

provide for a daily catch limit of school or large school ABT of one fish per angler. However, the AA has the authority to make adjustments to catch limits to effect maximum utilization of the available quota and a fair distribution of fishing opportunities. For this reason the catch limit is reduced to one school ABT per vessel for the duration of this reopening.

This action is being taken to extend the season for the Angling category, provide for fishing opportunities in the northern fishing area, and ensure additional collection of biological assessment and monitoring data without exceeding the adjusted quota.

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 10, 1996.

Gary C. Matlock,

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

[FR Doc. 96-23646 Filed 9-11-96; 2:33 pm]

BILLING CODE 3510-22-F

50 CFR Part 622

[Docket No. 960807218-6244-02; I.D. 072996D]

RIN 0648-AG89

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement the approved provisions of a regulatory amendment prepared by the Gulf of Mexico Fishery Management Council (Council) in accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The approved provisions of the regulatory amendment: Increase the annual commercial quota for red snapper; reopen the commercial red snapper fishery on September 15, 1996, to allow harvest of the remainder of the 1996 quota; split the 1997 commercial quota between two seasons, the first beginning on February 1, 1997, with a quota of 3.06 million lb (m lb) (1.39 million kg (m kg)) and the second beginning on September 15, 1997, with

a quota equal to the unharvested balance of the annual commercial quota; extend the rebuilding schedule for red snapper; and increase the total allowable catch (TAC) of red snapper. The intended effect of this action is to maximize the economic benefits from the red snapper resource while extending for 10 years the rebuilding program for this overfished resource.

EFFECTIVE DATE: October 16, 1996, except that the amendment to § 622.42(a)(1) is effective September 15, 1996.

ADDRESSES: Requests for copies of the final regulatory flexibility analysis (FRFA) should be sent to Robert Sadler, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

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 Council and is implemented by regulations at 50 CFR part 622 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The regulatory amendment submitted by the Council would have reduced the minimum size limit for red snapper taken under the commercial quota from 15 inches (38.1 cm) to 14 inches (35.6 cm), and eliminated the FMP's automatic size limit increase to 16 inches (40.6 cm) scheduled for January 1, 1998. Based on a preliminary evaluation of the regulatory amendment, NMFS concluded that these measures were inconsistent with the Magnuson Act and the agency's policy of risk-averse decision-making. NMFS published a proposed rule to implement the remaining measures of the regulatory amendment (61 FR 42413, August 15, 1996). The rationale for the remaining measures, as well as the reasons for the disapproval of the size limit measures, are contained in the preamble of the proposed rule and are not repeated here. After considering the public comment received on the proposed rule, NMFS approved the remaining measures of the Council's proposal and is issuing this final rule to give effect to them.

Comments and Responses

Twenty-three comments were received from the public. These comments are summarized below followed by the agency response. The comments and responses are grouped by general subject heading.

Disapproved Measures Regarding the Commercial Fishery Minimum Size Limit

Comment: Four commenters supported the Council's proposed measures for decreasing the minimum size limit for the commercial red snapper fishery from 15 to 14 inches and eliminating the automatic increase from 15 to 16 inches scheduled for 1998. One commenter supported the proposed 15-inch size limit but opposed the scheduled change to 16 inches in 1998. One commenter opposed both size limit measures.

Response: NMFS acknowledges these comments on the size limit measures as contained in the Council's proposed regulatory amendment. NMFS refers the reader to the above explanation of the agency's disapproval of the size limit measures.

Increase in TAC and Reopening of the Commercial Fishery

Comment: Six commenters opposed the proposed increase in TAC and/or the proposed reopening of the commercial fishery. Each of the opposing commenters expressed various concerns that the actions would prevent recovery of the overfished resource by the year 2019.

Response: NMFS disagrees with these commenters because the proposed TAC is within the allowable biological catch range as required under the FMP's framework procedure. Implementation of the TAC, in combination with the 50-percent reduction in shrimp trawl bycatch of juvenile red snapper beginning in 1997, is expected to achieve recovery of the red snapper resource consistent with the revised rebuilding schedule.

Comment: Twelve commenters supported both the increased TAC and reopening of the commercial fishery and stated that such action would increase economic benefits to the commercial fishery while maintaining the stock rebuilding schedule. A commenter supported both the increased TAC and reopening of the commercial fishery and stated that such action would allow continuation of the recreational catch limits and thereby stabilize the fishery while achieving the recovery goals.

Response: NMFS agrees.

Probability of Achieving Necessary Bycatch Reduction

Comment: Seven commenters supported taking action to ensure the 50-percent reduction in shrimp trawl bycatch of juvenile red snapper that is necessary for recovery of the red snapper stock. Three commenters stated

that the 50-percent reduction already may have been achieved by a combination of factors, including reduced shrimping effort and additional red snapper abundance in areas avoided by shrimp trawlers.

