

limits applicable to the limited entry fishery.

6. The Appendix to this part is amended by revising the first paragraph in section II.H. to read as follows:

Appendix to Part 663—Groundfish Management Procedures

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II. * * *

H. * * *

Annually, the Council will develop recommendations for specification of ABCs, identification of species or species groups for management by numerical harvest guidelines and quotas, specification of the numerical harvest guidelines and quotas, and apportionments to DAP, JVP, DAH, TALFF, and the reserve over the span of two Council meetings. The Council also will develop recommendations for the specification of allocations for Pacific Coast treaty Indian tribes as described at § 663.24.

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50 CFR Part 663

[Docket No. 951227306-6117-02; I.D. 053096A]

Pacific Coast Groundfish Fishery; Whiting At-Sea Processing

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

ACTION: Fishing restrictions.

SUMMARY: NMFS announces the prohibition of further processing at sea of Pacific whiting at 1200 hours (local time) on June 1, 1996, based on its projection that 60 percent (118,200 metric tons (mt)) of the 1996 commercial harvest guideline for Pacific whiting will have been harvested by that time. This action is authorized by the Pacific Coast Groundfish Fishery Management Plan and is necessary to provide adequate amounts of whiting

for shoreside processors and to achieve the allocations adopted for 1996.

EFFECTIVE DATE: May 31, 1996, through 2400 hours (local time) May 14, 1997.

ADDRESSES: Submit comments to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN-C15700, Seattle, WA 98115-0070.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140.

SUPPLEMENTARY INFORMATION: On April 13, 1994, NMFS issued regulations (59 FR 17491) to allocate annually the U.S. Pacific whiting harvest guideline in the years 1994 through 1996 between fishing vessels that either catch and process at sea or catch and deliver to at-sea processors (the at-sea sector) and fishing vessels that catch and deliver to processors located on shore (the shore-based sector). In each year, after 60 percent of the annual harvest guideline (or quota) for Pacific whiting has been or is projected to be taken, further at-sea processing of Pacific whiting in the exclusive economic zone is prohibited. This provision was modified in 1996 by a rule that established a framework to implement the Washington coastal Indian tribes' treaty rights to harvest Pacific groundfish. That rule also allocated 15,000 mt of whiting to the Makah Indian Tribe for 1996. The tribal allocation is subtracted from the harvest guideline to derive the "commercial harvest guideline." When 60 percent of the commercial harvest guideline is projected to be taken (by both at-sea and shore-based sectors), at-sea processing of whiting is prohibited. The remaining 40 percent of the commercial harvest guideline is reserved initially for harvest by vessels delivering to shore-based processors. The regulations require that the Assistant Administrator for Fisheries, NOAA, announce in the Federal Register when 60 percent of the commercial harvest guideline has been, or is about to be, harvested, specifying a time after which further at-sea

processing of Pacific whiting in the fishery management area is prohibited.

The most recent catch data available on May 31, 1996, indicate that approximately 96,000 mt of Pacific whiting have been harvested through May 28, 1996, and 60 percent (118,200 mt) of the 197,000-mt commercial harvest guideline for Pacific whiting is projected to be reached by 1200 hours (local time) on June 1, 1996.

Secretarial Action

For the reasons given above, and in accordance with 50 CFR 663.23(b)(4)(i) and (iv), after 1200 hours (local time) on June 1, 1996, at-sea processing of Pacific whiting is prohibited (except for Pacific whiting that was on board the processing vessel prior to that time), and the taking and retaining, or receiving (except as cargo) of Pacific whiting by a vessel in the fishery management area with processed whiting on board is prohibited. Any vessel used to fish for whiting for processing at sea must have its trawl doors on board and attached to the trawl (50 CFR 663.7(o)).

Classification

The determination that 60 percent of the commercial harvest guideline is about to be harvested is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see ADDRESSES) during business hours. This action is taken under the authority of 50 CFR 663.23 (b)(4)(i), and is exempt from review under E.O. 12866.

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

Dated: May 31, 1996.

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

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