

commercial quota is available for landing summer flounder in Maine.

**EFFECTIVE DATE:** March 7, 1996, through December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Lucy Helvenston, 508-281-9347.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the summer flounder fishery are found at 50 CFR part 625. 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 § 625.20.

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 Maine is 0.04756 percent, or 5,284 lb (2,397 kg).

Section 625.21(c) requires the Director, Northeast Region, NMFS (Regional Director), to monitor state commercial quotas and to determine when a state commercial quota is harvested. The Regional Director is further required to publish an announcement 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 Maine has attained its quota for 1996, the Regional Director has determined, based on dealer reports and other available information, that the State's commercial quota has been harvested.

The regulations at § 625.4(a)(3) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Director has determined no longer has commercial quota available. Therefore, effective 0001 hours on March 7, 1996, further landings of summer flounder in Maine 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 from another state that has not reached its annual quota, and is announced in the Federal Register. Federally permitted dealers are also advised that, effective the date above, they may not purchase summer flounder from federally permitted vessels that land in Maine for the remainder of the calendar year, or until additional quota becomes available through another state.

**Classification**

This action is required by 50 CFR part 625 and is exempt from review under E.O. 12866.

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

Dated: March 6, 1996.

Donald J. Leedy,

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

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**50 CFR Part 625**

[I.D. 022996D]

**Summer Flounder Fishery; Commercial Quota Transfer from North Carolina to Virginia**

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

**ACTION:** Commercial quota transfer.

**SUMMARY:** NMFS announces that the State of North Carolina is transferring 5,773 lb (2,619 kg) of commercial summer flounder quota to the Commonwealth of Virginia. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

**EFFECTIVE DATE:** March 12, 1996.

**FOR FURTHER INFORMATION CONTACT:** Lucy Helvenston, 508-281-9347.

**SUPPLEMENTARY INFORMATION:** Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1996 calendar year was set equal to 11,111,298 lb (5,040,000 kg), and the allocations to each state were published January 4, 1996 (61 FR 291). At that time, the State of North Carolina was allocated a quota of 3,049,589 lb (1,383,270 kg) and the Commonwealth of Virginia was allocated a quota of 2,368,569 lb (1,074,365 kg).

The final rule implementing Amendment 5 to the FMP was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS, (Regional Director) to

transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1), in the evaluation of requests for quota transfers or combinations.

The State of North Carolina has agreed to transfer 5,773 lb (2,619 kg) of commercial quota to the Commonwealth of Virginia. The Regional Director has determined that the criteria set forth in § 625.20(f)(1) have been met, and hereby publishes this notification of quota transfers. The revised quotas for the calendar year 1996 are: North Carolina, 3,043,816 lb (1,380,652 kg); and Virginia, 2,374,342 lb (1,076,983 kg).

This action does not alter any of the conclusions reached in the environmental impact statement prepared for Amendment 2 to the FMP regarding the effects of summer flounder fishing activity on the human environment. Amendment 2 established procedures for setting an annual coastwide commercial quota for summer flounder and a formula for determining commercial quotas for each state. The quota transfer provision was established by Amendment 5 to the FMP and the environmental assessment prepared for Amendment 5 found that the action had no significant impact on the environment. Under sections 6.02b.3(b)(i)(aa) and (ii)(aa) of NOAA Administrative Order 216-6, this action is categorically excluded from the requirement to prepare additional environmental analyses. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

**Classification**

This action is taken under 50 CFR part 625 and is exempt from review under E.O. 12866.

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

Dated: March 6, 1996.

Donald J. Leedy,

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

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**50 CFR Part 672**

[Docket No. 960129018-6018-01; I.D. 030896B]

**Groundfish of the Gulf of Alaska; Pacific Cod for Processing by the Offshore Component**

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