

among all vessels. The cumulative trip limit is the equivalent of a percentage share the vessel owner is entitled to harvest.

*Gulf Council:* Red snapper ITQ amendment. While the amendment was approved and final regulations published in 1995, the ITQ system has not yet been implemented. Section 210 prohibits any work on implementing the system until the end of this fiscal year.

*Mid-Atlantic Council:* An ITQ system for mahogany quahogs. Although this provision is a modification of an approved ITQ system under Amendment 8 to the Surf Clam and Ocean Quahog FMP, its characteristics (e.g., the unit of allocation and the period of landings on which it is calculated) differ so substantively that it must be viewed as a new ITQ system.

*New England Council:* Aspects of proposed Amendment 6 to the Atlantic Sea Scallop FMP relating to transferability or consolidation of DAS, and proposed Amendment 5 to the American Lobster FMP relating to transferable quotas and traps.

#### Classification

This final rule is issued under the Magnuson Act, 16 U.S.C. 1801 *et seq.*

In that this rule merely interprets a provision of Public Law 104-134 without creating any new rights or duties, it is not subject to the requirement to provide prior notice and opportunity for public comment under 5 U.S.C. 553(b)(A). Similarly, as an interpretive rule, it is not subject to a 30-day delay in effective date pursuant to authority set forth at 5 U.S.C. 553(d)(2).

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

Dated: June 11, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

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#### 50 CFR Part 675

[Docket No. 960129019-6019-01; I.D. 061096A]

#### Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Cod by Vessels Using Trawl Gear

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

**ACTION:** Modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for the Pacific cod fishery by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the first seasonal bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery category in the BSAI.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), June 14, 1996, until 12 noon, A.l.t., October 25, 1996.

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

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS

according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

Directed fishing for Pacific cod by vessels using trawl gear in the BSAI was prohibited on May 14, 1996, (61 FR 24730, May 16, 1996) to prevent exceeding the first seasonal bycatch allowance of Pacific halibut apportioned to that fishery.

The Director, Alaska Region, NMFS, has determined that as of May 25, 1996, 89 metric tons of halibut mortality remain in the first seasonal bycatch allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by vessels using trawl gear in the BSAI.

All other closures remain in full force and effect.

#### Classification

This action is taken under 50 CFR 675.20 and is exempt from review under E.O. 12866.

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

Dated: June 11, 1996.

Richard H. Schaefer,

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

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