

legislation is enacted. They argue that "the resources of both Broadcasters and the Commission would be poorly used in preparing and considering comments raised in the [NOI] when a second set of comments would almost certainly have to be sought on similar issues if Congress adopts the captioning legislation." Accordingly, Broadcasters request the Commission to extend the filing date for comments in this proceeding until 30 days after the date of enactment of the Telecommunications Act of 1995, or—if Congress fails to adopt a bill—until a further order of the Commission.¹

3. On January 17, 1996, The National Association of the Deaf (NAD) requested that the Commission extend the due date for filing comments and reply comments in this proceeding by 30 days. In support of its request, NAD argues that the occurrence of certain events make meeting the existing deadlines extremely difficult, if not impossible. First, NAD notes that Gallaudet University announced the closing of the National Center for Law and Deafness (Law Center), effective January 19, 1996. The Law Center, which NAD states has played a key role in coordinating and preparing comments on Commission proceedings affecting telecommunications and television access, was given only seven weeks notice of its closing date after being in operation for twenty years. NAD claims that because the time allotted for shutting down the Law Center and transferring its operations was so short, the Law Center had little or no time to begin to address the matters raised in the NOI. NAD states that it will be assuming the role formerly filled by the Law Center in addressing telecommunications matters raised by the Commission. Second, NAD notes that the severe winter snow storm that struck the Northeast forced closure of many private and governmental offices for approximately the entire week of January 8–12, 1996, impeding NAD's ability to gather the information needed for a proper response to the NOI. Finally, the partial closure of the Federal government resulted in a furlough of employees at several governmental agencies, including the Department of Education, which may have relevant information to file in connection with this proceeding.²

¹ Broadcasters request in the alternative that the Commission extend the comment deadlines by 30 days.

² NAD also supports its request with the argument that "many individuals were out of town or otherwise unavailable" during the Christmas holidays. We do not believe that this fact provides

4. We decline to grant Broadcasters' request for an indefinite extension pending developments on the pending telecommunications reform legislation. While we understand that further comments may ultimately be necessary, we believe that submission of the information sought by the NOI will provide a useful foundation for further Commission action whether or not that legislation is enacted. The Commission will be able to expedite the implementation of any legislation that becomes law and accelerate completion of any further proceedings the Commission may be required by the legislation to conduct on both closed captioning and video description. Further, the comments submitted should provide us with information that would be useful in preparing any Notice of Proposed Rule Making that might be necessary to implement the legislation. If the legislation is not enacted, the record in this proceeding will enable the Commission to "assess the possibility of adopting regulatory requirements in this area under its existing statutory authority." NOI at ¶ 26.

5. With regard to NAD's request for an extension, we are mindful that Section 1.46 of the Commission's Rules, 47 CFR § 1.46, articulates a Commission policy that extensions of time for filing comments in rulemaking proceedings are not to be routinely granted. Nevertheless, we find that good cause exists for granting a short extension of the comment and reply comment deadlines. We take note of the following factors which, viewed in their totality, we believe warrant grant of a 30-day extension: (1) the abrupt closing of the Law Center at Gallaudet University, and the need for its successor organization, NAD, to gather comprehensive information on short notice; (2) the unusually severe winter storms, which have recently stalled mail deliveries, disrupted transit, and forced many workplaces to close for up to a week, and have therefore complicated efforts to prepare comments, particularly for those parties whose comments required coordination among multiple entities or persons; and (3) the partial federal government closure, which has made it difficult for parties to gather from agencies relevant information regarding closed captioning and video description services.

6. Accordingly, it is ordered, that the request filed by the National Association of the Deaf for an extension of time in which to file comments and reply comments in response to the

any justification for an extension of the comment period.

Notice of Inquiry in MM Docket No. 95–176 IS GRANTED to the extent indicated herein. It is further ordered that the request of the National Association of Broadcasters, *et al.*, for an extension contingent on the passage of the pending telecommunications legislation is denied.

7. It is further ordered, that the time for filing comments in the above-captioned proceeding is extended to February 28, 1996, and the time for filing reply comments is extended to March 15, 1996.

8. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.204(b), 0.283 and 1.45 of the Commission's Rules, 47 CFR §§ 0.204(b), 0.283 and 1.45.

