

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
FISH							
*	*	*	*	*	*		*
Trout, Umpqua River cutthroat.	<i>Oncorhynchus clarki clarki</i> .	U.S.A. (AK, CA, OR, WA), Canada.	Umpqua R. (U.S.A.—OR) naturally spawning pops.in mainstem and tributaries.	E	588	NA	NA
*	*	*	*	*	*		*

Dated: August 29, 1996.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 96-23451 Filed 9-12-96; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 285

[I.D. 090696G]

#### Atlantic Tuna Fisheries; Fishery Closure

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

**ACTION:** Closure.

**SUMMARY:** NMFS has determined that the Atlantic bluefin tuna (ABT) General category quota for the September period has been attained. Therefore, the General category fishery for the September period will be closed effective at 11:30 p.m. on September 9, 1996. This action is being taken to prevent overharvest of the adjusted 165 metric tons (mt) subquota for the September period. In addition, NMFS has determined that the Incidental other category has attained its 1996 annual quota. Therefore, the Incidental other category for 1996 will be closed effective September 9, 1996.

**EFFECTIVE DATES:** The closure of the General category for the September period is effective 11:30 p.m. local time on September 9, 1996, through September 30, 1996, and the closure of the Incidental other category is effective 11:30 p.m. local time on September 9, 1996, through December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** John Kelly, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

#### SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

#### General Category Closure

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a quota of 159 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during the period beginning September 1 and ending September 30. Due to an underage of 6 mt in the August subquota, the September subquota was adjusted to 165 mt. Based on reported catch and effort, NMFS projects that this revised quota has been reached. Therefore, fishing for, retaining, possessing, or landing large medium or giant ABT under the General category quota must cease at 11:30 p.m. local time September 9, 1996. The General category will reopen October 1, 1996 with a quota of 63 mt for the October-December period. Note that this October-December quota includes a 10-mt set aside for the New York Bight fishery.

#### Incidental Other Category Closure

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a quota of 1 mt of large

medium and giant ABT to be harvested from the regulatory area by vessels fishing under the Incidental other category quota over the period January 1 - December 31. Based on reported catch, NMFS projects that this quota has been reached. Therefore, retaining, possessing, or landing large medium or giant ABT under the Incidental other category quota must cease at 11:30 p.m. local time September 9, 1996.

#### Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: September 9, 1996.

Gary C. Matlock,

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

[FR Doc. 96-23449 Filed 9-9-96; 4:39 pm]

BILLING CODE 3510-22-F

#### 50 CFR Part 622

[Docket No. 96061317-6247-02; I.D. 050996C]

RIN 0648-AI71

#### Reef Fish Fishery of the Gulf of Mexico; Amendment 13

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Amendment 13 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). Amendment 13 extends the red snapper vessel permit endorsement and trip limit system until implementation of either the individual transferrable quota (ITQ) system approved under Amendment 8 to the FMP or an alternate program to restrict access to

the commercial red snapper fishery, such as a limited license system. If neither option is possible, the vessel permit endorsement and trip limit system terminates on December 31, 1997. The intended effects of this rule are to stabilize the fishery and to provide for controlled harvest until a more comprehensive controlled access plan can be implemented.

**EFFECTIVE DATE:** September 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Robert Sadler, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Background information on the management of the commercial red snapper fishery and the rationale for the management measures in Amendment 13 were contained in the preamble to the proposed rule (61 FR 32422, June 24, 1996) and are not repeated here.

The availability of Amendment 13 for public comment was announced in the Federal Register on May 14, 1996 (61 FR 24267), and comments were invited through July 8, 1996. Public comments were invited on the proposed rule through July 8, 1996. NMFS approved Amendment 13 on August 9, 1996. One comment was received in support of Amendment 13 during the public comment periods on the amendment and the rule. Accordingly, the proposed rule is adopted as final with only the changes described below.

