

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Bexar, Corral, and Guadalupe (FEMA Docket No. 7180).	City of Schertz .....	Mar. 7, 1996, Mar. 14, 1996, <i>Herald Newspaper</i> .	The Honorable Earl W. Sawyer, Mayor, City of Schertz, P.O. Drawer I, Schertz, Texas 78154.	Feb. 14, 1996 .....	480269
Tarrant (FEMA Docket No. 7189).	City of Southlake .....	June 18, 1996, June 25, 1996, <i>Fort Worth Star-Telegram</i> .	The Honorable Gary Fickes, Mayor, City of Southlake, 667 North Carroll Avenue, Southlake, Texas 76092.	May 22, 1996 .....	480612
Tarrant (FEMA Docket No. 7189).	City of Southlake .....	May 22, 1996, May 29, 1996, <i>Southlake Journal</i> .	The Honorable Gary Fickes, Mayor, City of Southlake, 667 North Carroll Avenue, Southlake, Texas 76092.	May 13, 1996 .....	480612
Smith (FEMA Docket No. 7180).	City of Tyler .....	Mar. 21, 1996, Mar. 28, 1996, <i>Tyler Morning Telegraph</i> .	The Honorable Smith T. Reynolds, Jr., Mayor, City of Tyler, P.O. Box 2039, Tyler, Texas 75710-2039.	Feb. 20, 1996 .....	480571
Williamson (FEMA Docket No. 7180).	Unincorporated areas ...	Mar. 13, 1996, Mar. 20, 1996, <i>Williamson County Sun</i> .	The Honorable John Doerfler, Williamson County Judge, Williamson County Courthouse, 710 Main Street, Georgetown, Texas 78626.	Jan. 19, 1996 .....	481079

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Richard W. Krimm,

*Executive Associate Director, Mitigation Directorate.*

[FR Doc. 96-26908 Filed 10-18-96; 8:45 am]

BILLING CODE 6718-04-P

#### 44 CFR Part 67

#### Final Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the FIRM

is available for inspection as indicated in the table below.

**ADDRESSES:** The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2756.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the Federal Register.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone

areas in accordance with 44 CFR Part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

#### National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

#### Regulatory Flexibility Act

The Acting Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

#### Regulatory Classification

This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of

September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is amended to read as follows:

### PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

#### § 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
<b>ARKANSAS</b>		<b>Nevada County (Unincorporated Areas) (FEMA Docket No. 7184)</b>	
<b>Searcy (City), White County (FEMA Docket No. 7184)</b>		<b>Wolf Creek:</b>	
<i>Deener Creek:</i>		At Allison Ranch Road .....	*2,041
At confluence with Little Red River .....	*221	Just downstream of Marlor Bridge .....	*2,066
Just upstream of North Main Street .....	*221	Approximately 2,950 feet upstream of Marlor Bridge .....	*2,110
Approximately 100 feet upstream of North Maple (Highway 16) .....	*225	Approximately 100 feet upstream of private bridge .....	*2,206
Approximately 100 feet downstream of Ella Street .....	*233	Approximately 4,050 feet upstream of confluence of Allison Ranch Ditch .....	*2,300
<i>Gin Creek:</i>		Just upstream of Brunswick Road .....	*2,605
At confluence with Deener Creek .....	*221	Approximately 2,980 feet upstream of Brunswick Road ...	2,677
Just upstream of Davis Drive .....	*221	<i>Little Wolf Creek:</i>	
<b>Maps are available for inspection at the City of Searcy, City Hall, 401 West Arch, Searcy, Arkansas.</b>		Approximately 3,300 feet above confluence with Wolf Creek .....	*2,451
		Approximately 3,740 feet above confluence with Wolf Creek .....	*2,455
<b>Washington County and Incorporated Areas (FEMA Docket No. 7184)</b>		<b>Maps are available for inspection at Nevada County, 950 Maidu Avenue, Nevada City, California.</b>	
<i>Middle Fork White River:</i>		<b>Orange County (Unincorporated Areas) (FEMA Docket No. 7177)</b>	
Approximately 0.22 mile upstream of Highway 16 .....	*1,182	<i>Arroyo Salada:</i>	
		At confluence with Salt Creek	None
		Just upstream of East Nine Drive .....	None
		Approximately 400 feet upstream of East Nine Drive ....	None
		Approximately 800 feet upstream of East Nine Drive ....	None
		Approximately 1,200 feet upstream of East Nine Drive ....	None
		Approximately 1,600 feet upstream of East Nine Drive ....	None
		Approximately 2,000 feet upstream of East Nine Drive ....	None
		Approximately 2,400 feet upstream of East Nine Drive ....	None
		Approximately 2,800 feet upstream of East Nine Drive ....	None
		Approximately 3,200 feet upstream of East Nine Drive ....	None
		Approximately 3,600 feet upstream of East Nine Drive ....	None
		Approximately 3,900 feet upstream of East Nine Drive ....	None
		<b>Maps are available for inspection at Orange County Flood Programs, EMA, 400 Civic Center, Santa Ana, California.</b>	
		<b>San Joaquin County (Unincorporated Areas) (FEMA Docket No. 7184)</b>	
		<i>North Fork Mokelumne River:</i>	