Federal Communications Commission.

Renee Licht,

Deputy Chief, Policy Mass Media Bureau.

[FR Doc. 96–1498 Filed 1–26–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 960111003–6003–01; I.D. 121895B]

RIN 0648–A148

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Proposed rule and proposed catch sharing plan.

SUMMARY: NMFS proposes to approve and implement revisions to the Catch Sharing Plan (Plan) for harvests of Pacific halibut off Washington, Oregon, and California under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). This action is necessary to revise the Plan to address the needs of fisheries in varying geographical areas. Proposed changes to the Plan would affect sport fisheries and the incidental catch of halibut in the salmon troll fishery. NMFS also proposes sport fishery regulations to implement the Plan in 1996. The proposed rule is intended to carry out the objectives of the International Pacific Halibut Commission (IPHC) and the Pacific Fishery Management Council (Council).

DATES: Comments on this proposed rule must be received on or before February 12, 1996.

ADDRESSES: Send comments to William Stelle, Jr., Director, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206-526-6140.

SUPPLEMENTARY INFORMATION: The Halibut Act of 1982 at 16 U.S.C. 773c provides that the Secretary of Commerce (Secretary) shall have general responsibility to carry out the Halibut Convention between the United States and Canada, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) also authorizes the regional fishery management council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Accordingly, Catch Sharing Plans to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California) have been developed since 1988 by the Council in accordance with the Halibut Act. For 1995 and beyond, NMFS implemented a Council-recommended long-term Plan (60 FR 14651, 14663-14665, March 20, 1995) that allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1, and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into two sectors; a directed (traditional longline) commercial fishery that is allocated 85 percent of the non-Indian commercial harvest, and 15 percent for harvests of halibut caught incidental to the salmon troll fishery. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon and California. The Plan also divides the sport fisheries into seven geographic areas each with separate allocations, seasons, and bag limits.

Following the first year of the new Plan, fishery participants recommended

changes to the Plan to the Council at its July public meeting. Further, the Plan only provided sport fishery structuring for the area off Oregon for 1995, with the expectation that the Council would develop a long-term structuring in 1996 after 1-year's experience with the Plan. Specific proposals to change the Plan were considered by the Council at its August and October public meetings. The changes proposed in this rule reflect the recommendations of the Council for halibut fisheries off the coasts of Washington, Oregon, and California for 1996 and beyond. Proposed changes to the Plan affect certain sport fishery subareas and management of incidental halibut harvest in the salmon troll fishery as described below. The Council also made recommendations on the specific seasons, dates, and other management measures in the sport fisheries necessary to implement the Plan in 1996.

Proposed Changes to the Plan

For the sport fishery in the Washington Inside Waters Subarea (Puget Sound including Strait of Juan de Fuca), the Council wanted more flexibility and user input in the season structuring for this fishery. Sport users in this area have advised that they need to know what the quota will be before they can provide constructive input on which days of the week the fishery should be open. Because the final TAC is not known until after the IPHC annual meeting in late January, this prevents sport users from providing such input at the Council's fall public meeting when final recommendations are made on the halibut fisheries in Area 2A. To rectify this, the Council recommended that the Plan be changed to allow the season structuring for this fishery to be developed in a public workshop sponsored by Washington Department of Fish and Wildlife after the allowable catch is set by IPHC at the end of January. This change in the Plan would allow sport users in conjunction with state fishery managers to recommend the open days per week according to how many total days they believe will be available in a season and the desired season length structured to ensure that the subarea quota is not exceeded. NMFS is proposing to implement the Council-recommended change to the Plan as shown in the proposed regulations in § 301.23(f)(1)(i).

For the sport fishery in the Washington South Coast Subarea, the Council recommended changes to the Plan on the closure of this fishery that would allow for a longer time frame for the nearshore sport fisheries to retain

incidentally caught halibut. The Council recommended that the general sport halibut season close when 1,000 lb (0.45 mt) are projected to remain in the subarea quota, so as to allow for incidental halibut catch in the nearshore sport fisheries. To provide for this, the Council recommended that immediately following the general season closure, the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. would open and continue open for 7 days per week until either the subarea quota is achieved or until the season ending date, whichever occurs first. The area proposed for this second opening is not generally considered a halibut fishing area, although anglers do occasionally catch halibut in those waters. With a 1,000 lb (0.45 mt) allowance for the second opening, sport fishers would be able to retain halibut that is incidentally caught during fisheries for species other than halibut. NMFS is proposing to implement this Council-recommended change to the Plan as shown in the proposed regulations in § 301.23(f)(1)(iii).

