

By the Board, Chairman Morgan.
Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, the effective date of the final rules published at 61 FR 52710 (October 8, 1996) is delayed until November 16, 1996.

[FR Doc. 96-28574 Filed 11-5-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 103096A]

Atlantic Tuna Fisheries; Adjustments

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

ACTION: Fishery reopening.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (ABT) General category quota, as adjusted, has not been reached. Therefore, NMFS reopens the General category fishery for large medium and giant ABT for all areas for three days. Closure of this three day fishery will be strictly enforced. Subsequent to this closure, the General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until the set-aside quota is reached. This action is being taken to extend scientific data collection on certain size classes of ABT while preventing overharvest of the adjusted subquotas for the affected fishing categories.

EFFECTIVE DATES: The General category fishery for large medium and giant ABT will open for all areas beginning Saturday, November 2, at 1 a.m. local time and close on Monday, November 4, at 11:30 p.m. local time. The General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until further notice.

FOR FURTHER INFORMATION CONTACT: John Kelly, 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 the quota and publish a Federal Register announcement to close the applicable fishery.

General Category Reopening

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 541 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1996. The General category ABT quota is further subdivided into monthly quotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities.

NMFS previously adjusted the General category October subquota to 60 mt for all areas outside the New York Bight and announced a closure date of October 2, 1996 (61 FR 50765, September 27, 1996). NMFS subsequently adjusted the General category October subquota by transferring 30 mt from the Incidental longline category under the authority of implementing regulations at 50 CFR 285.22(f) (61 FR 53677, October 15, 1996). Thus, the October General category quota was adjusted to 90 mt, with an additional 10 mt reserved for the New York Bight. Since the quota adjustment, NMFS has reopened the General category fishery for areas outside the New York Bight for one day on three occasions (61 FR 53677, October 15, 1996, 61 FR 55119, October 24, 1996, and 61 FR 55926, October 30, 1996). Due to various reasons, such as weather and fishing success, the full 90 mt October General category quota still has not been taken. Therefore NMFS reopens the General category fishery for large medium and giant ABT for all areas for three days, November 2-4, 1996. Closure of this three day fishery will be strictly enforced.

The New York Bight set-aside is not affected by this action and the General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until the set-aside quota is reached. However, during this three day opening, November 2-4, 1996, large medium and giant ABT harvested and landed in the New York Bight area will not be counted against the New York Bight set-aside quota, but

will be counted against the remaining quota for the General category fishery.

Analysis of landings data for 1992-1995 indicate that total landings for the Incidental Longline categories for November and December have been small. Additionally, the purse seiners have stopped fishing for ABT prior to the 251 mt Purse Seine category quota being taken. Therefore, given the above information, the reopening of the General category is not expected to result in the total 1996 ABT quota being exceeded.

Classification

This action is taken under 50 CFR 285.20(b), 50 CFR 285.22, and 50 CFR 285.24 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: November 1, 1996.

Richard Surdi,

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

[FR Doc. 96-28573 Filed 11-1-96; 2:26 pm]

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50 CFR Part 679

[Docket No. 960129018-6018-01; I.D. 102996B]

Scallop Fishery Off Alaska; Shelikof District of Registration Area K

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

ACTION: Closure; inseason adjustment; request for comments.

SUMMARY: NMFS is closing the fishery for scallops in the Shelikof District of Registration Area K to prevent localized overfishing of scallops in that District. This action is necessary to prevent overfishing of scallops. It is intended to promote the goals and objectives of the Fishery Management Plan for the Scallop Fishery off Alaska.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 31, 1996, through 2359 hrs, A.l.t., June 30, 1997. Comments must be received at the following address no later than 4:30 p.m., A.l.t., November 18, 1996.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The scallop fishery off Alaska in the exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery Off Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at Subpart F of 50 CFR part 600 and 50 CFR part 679.

The 1996 TAC for scallops in Registration Area K, which includes the Shelikof District, was established by the 1996-97 Harvest Specifications (61 FR 38099, July 23, 1996) as 400,000 lb (181.4 mt) of shucked scallop meat. As of October 13, 1996, 200,000 lb (90.7 mt) of shucked scallop meat have been landed from the Shelikof District.

The Alaska Department of Fish and Game, Commercial Fisheries Management and Development Division, has monitored the scallop fishery in the Shelikof District since the fishery opened on August 1, 1996. Harvest rates of scallops have declined by 50 percent, indicating that fishing mortality is exceeding the biologically acceptable catch in the Shelikof District.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.63(a), § 679.25(a)(1)(i) and § 679.25(a)(2)(i)(A), that on the basis of the best available scientific information, the closure of the scallop season within the Shelikof District is necessary to prevent overfishing of this stock of scallops. Therefore, NMFS is prohibiting the taking and retention of scallops in the Federal waters of the Shelikof District.

The Assistant Administrator for Fisheries, NOAA, finds for good cause

that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Immediate effectiveness is necessary to prevent exceeding the TAC for scallops in the Shelikof District of Registration Area K. Under § 679.25(c)(ii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until November 18, 1996.

Classification

This action is taken under § 679.63 and is exempt from OMB review under E.O. 12866.

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

Dated: October 31, 1996.

Richard W. Surdi,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 96-28481 Filed 11-1-96; 9:20 am]

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50 CFR Part 679

[Docket No. 960502124-6190-02; I.D. 103196D]

Fisheries of the Exclusive Economic Zone off Alaska; Scallop Fishery; Closure in Registration Area M

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

ACTION: Closure.

SUMMARY: NMFS is closing the scallop fishery in Registration Area M (Alaska Peninsula). This action is necessary to prevent exceeding the *Chionoecetes bairdi* (*c. bairdi*) crab bycatch limit (CBL) in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), October 31, 1996, through 2359 hrs, A.l.t., June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The scallop fishery in the exclusive economic zone off Alaska is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery off Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing for scallops is governed by regulations appearing at 50 CFR parts 600 and 679.

In accordance with § 679.62(b), the 1996 *C. bairdi* CBL for Registration Area M was established by the Final 1996-97 Harvest Specifications of Scallops (61 FR 38099, July 23, 1996) as 22,800 crabs.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.62(c), that the *C. bairdi* CBL for Registration Area M has been reached. Therefore, NMFS is prohibiting the taking and retention of scallops in Registration Area M from 1200 hrs, October 31, 1996 through 2359 hrs, A.l.t., June 30, 1997.

Classification

This action is taken under § 679.62 and is exempt from review under E.O. 12866.

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

Dated: October 31, 1996.

Richard W. Surdi,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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