

which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

**D. Determination To Issue an Interim Rule**

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Urgent and compelling reasons exist to promulgate this rule before affording the public an opportunity to comment. Section 8155 of the FY 1994 Defense Appropriation Act (Pub. L. 103-139), was effective upon enactment on November 11, 1993. Therefore, it is essential that it be implemented as expeditiously as possible.

**List of Subjects in 48 CFR Parts 232 and 252**

Government procurement.  
**Claudia L. Naugle,**  
*Deputy Director, Defense Acquisition Regulations Council.*

Therefore, 48 CFR parts 232 and 252 are amended as follows:

1. The authority citation for 48 CFR parts 232 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and FAR Subpart 1.3.

**PART 232—CONTRACT FINANCING**

2. Section 232.501-1(a)(i) is revised to read as follows:

**232.501-1 Customary progress payment rates.**

(a)(i) The customary uniform progress payment rate for DoD contracts is 75 percent for large businesses, 90 percent for small businesses, and 95 percent for small disadvantaged businesses.

3. Section 232.502-1-71 is amended by revising Table 32-1 to read as follows:

**232.502-1-71 Customary flexible progress payments.**

**TABLE 32-1. CUSTOMARY UNIFORM PROGRESS PAYMENT RATES**

Contract award date	Uniform rate	Investment percentage	Cash flow model
Prior to May 1, 1985 .....	90	5	CASH-II
May 1, 1985 through October 17, 1986 .....	80	15	CASH-III
October 18, 1986 through September 30, 1988 .....	75	25	CASH-IV
October 1, 1988 through June 30, 1991 .....	80	20	CASH-V
After June 30, 1991* .....	85	20	CASH-VI**

\* Flexible progress payments shall not be used for contracts awarded as a result of solicitations issued on or after November 11, 1993.  
 \*\* See paragraph (b)(5)(ii) for implementation instructions.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

4. Section 252.232-7004 is amended by revising the introductory text, the clause heading, and paragraph (a) to read as follows:

**252.232-7004 DoD Progress Payment Rates.**

As prescribed in 232.502-4-70 (b) and (c), use the following clause:

**DOD Progress Payment Rates (Nov 1993)**

(a) If the contractor is a large business, the Progress Payments clause of this contract is modified to change each mention of the progress payment rate and liquidation rate (excepting paragraph (k), *Limitations on Unfinalized Actions*) to 75 percent.

\* \* \* \* \*  
 [FR Doc. 93-28815 Filed 11-23-93; 8:45 am]  
 BILLING CODE 3810-01-M

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AB75**

**Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for a Florida Plant, *Jacquemontia Reclinata***

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service determines endangered status for *Jacquemontia reclinata* (beach jacquemontia) pursuant to the Endangered Species Act of 1973 (Act), as amended. This vine is native to coastal barrier islands in southeast Florida from Miami northward to Palm Beach County. The vast majority of the habitat originally occupied by this species has been destroyed by urban development. The protection and recovery provisions afforded by the Act for *Jacquemontia reclinata* are implemented by this final rule.

**EFFECTIVE DATE:** December 27, 1993.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620

Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216-0912.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Bentzien, Assistant Field Supervisor, at the above address (telephone: 904-232-2580).

**SUPPLEMENTARY INFORMATION:**

**Background**

*Jacquemontia reclinata* was described as a new species by Homer D. House based on specimens collected by John Kunkel Small and Joel J. Carter on "Bull Key, opposite Lemon City, in November, 1903" (Small 1905). Lemon City is in the City of Miami, on Biscayne Bay 3 miles north of downtown; Bull Key was located at northern Miami Beach. House's treatment of this taxon as a distinct species was upheld by Robertson (1971). Although Small (1933) considered this plant's range to extend into the West Indies, Austin (1979) considers it endemic to the east coast of Florida.