For the sport fishery in the Oregon Central Coast and Southern Oregon Coast Subareas, the Council developed provisions for the Plan for the sport fisheries in these areas for 1996 and beyond. Currently, the Plan provides for sport structuring only for 1995. Fisheries participants from the Oregon coast requested that the Council consider a later opening date for the sport fishery off Oregon so as to avoid some of the foul weather associated with early opening dates. The proposed Plan is modified slightly from 1995 to remove the specific opening dates. The opening dates would be set annually, based on the TAC and the standards set in this paragraph. In addition, the Council provided specific sport fishery seasons, dates, and other management measures for 1996. The Council recommended a sport fishery off Oregon in waters south of Cape Falcon beginning on May 16, rather than on the May 4 opening date used in 1995. The May 16, 1996 opening date reflects a compromise between a wide range of proposed opening dates. For the Oregon central coast subarea only, the Council recommended that the allocation in the Plan for the first season be set at 68 percent (slightly reduced from 71.5 percent in 1995) of the Central coast allowable catch, and the second season be set at 7 percent (an increase over the 3.5 percent in 1995). Private boat anglers particularly wish to avoid fishing in turbulent spring weather and requested that a greater quantity of the Oregon sport fishery catch be reserved

for later fishery openings. These provisions are intended to reserve more of the allowable harvest for the second and third season openings. NMFS is proposing to implement the Council recommended modifications to the Plan as shown in the proposed regulations in § 301.23(f)(1)(v) and (vi).

The Council also recommended several refinements to the Plan on the management of the incidental halibut harvest by salmon trollers. The Council recommended that the Plan be revised such that halibut landing restrictions for the commercial salmon troll fishery would be developed by the Council at its spring public meeting and would be based on the expected number of incidental harvest permits, halibut allocation, and other pertinent information, and may include landing ratios for any salmon species, landing limits (e.g., maximum number of halibut per landing), or other means to control the rate of halibut harvest. This change was requested by users because in 1995, the May/June salmon troll fishery harvested less than 13 percent of the incidental halibut allocation, in part because managers were unable to make an inseason ratio adjustment. The Council recommended that the Plan allow NMFS to make inseason changes to the landing restrictions after consulting with pertinent troll representatives of the Council's Salmon Advisory Subpanel and the Halibut Managers Group. Such inseason adjustments in landing restrictions should ensure that the incidental harvest rate is appropriate for salmon and halibut availability, does not encourage targeting halibut, and does not increase the likelihood of exceeding the allocation. Should the commercial salmon troll fishery fail to fully use its incidental halibut harvest allocation, any remaining halibut quota not harvested in the May/June troll fishery would be made available to the directed halibut fishery on July 1. The Council also recommended that if, by July 31, the overall non-Indian commercial halibut quota has not been completely harvested and sufficient incidental allocation remains from the May/June troll fishery, the incidental harvest of halibut will be allowed to resume on August 1 in any existing salmon troll fishery. The incidental harvest would continue until achievement of either the overall non-Indian commercial halibut quota or the incidental salmon troll halibut quota, whichever occurs first. NMFS is proposing to implement the Council's recommended changes to the Plan as shown in the proposed regulations in § 301.23(e)(1). Notice and

effectiveness of the inseason adjustments would be made by NMFS in accordance with § 301.21(d)(3)(iii) and (iv).

The Council also recommended that applications to the IPHC by salmon trollers requesting an incidental halibut harvest permit must be postmarked no later than March 31, or the first weekday in April, if March 31 falls on a weekend. This deadline date change from the 1995 deadline of April 30 is proposed so that the Council will know how many incidental permits have been issued to salmon trollers prior to Council adoption of halibut landing restrictions within the salmon regulations. The Council will use the information on the number of applicants at its spring public meeting to determine appropriate landing restrictions for this fishery. The IPHC application deadline date for directed halibut fisheries will still be April 30. Because the IPHC is responsible for licensing vessels in the halibut fishery, this recommendation will be considered by the IPHC at its annual meeting for implementation in the international regulations in § 301.3.

