

1995, a total of 2,365,465 pounds (1,072,956 kg) were landed in Rhode Island. The amount allocated for Rhode Island landings in 1995 was 2,243,224 lb (1,017,509 kg), creating a 122,241 lb (55,446 kg) overage that was deducted from the amount allocated for landings in that state during 1996 (April 5, 1996, 61 FR 15199). The resulting quota for Rhode Island is 1,620,342 lb (734,974 kg).

Section 625.101(b) requires the Regional Administrator, Northeast Region, NMFS (Regional Administrator), to monitor state commercial quotas and to determine when a state commercial quota is harvested. The Regional Administrator is further required to publish a document in the Federal Register advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. Because the available information indicates that the State of Rhode Island has attained its quota for 1996, the Regional Administrator has determined based on dealer reports and other available information, that the State's commercial quota has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective October 15, 1996 further landings of summer flounder in Rhode Island by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1996 calendar year, unless additional quota becomes available through a transfer and is announced in the Federal Register. Federally permitted dealers are also advised that they may not purchase summer flounder from Federally permitted vessels that land in Rhode Island for the remainder of the calendar year, or until additional quota becomes available, effective on October 15, 1996.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: October 15, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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50 CFR Part 679

[Docket No. 960129019-6019-01; I.D. 101596F]

Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component of Pollock in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for pollock by vessels catching pollock for processing by the inshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal allowance of the pollock total allowable catch (TAC) allocated to vessels catching pollock for processing by the inshore component in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), October 17, 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 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 part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(iii), the second seasonal allowance of pollock for the inshore component in the BS was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) and subsequent reserve apportionment (61 FR 16085, April 11, 1996) as 225,952 metric tons (mt).

The Director, Alaska Region, NMFS (Regional Director), established a directed fishing allowance of 224,952 mt and set aside the remaining 1,000 mt as bycatch to support directed fishing for other species in the BS. The Regional Director has determined in accordance with § 679.20(d)(1)(iii), that the second seasonal allowance of pollock TAC for vessels catching pollock for processing by the inshore component in the BS soon will be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for

processing by the inshore component in the BS.

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 review under E.O. 12866.

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

Dated: October 16, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 96-26934 Filed 10-16-96; 3:19 pm]

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50 CFR Part 679

[Docket No. 960129019-6019-01; I.D. 101596A]

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands

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

ACTION: Modification of a closure. Notice of an inseason adjustment; request for comments.

SUMMARY: NMFS has determined that the currently specified bycatch allowances of Pacific halibut allocated to the yellowfin sole and rockfish trawl fishery categories in the Bering Sea and Aleutian Islands management area (BSAI) are incorrect. Therefore, NMFS is re-specifying the bycatch allowances for these categories, and is opening the directed fishery for yellowfin sole by vessels using trawl gear. These actions are necessary to achieve the optimum yield from the groundfish fisheries. They are intended to promote the goals and objectives of the North Pacific Fishery Management Council.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), October 16, 1996, until 2400 hrs, A.l.t., December 31, 1996. Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 31, 1996.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Attn: Lori Gravel, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, or be delivered to Room 457, Federal Building, 709 West 9th Street, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 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 part 600 and 50 CFR part 679.

Pursuant to § 679.21(e)(1)(iv), the prohibited species catch (PSC) limit of halibut caught while conducting any trawl fishery for groundfish in the BSAI during any fishing year is an amount of halibut equivalent to 3,775 metric tons (mt) of halibut mortality. In accordance with § 679.21(e)(3)(i), the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) apportioned this PSC limit among the trawl gear fishery categories defined at § 679.21(e)(3)(iv) as follows:

(1) Yellowfin sole, 820 mt; (2) Rock sole/flathead sole/other flatfish, 730 mt; (3) Rockfish, 110 mt; (4) Pacific cod, 1,685 mt; (5) Pollock/Atka mackerel/“other species,” 430 mt.

As of October 10, 1996, 50 mt remain of the halibut mortality bycatch allowance to the trawl rockfish fishery category. This fishery category will not reopen during 1996 because of insufficient total allowable catch (TAC) for the rockfish species in the genus *Sebastes* and *Sebastolobus*, leaving the remaining bycatch allowance uncaught. The yellowfin sole fishery category has no halibut bycatch allowance remaining and therefore cannot harvest the 47,000

mt of yellowfin sole remaining in that species' TAC. NMFS has determined that the PSC allowances for Pacific halibut allocated to the rockfish and yellowfin sole fishery categories are incorrectly specified based on the best available scientific information pertaining to bycatch rates reported by NMFS-certified observers. The Pacific halibut bycatch allowance for the yellowfin sole fishery category needs to be augmented to promote achieving the optimum yield from the yellowfin sole fishery.

Under § 679.25(a)(2)(i)(C), the Director, Alaska Region, NMFS (Regional Director), is making an inseason adjustment to prevent the underharvest of the BSAI yellowfin sole TAC increase the Pacific halibut bycatch allowance specified for the yellowfin sole fishery category by 50 mt. The Pacific halibut bycatch allowance for the rockfish fishery category is decreased by 50 mt. In accordance with § 679.25(a)(1)(iii), NMFS is re-specifying the Pacific halibut bycatch mortality allowances of the yellowfin sole and rockfish fishery categories as follows: Yellowfin sole, 870 mt and Rockfish, 60 mt.

As required by § 679.25(b), all information relevant to this inseason adjustment, including the effect of overall fishing effort within the statistical area and economic impacts on affected fishing businesses, was considered. Current halibut bycatch allowances would prevent harvest of the remaining 47,000 mt of yellowfin sole remaining in that species' TAC and, therefore, would not promote optimum yield of groundfish and would result in economic harm to fishermen and

processors who would otherwise participate in that fishery.

The directed fishery for yellowfin sole by vessels using trawl gear in the BSAI was closed on October 2, 1996 (61 FR 52385, October 7, 1996) to prevent exceeding the 1996 bycatch allowance of Pacific halibut apportioned to the trawl yellowfin sole fishery category in the BSAI.

With the accompanying action the 1996 bycatch allowance has been increased. Therefore, NMFS is terminating the previous closure and is opening directed fishing for yellowfin sole by vessels using trawl gear in the BSAI. All other closures remain in full force and effect.

Classification

This action is taken under § 679.25 and § 679.20 and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior public notice and comment on the inseason adjustment. Immediate effectiveness is necessary to prevent foregone revenue to the yellowfin sole fishery, which would otherwise be prevented from conducting operations. Interested persons are invited to submit comment in writing on or before October 31, 1996 (see ADDRESSES).

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

Dated: October 16, 1996.

Bruce Morehead,

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