#### Comment and Response

**Comment:** The U.S. Fish and Wildlife Service provided a comment in support of Amendment 13.

**Response:** NMFS agrees.

#### Changes from the Proposed Rule

Since the proposed rule was published, NMFS has consolidated most of its fishery regulations for the Southeast Region into one set of regulations at 50 CFR part 622 (published on July 3, 1996, 61 FR 34930). Accordingly, the amendatory instructions in this final rule implementing Amendment 13 are amendments to part 622 rather than amendments to 50 CFR part 641, as were contained in the proposed rule. In § 622.4, paragraph (p) is added for clarity and consistency. The endorsement provisions contained in paragraph (p) are consistent with the original provisions established in

emergency regulations published December 30, 1992 (57 FR 62237), and continued via subsequent regulations. Minor changes in language have been made to conform to the standards in part 622.

#### Classification

The Director, Southeast Region, NMFS, determined that Amendment 13 is necessary for the conservation and management of the reef fish fishery of the Gulf of Mexico and that it is consistent with the Magnuson Act and other applicable law.

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

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 the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The reasons for this certification were published in the preamble to the proposed rule (61 FR 32422, June 24, 1996) and are not repeated here. No comments were received concerning this certification. As a result, a regulatory flexibility analysis was not prepared.

In accordance with the FMP's framework procedure for adjusting annual management measures, NMFS has proposed to increase the commercial quota for red snapper and make this additional quota available to the commercial fishery as of September 15, 1996 (FR 42413, August 15, 1996). If NMFS, after considering the public comment, approves the increased 1996 quota for the commercial red snapper fishery, this fishery will still be subject to the ITQ system (established by Amendment 8) that requires fishermen to have ITQ coupons in order to fish for red snapper. As explained in the proposed rule for Amendment 13, NMFS is unable to implement the ITQ system for the foreseeable future. Therefore, unless the ITQ regulations are suspended by this final rule by September 15, the commercial fishery cannot reopen on that date in order to harvest the additional commercial quota. For these reasons, the Assistant Administrator for Fisheries, NOAA, has determined that this rule relieves a restriction within the meaning of section 553(d) of the Administrative Procedure Act. Therefore, the effective date of this rule is not delayed for 30 days.

#### List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: September 9, 1996.

Nancy Foster,

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

#### **PART 622—FISHERIES OF THE CARIBBEAN, GULF AND SOUTH ATLANTIC**

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.4, paragraphs (a)(2)(ix) and (p) are added to read as follows:

#### **§ 622.4 Permits and fees.**

(a) \* \* \*

(2) \* \* \*

(ix) *Gulf red snapper.* Effective through December 31, 1997, as a prerequisite for exemption from the trip limit for red snapper specified in § 622.44(e)(1), a commercial vessel permit for Gulf reef fish with a red snapper endorsement must have been issued to the vessel and must be on board.

\* \* \* \* \*

(p) *Gulf red snapper endorsements.* This paragraph (p) is effective through December 31, 1997.

(1) Based on documented historical red snapper landings from the Gulf of 5,000 lb (2,269 kg), round weight, or its equivalent in eviscerated weight, per year in 2 of the years 1990, 1991, and 1992, Gulf red snapper endorsements have been issued for vessels that have commercial permits for Gulf reef fish. In cases where a red snapper endorsement is issued based on the qualifications of an operator, the validity of that endorsement is conditioned on that named operator being aboard and in charge of the permitted vessel.

(2) A Gulf red snapper endorsement is invalid upon sale of the vessel; however, an owner of a vessel with a red snapper endorsement may transfer the endorsement to another vessel owned by the same entity by returning the existing endorsement with an application for an endorsement for the replacement vessel.