Proposed Sport Fishery Regulations

In accordance with the Plan implementation procedures at 50 CFR 301.23(g), this document also provides notice of the proposed sport fishery regulations in § 301.21 that are necessary to implement the Plan in 1996. These proposed sport fishery regulations are based on an assumed Area 2A TAC of 520,000 lb (235.9 mt), the same as 1995. The final TAC will be determined by the IPHC at its annual meeting in January 1996, and necessary changes based on the final TAC and consideration of public comments will be made in the final rule. The proposed sport fishing regulations for 1996 by area are as follows.

Washington Inside Waters Subarea (Puget Sound and Straits). In this subarea, the proposed changes to the Plan leave the seasonal dates unspecified. However, for the purpose of soliciting public comments, the proposed rule is structured the same as 1995; i.e., the fishing season will be held 5 days a week, commencing May 25 with Tuesdays and Wednesdays closed to fishing. Based on the 1995 catch rate of 802 lb (363.8 kg) per day, a total of 43 fishing days will result in achievement of the quota for this subarea so the fishery would close on July 22. In 1995, this fishery closed on July 29 (after 48 days of fishing), but the quota was exceeded so the 1996 proposed regulations would only allow a 43-day season. The final determination of the days of the week

that the season will be open will be based on the allowable harvest level and recommendations developed in a public workshop sponsored by Washington Department of Fish and Wildlife after the allowable catch is set by the IPHC near the end of January.

Washington North Coast Subarea (north of the Queets River). The proposed season for this subarea is similar to 1995 with a May 1 opening and continuing 5 days per week until the quota is taken. Based on the assumed TAC for 1996 and the past performance of this fishery, the quota for this subarea would likely be reached by the end of May so a potential July reopening of the fishery as stated in the Plan in § 301.23(f)(1)(ii) is not possible (similar to 1995).

Washington South Coast Subarea. The proposed regulations in this subarea are similar to 1995 with a May 1 opening and continuing 7 days per week until the quota is taken. However, in accordance with the proposed changes to the Plan for this area, the fishery would close when 1,000 lb (0.45 mt) remain in the quota and reopen as a nearshore fishery until the remaining quota is taken.

Columbia River Subarea. The proposed regulations in this subarea will be the same as 1995.

Oregon Central Coast Subarea. The proposed regulations for this subarea reflect the proposed changes to the Plan and the Council recommendation for a three-season structure with the first season opening May 16 and continuing 3 days per week until 68 percent of the quota is taken, then switching to a nearshore water fishery until 7 percent of the quota has been taken or August 1, whichever is earlier. The third, unrestricted depth season would open on August 2 and continue until the overall Oregon sport quota is taken.

Oregon South Coast Subarea. The proposed regulations for this subarea reflect the proposed changes to the Plan and the Council's recommendation for a three-season structure with the first season opening May 16 and continuing 3 days per week until 80 percent of the quota is taken, then switching to a nearshore water fishery until the subarea quota taken or August 1, whichever is earlier. A third, unrestricted depth season would open on August 2 and continue until the overall Oregon sport quota is taken.

California Subarea. The proposed regulations in this subarea will be the same as 1995.

NMFS is requesting public comments on approval of the Council's recommended modifications to the Plan and to the sport fishing regulations at

§ 301.21. The IPHC Area 2A TAC will be set at the IPHC meeting to be held from January 22 through 25, 1996. Comments on these proposed regulations are requested by February 12, 1996, to provide adequate time after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments on these proposed regulations. The IPHC, consistent with its responsibilities under the international convention, will implement the quotas stipulated in the Plan based on its final determination of the Area 2A TAC to be made at its annual meeting.

After the Area 2A TAC is known, and after NMFS reviews public comments, NMFS and the IPHC will implement final rules for the halibut fishery. The final method for determining the incidental halibut harvest allocation for commercial salmon trollers will be published with the annual salmon management measures.

