

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 080597D]

Atlantic Tuna Fisheries; Fishery Reopening

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

ACTION: Reopening.

SUMMARY: NMFS has determined that the 1997 Atlantic bluefin tuna (ABT) June-August period General category subquota has not been reached. Therefore, NMFS reopens the General category fishery for large medium and giant ABT for all areas for one additional day. This action is being taken to allow full harvest of the General category June-August period subquota.

DATES: Effective 1 a.m. local time through 11:30 p.m. local time on Friday, August 8, 1997.

FOR FURTHER INFORMATION CONTACT: Chris Rogers, 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 any quota and publish a **Federal Register** announcement to close the applicable fishery.

General Category Reopening

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a subquota of 374 mt of large medium and giant ABT to be harvested from the regulatory area by vessels permitted in the General category during the period beginning June 1 and ending August 31. Based on reported catch and effort, NMFS filed an action with the Office of the Federal Register on August 1, 1997, to close the General category fishery on August 3, 1997. NMFS has determined that, due to

lower than expected fishing effort and landings, the full 374 mt has not been taken. Recent average catch rates indicate that the remaining subquota could be taken in one fishing day. Therefore, NMFS is reopening the General category fishery for large medium and giant ABT effective 1 a.m., August 8, 1997, and closing 11:30 p.m., August 8, 1997. Fishing for, retaining, possessing, or landing large medium or giant ABT by vessels in the General category may not occur prior to 1 a.m., August 8, 1997, and must cease at 11:30 p.m. local time August 8, 1997. Closure of this one day fishery will be strictly enforced. The General category will reopen September 1, 1997 with a quota of 187 mt for the September period. If necessary, the September subquota will be adjusted based on actual landings from the current period.

The intent of this action is to allow full attainment of the June-August period subquota established for the General category as specified in the Atlantic bluefin tuna effort controls final rule (62 FR 38939, July 21, 1997).

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: August 5, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 97-21135 Filed 8-6-97; 4:11pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 961217359-7050-02; I.D. 080597A]

Pacific Halibut Fisheries; Area 2A Commercial Fishery

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

ACTION: Inseason action.

SUMMARY: NMFS announces that the Area 2A commercial harvest of Pacific halibut incidental to the salmon troll fishery is closed.

The action is necessary because the non-Indian commercial halibut fishery quota has been taken and no halibut quota remains for an incidental catch during the salmon troll fisheries.

DATES: Effective August 1, 1997, through December 31, 1997. Comments will be accepted through August 27, 1997.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, Seattle, WA 98115. Information relevant to this action is available for public review during business hours at this address.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206-526-6143.

SUPPLEMENTARY INFORMATION: The Area 2A Catch Sharing Plan (Plan) for Pacific halibut off Washington, Oregon, and California is implemented in the annual management measures for the Pacific halibut fisheries published on March 18, 1997 (52 FR 12759). The non-Indian commercial halibut fishery quota of 144,235 lb (65 metric tons (mt)) is divided into two components: A directed fishery targeting on halibut managed by the International Pacific Halibut Commission (IPHC) with a subquota of 122,600 lb (55.6 mt), and an incidental catch fishery during the salmon troll fisheries off Washington, Oregon, and California managed by NMFS with a subquota of 21,635 lb (9.8 mt). In accordance with the Plan, the management measures for the incidental halibut catch fishery were implemented with the annual management measures for the ocean salmon fisheries published in the **Federal Register** on May 5, 1997 (62 FR 24355). Paragraph C.9. of Table 1 of the annual management measures stipulates that, if the subquota for this incidental catch is not harvested during the May/June salmon troll fishery, the remaining subquota will be made available by the IPHC to the directed halibut fishery. If the overall quota for the non-Indian commercial fisheries has not been harvested by July 31 and the subquota for the salmon troll fishery was not harvested during the May/June fishery, landings of halibut caught incidentally during salmon troll fisheries would be allowed effective August 1 and would continue until the subquota for the troll fishery was taken or the overall non-Indian commercial halibut quota was estimated to have been achieved by the IPHC.