Source of flooding and location

#Depth in feet above ground.  
\*Elevation in feet (NGVD).

Just downstream of Harris Drive (extended) .....

\*1,192

*White River:*

Approximately 2.8 miles downstream of Highway 74 .....

\*1,181

Just downstream of Highway 74 .....

\*1,195

Approximately 0.8 mile upstream of East First Avenue

\*1,215

**Maps are available for inspection at the Washington County Courthouse, 2 North College, Fayetteville, Arkansas.**

**Maps are available for inspection at the City of Fayetteville City Hall, 113 West Mountain Street, Fayetteville, Arkansas.**

**Maps are available for inspection at the City of Elkins City Hall, 201 West First Street, Elkins, Arkansas.**

### CALIFORNIA

**Grass Valley (City), Nevada County (FEMA Docket No. 7184)**

*Wolf Creek:*

At the corporate limits (approximately 4,100 feet downstream of confluence of Little Wolf Creek) .....

\*2,220

At confluence of Little Wolf Creek .....

\*2,312

Just downstream of Freeman Lane .....

\*2,351

**Maps are available for inspection at the City of Grass Valley, 125 East Main Street, Grass Valley, California.**

**Hesperia (City), San Bernardino County (FEMA Docket No. 7181)**

*Antelope Valley Wash:*

At confluence with Mojave River .....

\*2,900

Approximately 150 feet upstream of Lake Arrowhead Road .....

\*2,940

At Peach Avenue .....

\*2,974

Approximately 50 feet upstream of Pico Avenue .....

\*3,035

Approximately 200 feet upstream of Joshua Street .....

\*3,120

At Ash Street .....

\*3,154

At E Avenue .....

\*3,182

Approximately 850 feet upstream of Rancho Road ....  
**Maps are available for inspection at the City of Hesperia, 15776 Main Street, Hesperia, California.**