Classification

The proposed revisions to the Plan and regulations are not significant and fall within the scope of the 1995 Environmental Assessment/Regulatory Impact Review prepared by the Council, which also applies to this action. The Assistant General Counsel for Legislation and Regulation has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. As a result, regulatory flexibility analysis was not prepared.

This action has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 301

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: January 22, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 301 is proposed to be amended as follows:

PART 301—PACIFIC HALIBUT FISHERIES

1. The authority citation for part 301 continues to read as follows:

Authority: 5 UST 5; TIAS 2900; 16 U.S.C. 773–773k.

2. In § 301.3, paragraph (h) is revised to read as follows:

§ 301.3 Licensing vessels.

* * * * *

(h) A vessel operating in the directed commercial fishery for halibut in Area 2A must have its "Application for Vessel License for the Halibut Fishery" form postmarked no later than April 30. A vessel operating in the commercial salmon troll fishery in Area 2A that seeks an incidental harvest permit for halibut must have its application to the Commission postmarked no later than March 31, or the first weekday in April, if March 31 falls on a weekend.

* * * * *

3. In § 301.7, paragraph (c) is revised to read as follows:

§ 301.7 Fishing periods.

* * * * *

(c) Notwithstanding paragraph (b) of this section and § 301.10(g), an incidental catch fishery is authorized during salmon troll seasons in Area 2A. Operators of vessels participating in the salmon troll fishery in Area 2A may retain halibut caught incidentally during authorized periods, in conformance with the annual salmon management measures announced in the Federal Register. Halibut landing restrictions for the salmon troll fishery will be based on the expected number of incidental harvest permits, halibut allocation and other pertinent information, and may include landing ratios, landing limits, or other means to control the rate of halibut harvest. Inseason changes to the halibut landing restrictions will be announced in accordance with § 301.21(d)(3)(iii).

* * * * *

4. In § 301.21, paragraphs (d)(2)(i) through (d)(2)(vii) are revised to read as follows:

§ 301.21 Sport fishing for halibut.

* * * * *

(d) * * *

(2) * * *

(i) In Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line from the lighthouse on Bonilla Point on Vancouver Island, British Columbia (48°35'44" N. lat., 124°43'00" W. long.) to the buoy adjacent to Duntze Rock (48°24'55" N. lat., 124°44'50" W. long.) to Tatoosh Island lighthouse (48°23'30" N. lat., 124°44'00" W. long.) to Cape Flattery (48°22'55" N. lat., 124°43'42" W. long.), there is no quota. This area is managed by setting a season that is projected to result in a catch of 34,653 lb (15.7 mt).

(A) The fishing season is May 25 through July 22, 5 days a week (closed Tuesdays and Wednesdays).

(B) The daily bag limit is one halibut of any size per day per person.

(ii) In the area off the north Washington coast, west of the line described in paragraph (d)(2)(i) of this section and north of the Queets River (47°31'42" N. lat.), the quota for landings into ports in this area is 71,410 lb (32.4 mt). Landings into Neah Bay of halibut caught in this area will count against this quota and are governed by the regulations in this paragraph (d)(2)(ii).

(A) The fishing season commences on May 1, and continues 5 days a week (Tuesday through Saturday) until 71,410 lb (32.4 mt) are estimated to have been taken and the season is closed by the Commission.

(B) The daily bag limit is one halibut of any size per day per person.

(C) A portion of this area about 19 nm (35 km) southwest of Cape Flattery is closed to sport fishing for halibut. The closed area is within a rectangle defined by these four corners: 48°18'00" N. lat., 125°11'00" W. long.; 48°18'00" N. lat., 124°59'00" W. long.; 48°04'00" N. lat., 125°11'00" W. long.; and, 48°04'00" N. lat., 124°59'00" W. long.

(iii) In the area between the Queets River, WA and Leadbetter Point, WA (46°38'10" N. lat.), the quota for landings into ports in this area is 15,222 lb (6.9 mt).

(A) The fishing season commences on May 1 and continues every day until 1,000 lb (0.45 mt) are projected to remain in the subarea quota of 15,222 lb (6.9 mt). Immediately following the this closure, the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. will reopen for 7 days per week until either 15,222 lb (6.9 mt) are estimated to have been taken and the season is closed by the Commission, or until September 30, whichever occurs first.

(B) The daily bag limit is one halibut of any size per day per person.

