review under E.O. 12866.

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

Dated: August 22, 1996.

Richard H. Schaefer,

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

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