An estimated total of 17,570 lb of halibut was harvested in the May/June salmon troll fishery, and the remaining 4,065 lb in the quota for this fishery were "rolled-over" to the directed commercial halibut fishery by the IPHC. In its July 11, 1997 News Release, the IPHC announced that the directed halibut commercial fishery in Area 2A had harvested approximately 135,000 lb and no quota remained to be "rolled-over" into the incidental catch fishery.

The IPHC closed all Area 2A non-Indian commercial halibut fisheries, including the incidental catch of halibut during the salmon troll fisheries that opened on August 1. Notice of the closure has been provided on the NMFS hotline at 206-526-6667.

Accordingly, NMFS announces that Pacific halibut caught during the salmon troll fisheries may not be retained, possessed or sold for the remainder of 1997.

Classification

This action is authorized by Section 10 of the annual management measures for Pacific halibut fisheries published on March 18, 1997 (62 FR 12759) and Paragraph C.9. of Table 1 of the annual management measures for the ocean salmon fisheries published in the **Federal Register** on May 5, 1997 (62 FR 24355). This action has been determined to be not significant for purposes of E.O. 12866.

Because of the need to implement the IPHC closure and prevent the commercial catch of halibut in excess of the quota, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment.

Dated: August 6, 1997.

Bruce Morehead,

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

[FR Doc. 97-21283 Filed 8-11-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961210346-7035-02; I.D. 070397G]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Adjustments to the 1997 State Quotas; Commercial Quota Harvested for North Carolina; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Correction to commercial quota adjustments for the State of Maryland.

SUMMARY: NMFS corrects the rulemaking announcing adjustments to the commercial state quotas for the 1997 summer flounder fishery published July 15, 1997.

DATES: The 1997 commercial state quotas are effective July 9, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing summer flounder management measures (50 CFR part 648, subparts A and G) require annual specification of a commercial quota that is apportioned among the Atlantic coastal states from Maine through North Carolina. Section 648.100(d)(2) of the regulations provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of a state's quota must be deducted from that state's annual quota for the following year.

On March 7, 1997 (62 FR 10473), NMFS published the final specifications for the summer flounder 1997 commercial fishery and deductions for overages in the 1996 quota year. At that time, Maryland's initial landings data for 1996 indicated that the state had underharvested its quota by 1,519 lb (689 kg). Revised data were subsequently provided that altered the landings figures for several states. These data were used as a basis for readjusting the states' commercial quotas (July 15, 1997, 62 FR 37741). In the case of Maryland, revised data indicated an additional 39,835 lb (18,069 kg) of summer flounder were landed in 1996. The underharvest of 1,519 lb (689 kg) should have been subtracted from the additional landings of 39,835 lb (18,069 kg) to derive an actual overharvest for Maryland in 1996 of 38,316 lb (17,380 kg). Instead, the additional landings for

Maryland in 1996 were incorrectly subtracted in their entirety from that state's 1997 quota in the July 15, 1997, rulemaking. This notice announces that the total overage for Maryland in 1996 was actually 38,316 lb (17,380 kg), and corrects the state's 1997 commercial quota accordingly, by adding 1,519 lb (689 kg) to the published quota of 186,735 lb (84,702 kg).

Since Maryland is the only state that moved from an underharvest to an overharvest based on the revised landings data, it was the only state to have an erroneous quota result. All other state-readjusted 1997 quotas as published July 15, 1997, are correct for the landings data received.

Correction of Publication

Accordingly, the publication on July 15, 1997 (62 FR 37741), of the commercial quota adjustments [I.D. 070397G], which were the subject of rule document 97-18462, is corrected as follows:

On page 37743, in Table 2, under the State of Maryland, in the fourth column under "Readjusted 1997 Quota", under the subheading "lb", "186,735" should read "188,254" and in the fifth column, under the subheading "(Kg)", "84,702" should read "85,391".

In the same table, under "Total", in the fourth column, under the subheading "lb", "8,382,277" should read "8,383,796" and in the fifth column, under the subheading "(Kg)", "3,802,137" should read "3,802,826".

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

Dated: August 5, 1997.

Bruce Morehead,

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

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