(C) The northern offshore portion of this area west of 124°40'00" W. long. and north of 47°10'00" N. lat. is closed to sport fishing for halibut.

(iv) In the area between Leadbetter Point, WA and Cape Falcon, OR (45°46'00" N. lat.), the quota for landings into ports in this area is 4,617 lb (2.1 mt).

(A) The fishing season commences on May 1, and continues every day through September 30, or until 4,617 lb (2.1 mt) are estimated to have been taken and the area is closed by the Commission, whichever occurs first.

(B) The daily bag limit is one halibut with a minimum overall size limit of 32 inches (81.3 cm).

(v) In the area off Oregon between Cape Falcon and the Siuslaw River at the Florence north jetty (44°01'08" N.

lat.), the quota for landings into ports in this area is 94,694 lb (43 mt).

(A) The fishing seasons are:

(1) Commencing May 16, and continuing 3 days a week (Thursday through Saturday) until 64,392 lb (29.2 mt) are estimated to have been taken and the season is closed by the Commission;

(2) Commencing the day following the closure of the season in paragraph (d)(2)(v)(A)(1) of this section, and continuing every day through August 1, in the area inside the 30-fathom (55 m) curve nearest to the coastline as plotted on National Ocean Service charts numbered 18520, 18580, and 18600, or until 6,629 lb (3.0 mt) or the subarea quota is estimated to have been taken (except that any poundage remaining unharvested after the earlier season will be added to this season) and the season is closed by the Commission, whichever is earlier; and

(3) Commencing August 2, and continuing 2 days a week (Friday and Saturday) through September 30, or until the combined quotas for the subareas described in paragraphs (d)(2)(v) and (vi) of this section totaling 102,193 lb (46.4 mt) are estimated to have been taken and the area is closed by the Commission, whichever is earlier.

(B) The daily bag limit is two halibut, one with a minimum overall size limit of 32 inches (81.3 cm) and the second with a minimum overall size limit of 50 inches (127.0 cm).

(vi) In the area off Oregon between the Siuslaw River at the Florence north jetty and the California border (42°00'00" N. lat.), the quota for landings into ports in this area is 7,499 lb (3.4 mt).

(A) The fishing seasons are:

(1) Commencing May 16 and continuing 3 days a week (Thursday through Saturday) until 5,999 lb (2.7 mt) are estimated to have been taken and the season is closed by the Commission;

(2) Commencing the day following the closure of the season in paragraph (d)(2)(vi)(A)(1) of this section, and continuing every day through August 1, in the area inside the 30-fathom (55 m) curve nearest to the coastline as plotted on National Ocean Service charts numbered 18520, 18580, and 18600, or until a total of 1,500 lb (0.7 mt) or the area quota is estimated to have been taken (except that any poundage remaining unharvested after the earlier season will be added to this season) and the season is closed by the Commission, whichever is earlier; and

(3) Commencing August 2 and continuing 2 days a week (Friday and Saturday) through September 30, or until the combined quotas for the

subareas described in paragraphs (d)(2)(v) and (vi) of this section totaling 102,193 lb (46.4 mt) are estimated to have been taken and the area is closed by the Commission, whichever is earlier.

(B) The daily bag limit is two halibut, one with a minimum overall size limit of 32 inches (81.3 cm) and the second with a minimum overall size limit of 50 inches (127.0 cm).

(vii) In the area off the California coast, there is no quota. This area is managed on a season that is projected to result in a catch of less than 2,785 lb (1.3 mt).

(A) The fishing season will commence on May 1, and continue every day through September 30.

(B) The daily bag limit is one halibut with a minimum overall size limit of 32 inches (81.3 cm).

* * * * *

5. In § 301.23, paragraphs (e)(1), (e)(3) and (f)(1)(i), (f)(1)(iii), (f)(1)(v), and (f)(1)(vi) are revised to read as follows:

§ 301.23 Catch sharing plan for Area 2A.

* * * * *

(e) * * *

(1) *Incidental halibut catch in the salmon troll fishery.* Fifteen percent of the non-Indian commercial fishery allocation is allocated to the salmon troll fishery in Area 2A as an incidental catch during salmon fisheries. The quota for this incidental catch fishery is 3.1 percent of the Area 2A TAC.