*Jacquemontia reclinata* is a perennial vine whose stems are about 1 meter (3 feet) long and usually sprawl on the ground (i.e., are reclinate), though the stems may twine on other plants. The leaves are fleshy, with smooth margins and are elliptic to rounded egg-shaped, 1-3 centimeters (0.4-1 inch) long, with the leaf tips blunt or indented. Younger leaves and stems are pubescent enough to appear whitish. The flowers are in the

axils of the leaves, in groups or solitary. The flower's outer sepals have tiny hairs along their margins—a character that separates this species from *Jacquemontia curtissii*. The white corolla is shaped like a broad funnel or is nearly flat, 2.5–3 centimeters (1–1.2 inches) in diameter, with five broad lobes. The fruit is a capsule. This is the only species of *Jacquemontia* found near the beaches of southeastern Florida (Austin 1979). The other species of *Jacquemontia* on the mainland of southern Florida is *Jacquemontia curtissii*, which inhabits pinelands and has hairless sepals and narrower leaves that are not fleshy. Two more species of *Jacquemontia* occur in the Florida Keys (Small 1933).

*Jacquemontia reclinata* is restricted to the barrier islands of the southeastern Florida coast. Information on its distribution has been assembled from the Florida Natural Areas Inventory (FNAI) database, a careful recent survey of Florida's coastal upland vegetation communities (Johnson et al. 1990), a subsequent survey by Daniel Austin (1991), and reports to the Florida Natural Area Inventory by Carol Lippincott (Fairchild Tropical Garden) and Theodore O. Hendrickson (Fort Lauderdale).

A specimen identified as *Jacquemontia reclinata* was collected in a cypress swamp 10 miles west of the town of Hobe Sound; the specimen is probably *Stylisma villosa* (Austin 1991). Olga Lakela and others made numerous collections of *Jacquemontia reclinata* from Jupiter Island in Palm Beach and Martin Counties, but the species can no longer be found there. Austin (1991) confirmed that local naturalists have not seen the plant on Jupiter Island, which is largely a manicured residential area, and that it is not known to occur at Blowing Rocks Preserve or at Hobe Sound National Wildlife Refuge. *Jacquemontia reclinata* was collected at South Coral Cove Park, Jupiter Island, Palm Beach County, in 1962 but was not found in 1990; the park had suffered severe beach erosion and had a large number of Australian pines (*Casuarina equisetifolia*) that could shade out native species (Johnson et al. 1990).

*Jacquemontia reclinata* is presently known to occur at 12 sites, 11 of them publicly owned, in the following counties: Palm Beach (8 sites), Broward (2 sites), Dade (2 sites). All but one of the sites are public parks or recreation areas operated by State, county, or local governments. The only site in private ownership is in Broward County, and had just one plant (Johnson et al. 1990; Austin 1991; T. Hendrickson, Fort Lauderdale, *in litt.* to Florida Natural

Areas Inventory, 1991; P. McVety, Fla. Dept. Natural Res., *in litt.* 1993).

*Jacquemontia reclinata* is an inhabitant of disturbed or sunny areas in the tropical maritime hammock (hardwood forest) or the coastal strand vegetation, typically with sea grape (*Coccoloba uvifera*) and other shrubs and dwarfed trees. It usually occurs with more or less weedy plants such as Madagascar periwinkle (*Catharanthus roseus*) and sand spurs (*Cenchrus* spp.). It occasionally occurs in the beach dune community with sea oats (*Uniola paniculata*) (Johnson et al. 1990; A. Johnson, FNAI, *in litt.*, 1990; Austin 1991; Lippincott 1990).

The historic role of hurricanes in creating bare sites for *Jacquemontia reclinata* to colonize can be surmised from the effects of human-induced disturbances and the effects of the August 1992 hurricane (Andrew) on natural populations at Key Biscayne and Virginia Key and introduced populations at Miami Beach. The Virginia Key population was thriving after the hurricane (McVety, *in litt.* 1993). The remnants of south Florida's strand vegetation have been heavily affected by invading exotic plants, including Australian pine (*Casuarina equisetifolia*), carrotwood (*Colubrina asiatica*), and Brazilian pepper (*Schinus terebinthifolius*). Native understory plants generally do not persist beneath these invaders.