(3) Paragraph (p)(2) of this section notwithstanding—

(i) In the event that a vessel with a Gulf red snapper endorsement has a change of ownership that is directly related to the disability or death of the owner, the RD may issue a red snapper

endorsement, temporarily or permanently, with the commercial permit for Gulf reef fish that is issued for the vessel under the new owner. Such new owner will be the person specified by the owner or his/her legal guardian, in the case of a disabled owner, or by the will or executor/administrator of the estate, in the case of a deceased owner. (Change of ownership of a vessel with a commercial vessel permit for Gulf reef fish upon disability or death of an owner is considered a purchase of a permitted vessel and paragraph (m)(3) of this section applies regarding a commercial vessel permit for Gulf reef fish for the vessel under the new owner.)

(ii) In the event of the disability or death of an operator whose presence aboard a vessel is a condition for the validity of a Gulf red snapper endorsement, the RD may revise and reissue an endorsement, temporarily or permanently, to the permitted vessel. Such revised endorsement will contain the name of a substitute operator specified by the operator or his/her legal guardian, in the case of a disabled operator, or by the will or executor/administrator of the estate, in the case of a deceased operator. As was the case with the replaced endorsement, the presence of the substitute operator aboard and in charge of the vessel is a condition for the validity of the revised endorsement. Such revised endorsement will be reissued only with the concurrence of the vessel owner.

#### **§ 622.7 [Amended]**

3. In § 622.7, in paragraph (i)(5), the concluding words "introductory text" are removed.

#### **§ 622.16 [Suspended]**

4. Section 622.16 is suspended indefinitely.

5. In § 622.44, paragraph (e) is added to read as follows:

#### **§ 622.44 Commercial trip limits.**

\* \* \* \* \*

(e) *Gulf red snapper*. This paragraph (e) is effective through December 31, 1997.

(1) Except as provided in paragraph (e)(2) of this section, the trip limit for

red snapper in or from the Gulf for a vessel that has on board a valid commercial permit for Gulf reef fish is 200 lb (91 kg), round or eviscerated weight.

(2) The trip limit for red snapper in or from the Gulf for a vessel that has on board a valid commercial permit for Gulf reef fish and a valid Gulf red snapper endorsement is 2,000 lb (907 kg), round or eviscerated weight.

(3) As a condition of a commercial vessel permit for Gulf reef fish, as required under § 622.4(a)(2)(v), without regard to where red snapper are harvested or possessed, a vessel with such permit—

(i) May not possess red snapper in or from the Gulf in excess of the appropriate vessel trip limit, as specified in paragraph (e)(1) or (e)(2) of this section.

(ii) May not transfer at sea red snapper in or from the Gulf.

[FR Doc. 96-23530 Filed 9-10-96; 3:00 pm]

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#### **50 CFR Part 679**

[Docket No. 960129018-6018-01; I.D. 090996A]

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Regulatory Area of the Gulf of Alaska**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for Pacific ocean perch in the Eastern Regulatory Area of the Gulf of Alaska. This action is necessary to prevent exceeding the Pacific ocean perch total allowable catch (TAC) in the Eastern Regulatory Area.

**EFFECTIVE DATE:** 1200 hrs, Alaska local time (A.l.t.), September 9, 1996, until 2400 hrs, A.l.t., December 31, 1996.

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

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive

economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(ii), the Pacific ocean perch TAC for the Eastern Regulatory Area was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 2,366 metric tons (mt). The directed fishery for Pacific ocean perch in the Eastern Regulatory Area was closed under § 679.20(d)(iii) on July 11, 1996, (61 FR 37225, July 17, 1996) and reopened on July 31, 1996 (61 FR 40158, August 1, 1996).

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 679.20(d)(1), that the Pacific ocean perch TAC in the Eastern Regulatory Area soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 2,066 mt, with consideration that 300 mt will be taken as incidental catch in directed fishing for other species in the Eastern Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Eastern Regulatory Area.

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

#### **Classification**

This action is taken under § 679.20 and is exempt from OMB review under E.O. 12866.

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

Dated: September 9, 1996.

Gary Matlock,

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

[FR Doc. 96-23448 Filed 9-9-96; 4:33 pm]

BILLING CODE 3510-22-F