\*3,206

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
At divergence from South Fork Mokelumne River .....	*15	<b>Maps are available for inspection</b> at the City of Vacaville Department of Community Development, City Hall, 650 Merchant Street, Vacaville, California.		Approximately 5,300 feet upstream of South Taft Hill Road .....	*5,110
Approximately 5,500 feet upstream of divergence from South Fork Mokelumne River .....	*15			Just upstream of West Horsetooth Road .....	*5,137
Approximately 14,000 feet upstream of divergence from South Fork Mokelumne River .....	*18			Approximately 1,450 feet upstream of West Horsetooth Road .....	*5,149
At Interstate Highway 5 .....	*19	<b>COLORADO</b>		<i>Cache La Poudre River South of Burlington Northern Railroad Embankment:</i>	
At confluence with Cosumnes River .....	*19	<b>Fort Collins (City), Larimer County (FEMA Docket No. 7142)</b>		Approximately 4,300 feet upstream of confluence with Boxelder Creek .....	*4,872
<b>Maps are available for inspection</b> at the San Joaquin County Flood Control and Water Conservation District, 1810 East Hazelton Avenue, Stockton, California.		<i>Cooper Slough:</i>		<i>Cache La Poudre River North of Burlington Northern Railroad Embankment:</i>	
		Approximately 150 feet downstream of the Colorado & Southern Railroad .....	*4,938	Approximately 4,300 feet upstream of confluence with Boxelder Creek .....	*4,866
		At confluence of East Island Divide .....	*4,944	At confluence of Cache La Poudre Low Flow Channel ...	*4,873
		At divergence of East Island Divide .....	*4,951	At confluence of Cache La Poudre Left Flow Path (LPATH) .....	*4,879
		Just upstream of Vine Drive ...	*4,957	<i>Cache La Poudre River:</i>	
		<i>Sherry Drive Overflow:</i>		Just downstream of the Burlington Northern Railroad .....	*4,858
		Just upstream of Prospect Road .....	*4,902	At divergence with Cache La Poudre Low Flow Channel ...	*4,883
		Approximately 1,000 feet upstream of Prospect Road .....	*4,903	Approximately 3,500 feet downstream of East Prospect Road .....	*4,886
		Approximately 3,400 feet upstream of Prospect Road .....	*4,913	Just upstream of East Prospect Road .....	*4,889
		Approximately 4,300 feet upstream of Prospect Road .....	*4,916	At confluence of Spring Creek	*4,900
		<i>East Island Divide:</i>		At confluence of Cache La Poudre Right Flow Path (RPATH) .....	*4,902
		At confluence with Cooper Slough .....	*4,944	At divergence of Cache La Poudre Left Flow Path (LPATH) .....	*4,913
		1,000 feet upstream of confluence with Cooper Slough	*4,947	At confluence of Lincoln Avenue Overflow (LINC) .....	*4,918
		At divergence with Cooper Slough .....	*4,951	At divergence of Cache La Poudre Right Flow Path (RPATH) .....	*4,921
		<i>State Highway 14 Overflow:</i>		Just upstream of Lemay Avenue .....	*4,933
		Approximately 300 feet above confluence with Lake Canal	*4,914	At divergence of Lemay Avenue Overflow (Lemayds) .....	*4,935
		Approximately 800 feet above confluence with Lake Canal	*4,916	Just downstream of Lincoln Avenue .....	*4,947
		<i>Spring Creek:</i>		At divergence of Lincoln Avenue Overflow (LINC) .....	*4,951
		At confluence with Cache La Poudre River .....	*4,899	Just upstream of North College Avenue .....	*4,965
		Just upstream of East Prospect Road .....	*4,905	Approximately 3,300 feet upstream of Lake Canal Diversion Dam	*4,977
		Just upstream of Timberline Road .....	*4,907	<i>Cache La Poudre Low Flow Channel:</i>	
		Just downstream of the Union Pacific Railroad .....	*4,916	At confluence with Cache La Poudre River .....	*4,873
		Just upstream of Welch Street	*4,937	Approximately 2,600 feet upstream of confluence with Cache La Poudre River .....	*4,877
		Just upstream of Lemay Avenue .....	*4,942	At divergence with Cache La Poudre River .....	*4,885
		Just upstream of Stover Street	*4,960		
		Just upstream of Remington Street .....	*4,980		
		Approximately 650 feet upstream of South College Avenue .....	*4,993		
		Just upstream of South Shields Street .....	*5,013		
		Just upstream of West Drake Road .....	*5,057		
		Just upstream of South Taft Hill Road .....	*5,083		
		Approximately 3,000 feet upstream of South Taft Hill Road .....	*5,096		

