

Court of Appeals for the appropriate circuit by January 7, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 6, 1996.

Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(232) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(232) New regulations for the following APCD were submitted on March 21, 1994, by the Governor's designee:

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(I) Regulation XX, adopted October 15, 1993.

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[FR Doc. 96–28594 Filed 11–7–96; 8:45 am]

BILLING CODE 6560–50–W

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129019–6019–01; I.D. 110196A]

Fisheries of the Exclusive Economic Zone Off Alaska; Tanner Crab Bycatch Allowances for Vessels Using Trawl Gear in Zone 1 of the Bering Sea and Aleutian Islands

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS has determined that the current bycatch allowances of the *Chionoecetes bairdi* (*C. bairdi*) Tanner crab prohibited species catch (PSC) limit allocated to the yellowfin sole and rock sole/flathead sole/"other flatfish" trawl fishery categories in Zone 1 of the Bering Sea and Aleutian Islands management area (BSAI) are incorrect. NMFS is respecifying the PSC limit apportioned to these categories. These actions are necessary to achieve the optimum yield from the groundfish fisheries. They are intended to promote the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

DATES: 1200 hrs, Alaska local time (A.l.t.), November 4, 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., November 19, 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: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the FMP prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens 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)(ii) the PSC limit of *C. bairdi* Tanner crab caught

while conducting any trawl fishery for groundfish in Zone 1 of the BSAI during any fishing year is 1 million animals. 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, 250,000 animals; (2) rock sole/flathead sole/"other flatfish", 425,000 animals; (3) Pacific cod, 250,000 animals; and (4) pollock/Atka mackerel/other species, 75,000 animals.

As of October 12, 1996, 80,000 animals remain of the *C. bairdi* Tanner crab PSC limit to be taken in the trawl rock sole/flathead sole/"other flatfish" category in Zone 1. This fishery category will not reopen during 1996. The yellowfin sole fishery category has no *C. bairdi* Tanner crab PSC limit apportionment remaining in Zone 1 and cannot harvest the 45,000 mt of yellowfin sole remaining in that species total allowable catch (TAC) in Zone 1. NMFS has determined that the Zone 1 PSC limit for *C. bairdi* Tanner crab apportioned to the yellowfin sole and rock sole/flathead sole/"other flatfish" fishery categories is incorrectly specified based on the best available scientific information pertaining to bycatch rates reported by NMFS-certified observers. The *C. bairdi* Tanner crab PSC limit apportioned to the yellowfin sole fishery category needs to be augmented to promote achieving the optimum yield from the yellowfin sole fishery.

Under § 679.25(a)(1)(iii), the Administrator, Alaska Region, NMFS, is adjusting the *C. bairdi* Tanner crab PSC limit by (1) increasing the apportionment specified for the yellowfin sole fishery category in Zone 1 by 80,000 animals, resulting in an adjusted apportionment of 330,000 animals for this fishery, and (2) decreasing the apportionment specified for the rock sole/flathead sole/"other flatfish" fishery category in Zone 1 by 80,000 animals, resulting in an adjusted apportionment of 345,000 animals for this fishery. This adjustment is necessary to prevent the underharvest of the BSAI yellowfin sole TAC and is authorized pursuant to § 679.25(a)(2)(i)(C).

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 *C. bairdi* Tanner crab bycatch allowances in Zone 1 will prevent harvest of the remaining 45,000 mt of yellowfin sole remaining in that

species TAC and will not promote optimum yield of groundfish and will result in economic harm to fishermen and processors who would otherwise participate in that fishery. Interested persons are invited to submit comment in writing (see ADDRESSES).

Classification

This action is taken under § 679.25 and § 679.20.

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 in Zone 1.

This action is exempt from review under E.O. 12866.

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

Dated: November 1, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 96-28717 Filed 11-04-96; 5:00 pm]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 960129019-6019-01; I.D. 110496B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for Pacific cod by vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 1996 Pacific halibut bycatch mortality allowance apportioned to the Pacific cod hook-and-line fishery in the BSAI has been reached.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), November 5, 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.

The 1996 Pacific halibut bycatch mortality allowance for the hook-and-line Pacific cod fishery, which is defined at § 679.21(e)(4)(ii)(A), is 800 mt (61 FR 4311, February 5, 1996).

The Administrator (formerly "Director"), Alaska Region, NMFS, has determined, in accordance with § 679.21(e)(8), that U.S. fishing vessels participating in the Pacific cod hook-and-line fishery in the BSAI have caught the 1996 Pacific halibut bycatch mortality allowance. Therefore, NMFS is closing directed fishing for Pacific cod by vessels using hook-and-line gear in the BSAI.

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: November 4, 1996.

Gary Matlock,

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

[FR Doc. 96-28808 Filed 11-05-96; 3:53 pm]

BILLING CODE 3510-22-F