(i) The Council will recommend landing restrictions at its spring public meeting each year to control the amount of halibut caught incidentally in the troll fishery. The landing restrictions will be based on the number of incidental harvest license applications submitted to the Commission, halibut catch rates, the amount of allocation, and other pertinent factors, and may include catch or landing ratios, landing limits, or other means to control the rate of halibut harvest. NMFS will publish the landing restrictions annually in the Federal Register, along with the salmon management measures.

(ii) Inseason adjustments. (A) NMFS may make inseason adjustments to the landing restrictions, if requested by the Council Chairman, as necessary to assure that the incidental harvest rate is appropriate for salmon and halibut availability, does not encourage target fishing on halibut, and does not increase the likelihood of exceeding the quota for this fishery. In determining whether to make such inseason adjustments, NMFS will consult with the applicable state representative(s) on the Halibut Managers Group, a representative of the

Council's Salmon Advisory Sub-Panel, and Council staff.

(B) Notice and effectiveness of inseason adjustments will be made by NMFS in accordance with § 301.21(d)(3)(iii) and (iv).

(iii) If the quota for this fishery is not harvested during the May/June salmon troll fishery, the remaining quota will be made available by the Commission to the directed halibut fishery on July 1.

(iv) If the quota for the non-Indian commercial fisheries specified at paragraph (e) of this section has not been harvested by July 31 and the quota for the salmon troll fishery was not harvested during the May/June fishery, landings of halibut caught incidentally during salmon troll fisheries will be allowed effective August 1 and will continue until the quota for the troll fishery is taken or the overall non-Indian commercial quota is estimated to have been achieved by the Commission. Landing restrictions implemented for the May/June salmon troll fishery will apply to this reopening of the fishery.

(v) A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not in both.

* * * * *

(3) *Commercial license restrictions/declarations.* Commercial fishers must choose either to operate in the directed commercial fishery in Area 2A, or to retain halibut caught incidentally during the salmon troll fishery. Commercial fishers operating in the directed halibut fishery must send their license application to the Commission postmarked no later than April 30 in order to obtain a license to fish for halibut in Area 2A. Commercial fishers who seek to retain incidentally caught halibut must send their application for a license to the Commission for the incidental catch of halibut in Area 2A postmarked no later than March 31, or the first weekday in April, if March 31 falls on a weekend. Fishing vessel operators who are issued licenses to fish commercially in Area 2A are prohibited from obtaining a Commission charterboat license for Area 2A. Sport fishing for halibut is prohibited from a vessel licensed to fish commercially for halibut in Area 2A.

(f) * * *

(1) * * *

(i) *Washington inside waters subarea.* This sport fishery subarea is allocated 28.0 percent of the Washington sport allocation, which equals 6.66 percent of the Area 2A TAC. This subarea is defined as all U.S. waters east of the Bonilla-Tatoosh line, defined as follows:

From Bonilla Point (48°35'44" N. lat., 124°43'00" W. long.) to the buoy adjacent to Duntze Rock (48°24'55" N. lat., 124°44'50" W. long.) to Tatoosh Island lighthouse (48°23'30" N. lat., 124°44'00" W. long.) to Cape Flattery (48°22'55" N. lat., 124°43'42" W. long.), including Puget Sound. The structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length. Due to inability to monitor the catch in this area inseason, a fixed season will be established pre-season based on projected catch per day and number of days to achievement of the quota. No inseason adjustments will be made, and estimates of actual catch will be made post-season. The fishery will open in May and continue at least through July 4, or until a date established pre-season (and published in the sport fishery regulations) when the quota is predicted to be taken, or until September 30, whichever is earlier. The Washington Department of Fish and Wildlife will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the opening date and weekly structure of the fishery each year. The daily bag limit is one fish per person, with no size limit.