Response: NMFS believes that some reduction in shrimp trawl bycatch of juvenile red snapper already may have occurred. NMFS believes that the target 50-percent reduction beginning in 1997 is achievable, based on the available bycatch reduction technology, and the commitment of the Council to take action to meet that target.

Extension of the Rebuilding Target Year from 2009 to 2019

Comment: Two commenters stated the extension was unjustified because it was not supported by available data and was contrary to the recovery of the overfished red snapper stock.

Response: The determination that the rebuilding target date may, consistent with the FMP, be extended to a date as late as 2019 is consistent with the best available scientific information. The Council's choice of the year 2019 is expected to minimize adverse socioeconomic impacts on commercial and recreational fishery participants while achieving stock recovery consistent with provisions of the FMP.

Comment: Seven commenters supported the proposed rebuilding schedule extension as appropriate and beneficial, based on the recovering status of the resource.

Response: NMFS acknowledges the commenters' support for this measure, but wants to make clear the reasons why NMFS approved this measure. Based on new scientific findings, NMFS's 1995 red snapper stock assessment concluded that this species has a longer life span and a lower natural mortality rate than previously estimated. These factors are used to estimate the generation time for red snapper. Accordingly, the revised estimate of the generation time was 19.6 years as opposed to the earlier estimate of 13.6 years (refer to the proposed rule preamble for a more detailed discussion). The FMP's framework procedure for annual adjustments in red snapper TAC and other related measures specifies that the stock rebuilding time for red snapper cannot exceed 1.5 times the estimate of generation time. Based on new calculations, the outer limit for the stock rebuilding date was changed from 2009 to 2019. In determining the new rebuilding period for red snapper, and consistent with its prior decision regarding the 2009 target date, the Council chose the outer limit allowed by the FMP in order to minimize

adverse socioeconomic impacts on resource users. The longer the stock recovery time, the less restrictive the TAC must be to ensure stock recovery.

Relation of Amendment 13 to This Rule

In FMP Amendment 13, the Council proposed, and NMFS approved, an extension of the red snapper vessel permit endorsement and trip limit system and suspension of implementation of the red snapper individual transferable quota (ITQ) system approved under Amendment 8. As explained in the proposed rule for Amendment 13 (61 FR 32422, June 24, 1996), NMFS is prohibited from implementing the ITQ system for the foreseeable future. NMFS intends to issue the final rule implementing Amendment 13 to be effective on September 15, 1996. Accordingly, when the commercial fishery for red snapper opens on September 15 under the provisions of this final rule, the fishery will be subject to the red snapper vessel permit endorsement and trip limit system.

Classification

This final rule has been determined to be not significant under E.O. 12866.

The Council prepared an Initial Regulatory Flexibility Analysis (IRFA) that described the expected significant economic effects on a substantial number of the small business entities engaged in harvesting the reef fish resources in the Gulf of Mexico. Following public comment, NMFS prepared a Final Regulatory Flexibility Analysis (FRFA). The FRFA noted that there were no public comments on the IRFA and consequently no changes have been made in the economic analysis. The FRFA finds that the regulatory changes are needed since they will allow for a major increase in revenues. The increase in revenues will occur because the allowable catch of red snapper will be increased by about 50 percent through this final rule; this result will meet the objective of maximizing benefits from the fishery in concert with an orderly rebuilding of the overfished red snapper resource. The increased catches will provide significant benefits in terms of increased revenues to a substantial number of the 1,532 commercial vessels in the fishery as well as to a portion of the 930 for-hire (838 charter and 92 headboat) vessels. Each of these categories is comprised entirely of small business entities. The FRFA also confirms that the rule does not create any additional reporting, recordkeeping or other compliance requirements. Finally, the FRFA indicates that a set of alternative

regulatory actions, including no-action alternatives, were considered and rejected by the Council on the basis that the alternatives did not provide the level of benefits available to small business entities that will be afforded by the actions implemented by this rule. Since there were no adverse economic effects on small entities under all considered alternatives to the status quo, the agency took no specific action to minimize the impacts of the proposed and approved measures. The overall conclusion of the FRFA is that this rule will have a significant positive economic impact on a substantial number of the small entities engaged in the harvest of Gulf of Mexico reef fish resources. Copies of the FRFA are available (see ADDRESSES).

The measures in this final rule that increase the commercial quota for red snapper and reopen the commercial fishery for red snapper on September 15, 1996, constitute a substantive rule that relieves a restriction. Therefore, as authorized under 5 U.S.C. 553(d)(1), a 30-day delay in effectiveness of these measures is not required.

