

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 951116270-5308-02; I.D. 102896B]

Fisheries of the Northeastern United States; Summer Flounder Fishery

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

ACTION: Commercial quota harvest; Closure of the exclusive economic zone (EEZ).

SUMMARY: NMFS issues this notification to announce that the summer flounder commercial quota available to the State of Maryland has been harvested and to announce the closure of the summer flounder fishery in the EEZ. Accordingly, vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maryland and no commercial vessel may fish for or possess summer flounder in the EEZ for the remainder of calendar year 1996. Regulations governing the summer flounder fishery require publication of this notification to advise Maryland that the State's quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in that state. Also, regulations governing this fishery require that once the commercial fisheries for summer flounder are closed in all states, such as is now the case, the Regional Administrator close the EEZ to fishing for summer flounder for the remainder of the calendar year.

EFFECTIVE DATE: December 27, 1996, through December 31, 1996.

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

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648, Subparts A and G. 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

§ 648.100. Amendment 7 to the Fishery Management Plan for the Summer Flounder Fishery (November 24, 1995, 60 FR 57955) revised the fishing mortality rate reduction

schedule for summer flounder, and the revised schedule was the basis for establishing the 1996 quota. The total commercial quota for summer flounder for the 1996 calendar year was adopted to achieve the appropriate fishing mortality rate of 0.41 for 1996, and 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 Maryland is 2.03910 percent or 226,570 lb (102,770 kg).

Section 648.101(b) requires the Regional Administrator, Northeast Region, NMFS, (Regional Administrator) to monitor state commercial quotas and to determine when a state commercial quota is harvested. The Regional Administrator is further required to publish a notice 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. The Regional Administrator has determined that the 1996 summer flounder quota allocation for vessels landing in Maryland has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours December 27, 1997, through December 31, 1997, further landings of summer flounder in Maryland 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 and is announced in the Federal Register. Federally permitted dealers are also advised that they may not purchase summer flounder from Federally permitted vessels that land in Maryland for the remainder of the calendar year, or until additional quota becomes available, effective on December 27, 1996, through December 31, 1996.

Furthermore, the closure of the State of Maryland to landings means that the quota allocated to all of the states for 1996 has been attained and all of those states have been closed by virtue of either state or Federal action. As required by § 648.101(a), this notification closes the summer flounder fishery in the EEZ to harvesting or otherwise possessing summer flounder by commercial vessels for the remainder of the 1996 calendar year. During the closure, harvesting or otherwise

possessing summer flounder in the EEZ is prohibited as authorized under § 600.725(a) and (k).

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: December 20, 1996.

Gary C. Matlock,

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

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50 CFR Part 648

[Docket No. 960216032-6352-08; I.D. 112196D]

RIN 0648-AH70

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Small Mesh Area 2

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to modify the regulations implementing the Northeast Multispecies Fishery Management Plan (FMP). This rule modifies the size of Small Mesh Area 2, which is an exempted small mesh fishing area located in the Gulf of Maine/Georges Bank (GOM/GB) Regulated Mesh Area, by removing the northernmost portion from the list of exempted fisheries. The intent of this action is to reduce the bycatch of regulated multispecies in Small Mesh Area 2 so that it is consistent with the conservation objectives of the fishery.

EFFECTIVE DATE: January 1, 1997.

ADDRESSES: Copies of Amendment 7 to the FMP, its regulatory impact review (RIR), the regulatory flexibility analysis contained within the RIR, and its final supplemental environmental impact statement, are available upon request from Christopher Kellogg, Acting Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906-1097. Copies of the environmental assessment (EA) supporting this action may be obtained from Dr. Andrew A. Rosenberg, Regional Administrator, NMFS, 1 Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Peter W. Christopher, Fishery Management Specialist, 508-281-9288.