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
<i>Cache La Poudre Left Flow Path (LPATH):</i>		Approximately 960 feet upstream of South Taft Hill Road .....		Just upstream of Lemay Avenue .....	*4,935
At confluence with Cache La Poudre River .....	*4,879	Approximately 2,600 feet upstream of South Taft Hill Road .....	*5,083	<i>Cache La Poudre Left Flow Path (LPATH):</i>	
Approximately 2,000 feet upstream of confluence with Cache La Poudre River .....	*4,883	Just downstream of West Horsetooth Road .....	*5,093	Just upstream of Prospect Road .....	*4,891
Approximately 5,000 feet upstream of confluence with Cache La Poudre River .....	*4,897	Approximately 1,900 feet upstream of West Horsetooth Road .....	*5,137	Approximately 5,300 feet upstream of Prospect Road .....	*4,906
At divergence from Cache La Poudre River .....	*4,913	Cache La Poudre River South of Burlington Northern Railroad Embankment:	*5,155	Approximately 6,250 feet upstream of Prospect Road .....	*4,909
<i>Cache La Poudre Right Flow Path (RPATH):</i>		At Horsetooth Road .....	*4,855	<i>Dry Creek:</i>	
At confluence with Cache La Poudre River .....	*4,902	Approximately 300 feet upstream of Horsetooth Road .....	*4,856	At confluence with Cache La Poudre River .....	*4,918
Approximately 3,000 feet upstream of confluence with Cache La Poudre River .....	*4,905	Approximately 2,500 feet upstream of Horsetooth Road .....	*4,860	Just upstream of State Highway 14 .....	*4,920
At divergence from Cache La Poudre River .....	*4,921	Approximately 4,000 feet above confluence with Boxelder Creek .....	*4,872	<b>MISSOURI</b>	
<i>Lincoln Avenue Overflow (LINC):</i>		Cache La Poudre River North of Burlington Northern Railroad Embankment:		<b>Poplar Bluff (City), Butler County (FEMA Docket No. 7184)</b>	
Just upstream of North Lemay Avenue .....	*4,940	Approximately 300 feet upstream of Horsetooth Road .....	*4,856	<i>Pike Creek:</i>	
Just upstream of Second Street .....	*4,948	At confluence with Boxelder Creek .....	*4,866	Just upstream of the Missouri Pacific Railroad .....	*336
At divergence from Cache La Poudre River .....	*4,951	Approximately 6,000 feet upstream of confluence with Boxelder Creek .....	*4,876	At confluence of Black Creek .....	*339
<i>Lemay Avenue Overflow (Lemayds):</i>		Cache La Poudre River:		At confluence of Sunset Creek .....	*340
Approximately 900 feet downstream of Lemay Avenue .....	*4,932	Approximately 200 feet upstream of Boxelder Ditch Diversion Dam .....	*4,894	Approximately 400 feet downstream of confluence of North Branch Pike Creek .....	*346
At North Lemay Avenue .....	*4,934	At confluence of Lincoln Avenue Overflow .....	*4,918	<i>North Branch Pike Creek:</i>	
<b>Maps are available for inspection at the City of Fort Collins Stormwater Utilities Department, 235 Mathews, Fort Collins, Colorado.</b>		Just upstream of Lemay Avenue .....	*4,933	Approximately 350 feet upstream of confluence with Pike Creek .....	*347
<b>Larimer County (Unincorporated Areas) (FEMA Docket No. 7142)</b>		Just upstream of Shields Street .....	*4,986	Approximately 2,000 feet upstream of confluence with Pike Creek .....	*364
<i>Cooper Slough:</i>		Approximately 300 feet upstream of Josh Ames Diversion Dam .....	*4,994	At confluence of East Fork Pike Creek .....	*382
Just upstream of State Highway 14 .....	*4,928	Northeast of intersection of Taft Hill Road and Burlington Northern Railroad .....	*5,010	Approximately 100 feet upstream of Russell Road .....	*410
Shallow flooding north of State Highway 14 .....	#3	Approximately 500 feet upstream of Taft Hill Road .....	*5,020	Just upstream of Oak Grove Road .....	*427
Just upstream of Colorado & Southern Railroad .....	*4,943	Just upstream of Overland Trail .....	*5,053	<i>Hogg Creek:</i>	
Just downstream of Vine Drive .....	*4,954	Just upstream of N Dam .....	*5,078	At confluence with Pike Creek .....	*339
<i>State Highway 14 Overflow:</i>		Just upstream of State Highway 28 .....	*5,106	Just upstream of Tremont Street .....	*345
Just upstream of Lake Canal .....	*4,913	Approximately 1,800 feet upstream of State Highway 28 .....	*5,116	Approximately 150 feet upstream of Pershing Street .....	*354
Just downstream of State Highway 14 .....	*4,926	Cache La Poudre Lincoln Avenue Overflow (LINC):		Just upstream of Gray Street .....	*393
Just upstream of State Highway 14 .....	*4,628	Approximately 7,900 feet upstream of State Highway 14 .....	*4,940	Just upstream of North 14th Street .....	*422
At intersection of Weicke Drive and John Deere Road .....	#3	Lemay Avenue Overflow (Lemayds):		<i>Hogg Creek Tributary:</i>	
<i>Sherry Drive Overflow:</i>		At intersection of Industrial Drive and Lincoln Avenue .....	#2	At confluence with Hogg Creek .....	*347
Approximately 80 feet upstream of Prospect Road .....	*4,902	Just downstream of Airpark Road .....	*4,925	Approximately 500 feet upstream of confluence with Hogg Creek .....	*351
Approximately 1,600 feet upstream of Prospect Road .....	*4,904	Just upstream of Link Lane .....	*4,930	Just downstream of Highland Road .....	*358
Approximately 500 feet downstream of Sherry Drive .....	*4,916			<i>Park Creek:</i>	
Approximately 750 feet upstream of Sherry Drive .....	*4,920			Just upstream of Fifth Street .....	*338
<i>Spring Creek:</i>				At Sixth Street .....	*339
				Just upstream of Eighth Street .....	*340
				Just upstream of Oakwood Drive .....	*346



Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance") Richard W. Krimm, <i>Executive Associate Director, Mitigation Directorate.</i> [FR Doc. 96-26911 Filed 10-18-96; 8:45 am] <b>BILLING CODE 6718-04-P</b>
At Tarrant County-Parker County Line .....	*734	
Just downstream of Armageddon Ranch Road .....	*752	
At Underwood Road .....	*808	<b>DEPARTMENT OF COMMERCE</b>
Approximately 150 feet upstream of Crown Road Bridge .....	*843	<b>National Oceanic and Atmospheric Administration</b>
At City of Weatherford corporate limits .....	*856	<b>50 CFR Part 648</b>
<b>Stream CF(WP)-1:</b>		<b>[Docket No. 951116270-5308-02; I.D. 101196C]</b>
Approximately 1,200 feet downstream of East Bankhead Drive .....	*827	<b>Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York</b>
Approximately 120 feet downstream of East Bankhead Drive .....	*835	
Just upstream of East Bankhead Drive .....	*841	<b>AGENCY:</b> National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.
<b>Maps are available for inspection</b> at the Office of the County Judge, Floodplain Department, One Courthouse Square, Weatherford, Texas.		<b>ACTION:</b> Commercial quota harvest.
<b>Weatherford (City), Parker County (FEMA Docket No. 7181)</b>		<b>SUMMARY:</b> NMFS issues this notification to announce that the summer flounder commercial quota available to the State of New York has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in New York for the remainder of calendar year 1996, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notification to advise the State of New York that the quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in New York.
<b>Clear Fork Trinity River:</b>		
At the corporate limits, ..		
Approximately 1,000 feet downstream of West Lake Drive .....	*856	
Approximately 400 feet upstream of West Lake Road .....	*860	
<b>Maps are available for inspection</b> at the City of Weatherford Department of Code Enforcement, City Hall, 303 Palo Pinto Street, Weatherford, Texas.		<b>EFFECTIVE DATE:</b> October 15, 1996, through December 31, 1996.
<b>Willow Park (City), Parker County (FEMA Docket No. 7181)</b>		<b>FOR FURTHER INFORMATION CONTACT:</b> Lucy Helvenston, 508-281-9347.
<b>Clear Fork Trinity River:</b>		
At the corporate limits, approximately 400 feet downstream of East Bankhead Highway .....	*830	<b>SUPPLEMENTARY INFORMATION:</b>
Approximately 100 feet upstream of Interstate Highway 20 .....	*834	Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.
At the upstream corporate limits, approximately 6,300 feet upstream of Interstate Highway 20 westbound .....	*843	Amendment 7 to the FMP (November 24, 1995, 60 FR 57955) revised the fishing mortality rate reduction schedule for summer flounder, and the revised schedule was the basis for establishing the 1996 quota. The total commercial quota for summer flounder

for the 1996 calendar year is set equal to 11,111,298 lb (5,040,000 kg) (January 4, 1996, 61 FR 291). The percent allocated to vessels landing summer flounder in New York is 7.64699 percent, or 849,680 lb (385,408 kg).

Section 648.100(d)(2) provides that any overages of the commercial quota landed in any state will be deducted from that state's annual quota for the following year. In the calendar year 1995, a total of 1,248,078 lb (566,119 kg) were landed in New York. The amount allocated for New York landings in 1995 was 1,243,374 lb (563,984 kg), creating a 4,704 lb (2,133 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 New York is 844,976 lb (383,275 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 New York 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 New York 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 New York for the remainder of the calendar year, or until additional quota becomes available, effective on October 15, 1996.