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(iii) *Washington south coast subarea.* This sport fishery subarea is allocated 12.3 percent of the Washington sport allocation, which equals 2.93 percent of the Area 2A TAC. This subarea is defined as waters south of the Queets River (47°31'42" N. lat.) and north of Leadbetter Point (46°38'10" N. lat.). The structuring objective for this subarea is to maximize the season length, while providing for a limited halibut fishery. The fishery opens on May 1, for 7 days per week and continues until 1,000 lb (.45 mt) are projected to remain in the subarea quota. Immediately following this closure, the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. will reopen for 7 days per week until either the subarea quota is estimated to have been taken and the season is closed by the Commission, or until September 30, whichever occurs first. The daily bag limit is one halibut per person, with no size limit. Sport fishing for halibut is prohibited in the area south of the Queets River (47°31'42" N. lat.), west of 124°40'00" W. long. and north of 47°10'00" N. lat.

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(v) *Oregon central coast subarea.* If the Area 2A TAC is 388,350 lb (176.2 mt) and above, this subarea extends from Cape Falcon to the Siuslaw River

at the Florence north jetty (44°01'08" N. lat.) and is allocated 88.4 percent of the Oregon/California sport allocation, which is 18.21 percent of the Area 2A TAC. If the Area 2A TAC is below 388,350 lb (176.2 mt), this sport fishery subarea extends from Cape Falcon to the California border and is allocated 95.4 percent of the Oregon/California sport allocation. The structuring objectives for this subarea are to provide one or two periods of fishing opportunity in productive deeper water areas along the coast, principally for charter and larger private boat anglers, and provide a period of fishing opportunity in nearshore waters for small boat anglers. Any poundage remaining in this subarea quota from earlier seasons will be added to the last season in this subarea. This subarea has three seasons as set out in paragraphs (f)(1)(v)(A) through (C) of this section. The Council will recommend opening dates for these seasons annually at its fall public meeting. The daily bag limit for all seasons is two halibut per person, one with a minimum 32-inch (81.3 cm) size limit and the second with a minimum 50-inch (127.0 cm) size limit.

(A) The first season is an all-depth fishery that begins in May and continues at least 3 days per week (dependent on TAC) until 68 percent of the subarea quota is taken.

(B) The second season opens the day following closure of the first season, only in waters inside the 30-fathom (55 m) curve, and continues every day until 7 percent of the subarea quota is taken, or until early August, whichever is earlier.

(C) The last season begins in early August, with no depth restrictions, and continues at least 2 days per week, until the combined Oregon subarea quotas south of Falcon are estimated to have been taken, or September 30, whichever is earlier.

(vi) *Oregon south coast subarea.* If the Area 2A TAC is 388,350 lb (176.2 mt) and above, this subarea extends from the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) to the California border (42°00'00" N. lat.) and is allocated 7.0 percent of the Oregon/California sport allocation, which is 1.44 percent of the Area 2A TAC. If the Area 2A TAC is below 388,350 lb (176.2 mt), this subarea will be included in the Oregon Central sport fishery subarea. The structuring objective for this subarea is to create a south coast management zone designed to accommodate the needs of both charterboat and private boat anglers in this area where weather and bar crossing conditions very often do not allow scheduled fishing trips. This

subarea has three seasons as set out in paragraphs (f)(1)(vi)(A) through (C) of this section. The Council will recommend opening dates for these seasons annually at its fall public meeting. The daily bag limit for all seasons is two halibut per person, one with a minimum 32-inch (81.3 cm) size limit and the second with a minimum 50-inch (127.0 cm) size limit.

(A) The first season is an all-depth fishery that begins in May and continues at least 3 days per week (dependent on TAC) and continues at least 3 days per week until 80 percent of the subarea quota is taken.

(B) The second season opens the day following closure of the first season, only in waters inside the 30-fathom (55 m) curve, and continues every day until the subarea quota is estimated to have been taken, or early August, whichever is earlier.

(C) The last season begins in early August, with no depth restrictions, and continues at least 3 days per week, until the combined Oregon subarea quotas south of Falcon are estimated to have been taken, or September 30, whichever is earlier.

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50 CFR Parts 611 and 655

[Docket No. 951208293-5293-01; I.D. 110995B]

RIN 0648-AF01

Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 5; Correction

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

ACTION: Correction to proposed regulation.

SUMMARY: This document contains corrections to proposed regulation (I.D. 110995B), which was published Wednesday, December 20, 1995 (60 FR 65618). The proposed regulation would implement Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP).

DATES: Comments on the proposed rule must be received on or before January 29, 1996.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508-281-9104.