

and related public hearing documents that are available for public comment. For copies of the public scoping documents, see **ADDRESSES**.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by October 20, 1995 (see **ADDRESSES**).

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

Dated: October 17, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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50 CFR Part 652

[Docket No. 951017252-5252-01; I.D. 101695C]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Proposed 1996 fishing quotas for surf clams and ocean quahogs; request for comments.

SUMMARY: NMFS issues proposed quotas for the Atlantic surf clam and ocean quahog fisheries for 1996. These quotas are selected from a range defined as optimum yield (OY) for each fishery. The intent of this action is to establish allowable harvests of surf clams and ocean quahogs from the exclusive economic zone in 1996.

DATES: Public comments must be received on or before November 16, 1995.

ADDRESSES: Send comments to: Andrew A. Rosenberg, Regional Director, Northeast Region, NMFS One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments—1996 Surf Clam and Ocean Quahog Quotas."

Copies of the Mid-Atlantic Fishery Management Council's analysis and recommendations are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin (Resource Policy Analyst), 508-281-9104.

SUPPLEMENTARY INFORMATION: NMFS, acting on behalf of the Secretary of

Commerce, in consultation with the Mid-Atlantic Fishery Management Council (Council), is directed under the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP), to specify quotas for surf clams and ocean quahogs on an annual basis from a range defined by the FMP as the OY for each fishery. Further, it is the policy of the Council that the levels selected should allow fishing to continue at that level for at least 10 years for surf clams and 30 years for ocean quahogs. While staying within these constraints, the quotas are also to be set at a level that would meet the estimated annual demand.

For surf clams, the quota must fall within the OY range of 1.85 million bushels (mil. bu.) to 3.4 mil. bu. For ocean quahogs, the quota must fall within the OY range of 4.00 mil. bu. to 6.00 mil. bu.

During its discussions of the 1996 quota recommendations, the Council also considered revising the overfishing definitions specified in the FMP. Overfishing is presently defined for both species in terms of actual yield levels, that is, overfishing is defined as harvests in excess of the quota levels specified for a given year. These overfishing definitions do not incorporate biological considerations to protect against overfishing of the two species. The Council is now developing an amendment to the FMP that contains new overfishing definitions. NMFS will review the proposed quotas for 1996 in the context of the new proposed overfishing definitions before issuing the final quotas for 1996.

In proposing these quotas, NMFS considered the available stock assessments, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report, "Overview of the Surf Clam and Ocean Quahog Fisheries and Quota Recommendations for 1996," prepared by the Council. The proposed quotas for the 1996 Atlantic surf clam and ocean quahog fisheries are shown below. The surf clam quota would be unchanged from 1995, and the ocean quahog quota would be reduced by approximately 9 percent.

NMFS notes that the Council used the 1992 stock abundance survey, as described in the 1993 stock assessment report, in setting the 1996 quotas. The most recent stock abundance survey, completed in 1994, was considered to be a statistical anomaly as described in

the final specifications for these species in 1995 (60 FR 25853), and was set aside until a more thorough review of the data was possible. As this review is not completed, NMFS still considers the 1992 stock abundance survey to be the best scientific information available. This data was used in conjunction with the updated information stated above.

PROPOSED 1996 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery	1996 final quotas (mil. bu)	1996 final quotas (mil. hL)
Surf clam ..	2.565	1.362
Ocean quahog	4.450	2.363

Surf Clams

The Council staff originally proposed a surf clam quota of 2.843 mil. bu., based on the assumption that Georges Bank, presently closed to the fishery due to the presence of paralytic shellfish poisoning toxin (PSP), would reopen. The staff assumed that the risks from PSP would be eliminated by implementation of a dockside test for the toxin and that half of the surf clam resource on Georges Bank would be available over the next 10 years. As a result of this assumption, the staff recommended an increase in quota of 10 percent from the 1995 level of 2.565 mil. bu.

The staff recommendation was presented to the Council's Science and Statistical Committee (SSC), Surf Clam and Ocean Quahog Committee (Committee), and Industry Advisors at a meeting in July, 1995. These bodies did not accept the staff assumption concerning the reopening of Georges Bank. At the July meeting, the SSC was the only body to make an alternative quota recommendation; the SSC recommended that the 1996 quota should remain unchanged from 1995 (2.565 mil. bu.).

In August, 1995, the Council met as a "Committee of the Whole" to consider the SSC recommendation and revised the staff recommendation. Subsequent to its original proposal, the staff reviewed two projections based on the most recent stock assessment, both of which assumed that there would be no Georges Bank harvest. The first projection estimated the number of years that the quota could remain at the 1995 level of 2.565 mil. bu. This projection showed a median of 7 supply years, with an 80% confidence level that the supply years would fall into a range between 5 and 10 years. The second projection calculated that a

quota level of 2.473 mil. bu. was the median estimate of a 10-year supply. The staff recommended basing the quota on the second, more conservative, projection. The "Committee of the Whole" adopted the SSC recommendation for a 1996 quota of 2.565 mil. bu., rather than the staff recommendation, because uncertainties in the projections indicated that there was no compelling reason for a quota reduction at this time. The Committee of the Whole's recommendation was adopted by the Council at its meeting in September, 1995.

Ocean Quahogs

The Council staff proposed an ocean quahog quota of 4.45 mil. bu., a reduction of 9 percent from 1995. This reduction is based on a recalculation by Council staff of the harvest level that could be maintained over a 30-year period. This recommendation assumes that all of the Georges Bank biomass will become available to the fishery over the course of the 30-year harvest period. In making this assumption, however, the Council stated that additional quota reductions would be necessary in the future if demonstrable progress is not made toward a reopening of Georges Bank in the near future.

The staff recommendation was adopted by the SSC in July, 1995, by the Committee of the Whole in August, 1995, and by the Council in September, 1995.

Classification

This action is authorized by 50 CFR Part 652 and is exempt from review under E.O. 12866.

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

Dated: October 17, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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