List of Subjects in 50 CFR Part 622

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

Dated: September 10, 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 § 622.34, effective October 16, 1996, paragraph (l) is added to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(l) *1997 closure of the commercial fishery for red snapper.* From January 1 through 31, 1997, the possession of red snapper in or from the Gulf EEZ and on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(iii) and (b)(2),

respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1).

3. In § 622.42, effective September 15, 1996, paragraph (a)(1) is revised to read as follows:

§ 622.42 Quotas.

* * * * *

(a) * * *

(1) Red snapper—4.65 million lb (2.11 million kg), round weight, apportioned in 1996 and 1997 as follows:

(i) 3.06 million lb (1.39 million kg) available February 1, 1996, and February 1, 1997; and

(ii) The remainder available September 15, 1996, and September 15, 1997.

* * * * *

[FR Doc. 96-23584 Filed 9-11-96; 10:49 am]

BILLING CODE 3510-22-F

50 CFR Part 660

[Docket No. 960614176-6176-01; I.D. 050796A]

RIN 0648-A118

Fisheries Off West Coast States and in the Western Pacific; Correction

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

ACTION: Correction to final rule.

SUMMARY: This document corrects errors in §§ 660.306(j), 660.306(k), and 660.323(a)(4)(i), and the section number “§ 663.324” in the final rule (I.D. 050796A) concerning Fisheries Off West Coast States and in the Western Pacific, published July 2, 1996 (61 FR 34570).

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Cheri Sexton McCarty, NMFS, 301-713-2341.

SUPPLEMENTARY INFORMATION:

Need for Correction

In the final rule document, FR Doc. 96-16234, beginning on page 34593 in the issue of Tuesday, July 2, 1996, the cite “§ 663.323(a)(4)(iv)” is incorrectly numbered and should be corrected to read “§ 660.323(a)(4)(iv).”

Also, on pages 34592, 34593, and 34595, the section number for the Pacific Coast treaty Indian fisheries is incorrectly numbered as “§ 663.324.” The section number should be corrected to read “§ 660.324.”

On page 34595, § 660.323(a)(4)(i) incorrectly indicates that the remaining

40 percent of the harvest guideline is reserved for harvest by vessels delivering to shoreside processors. The second sentence should read, “The remaining 40 percent of the commercial harvest guideline is reserved for harvest by vessels delivering to shoreside processors.”

As published, the final regulations contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on July 2, 1996, of the final rule document (I.D. 050796A), which was the subject of FR Doc. 96-16234, is corrected as follows:

§ 660.306 [Corrected]

On page 34592, in the third column, in § 660.306, paragraph (j), the cite “§ 663.324” is corrected to read “§ 660.324.”

On page 34593, in the first column, in § 660.306, paragraph (k), the cites “§ 663.324” and “§ 663.323(a)(4)(iv)” are corrected to read “§ 660.324” and “§ 660.323(a)(4)(iv)”, respectively.

§ 660.323 [Corrected]

On page 34595, in the first column, in § 660.323, paragraph (a)(4)(i), the second sentence is corrected to read, “The remaining 40 percent of the commercial harvest guideline is reserved for harvest by vessels delivering to shoreside processors.”

§ 663.324 [Corrected]

On page 34595, in the third column, the section number is corrected from “§ 663.324” to read “§ 660.324.”

Dated: September 9, 1996.

Charles Karnella,

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

[FR Doc. 96-23531 Filed 9-13-96; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 660

[Docket No. 951227306-6117-02; I.D. 090696E]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of Pacific Whiting Regular Season

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the “regular season” for the Pacific

whiting (whiting) fishery off Washington, Oregon, and California and the reimposition of a 10,000-lb (4,536-kg) trip limit coastwide. This action is 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. This action is intended to keep landings close to the 1996 commercial harvest guideline for whiting while allowing small quantities to be landed by fresh fish and bait fisheries and as bycatch in other fisheries.

DATES: Effective 0001 hours (local time) September 11, 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 25, 1996.

ADDRESSES: Comments on this action should be sent to Mr. William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, 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 this action 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: At its October 1995 meeting, the Pacific Fishery Management Council (Council) recommended that a 10,000-lb (4,536-kg) trip limit apply to landings of whiting after the end of the regular season (61 FR 279, January 4, 1996). The end of the regular season occurs when the “commercial harvest guideline” is projected to be reached (61 FR 28786, June 6, 1996; 61 FR 34570, July 2, 1996, as modified.) The commercial harvest guideline is the harvest guideline minus any amount allocated to the Washington coastal treaty Indian tribes. Therefore, the end of the regular season in 1996 occurs when the commercial harvest guideline of 197,000 metric tons (mt) (the 212,000-mt harvest guideline minus the 15,000 mt tribal allocation) is projected to be reached.

The commercial harvest guideline is divided between shore-based and at-sea sectors, according to the regulations at 50 CFR 660.323(a)(4). At-sea processing of whiting was prohibited on June 1,