*Jacquemontia reclinata* has been propagated from seed at Fairchild Tropical Garden and is thriving in cultivation at the Garden despite the hurricane. It appears that reintroductions of this species can be conducted relatively easily, as shown by a pilot project in Dade County (C. Lippincott, Fairchild Tropical Garden, *in litt.*, 1990, 1991).

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to the Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) of its acceptance of the report as a petition in the context of section 4(c)(2) (now section 4(b)(3)) of the Act, as amended, and of its intention to review the status of the plant taxa contained within. *Jacquemontia reclinata* was included in these documents as a threatened species. On December 15, 1980, the Service published a notice of review for plants (45 FR 82480), which included *Jacquemontia reclinata* as a category 1 candidate (a taxon for which the Service

has on file substantial data on biological vulnerability and threats to support proposing to list it as an endangered or threatened species). A supplement to the notice of review published on November 28, 1983 (48 FR 53640) changed this species to a category 2 candidate (a taxon for which data in the Service's possession indicates listing is possibly appropriate); the species retained category 2 status in a notices of review published September 27, 1985 (50 FR 39526) and February 21, 1990 (55 FR 6184).

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Jacquemontia reclinata* because the Service had accepted the 1975 Smithsonian report as a petition. In each October from 1983 through 1989, the Service found that the petitioned listing of this species was warranted but precluded by other listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. Publication of the proposal to list this species on March 18, 1993, constituted the final petition finding.

#### Summary of Comments and Recommendations

In the March 18 proposed rule (58 FR 25746) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice that invited general public comment was published in the *Sun-Sentinel* (Fort Lauderdale, Broward County, Florida; Boca Raton, Palm Beach County, Florida; Miami, Dade County, Florida) on April 6, 1993, and in the *Palm Beach Post* (West Palm Beach, Palm Beach County, Florida) on April 4, 1993. Three comments were received from two State agencies and one local government. All three comments supported the proposal, and a comment from the Florida Department of Natural Resources pointed out the discovery of a population in Dade County after Hurricane Andrew.

### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Jacquemontia reclinata* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Jacquemontia reclinata* (beach jacquemontia) are as follows:

#### A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

The barrier islands of the Florida east coast in the range of *Jacquemontia reclinata* from Jupiter Island to Key Biscayne (a distance of 85 miles) are entirely urbanized, except for a few small parks and private estates. Johnson et al. (1990) inventoried all tracts of coastal vegetation of 10 or more acres in southeast Florida. They found only 24 such tracts in the known range of *Jacquemontia reclinata*, 5 of them entirely or mostly in private ownership. These tracts have approximately 214 acres of beach strand vegetation in public ownership, 26 acres in private ownership, as well as 66 acres of maritime hammock, all in public ownership. The beach strand and maritime hammock vegetation is the primary habitat of *Jacquemontia reclinata*; the destruction of the vast majority of this habitat and modifications to the remnants (for parking lots, pedestrian routes, picnic areas, and other park uses) as well as loss to beach erosion at some sites (Johnson et al. 1990, Pilkey et al. 1984) seriously threatens the continued existence of the species.

Habitat degradation due to invasion of exotic plant species, including Australian pine, Brazilian pepper, and carrotwood has adversely affected *Jacquemontia reclinata*. A site in northern Palm Beach County is being overgrown by Brazilian pepper; another *Jacquemontia* colony was nearly destroyed between 1970 and 1991 by the expansion of a large stand of carrotwood (Austin 1991). Mowing, possible herbicide use, and other park maintenance practices also threaten *Jacquemontia reclinata*, especially because it occurs with weedy herbaceous plants and grasses.

#### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

None known.

#### C. Disease or Predation

Not applicable.

#### D. The Inadequacy of Existing Regulatory Mechanisms

*Jacquemontia reclinata* is listed as an endangered species on the Florida Regulated Plant Index (Florida Department of Agriculture and Consumer Services Rule Chapter 5B-40). The list was formerly part of the Preservation of Native Flora of Florida law (section 581.185-187, Florida Statutes). The Regulated Plant Index regulates taking, transport, and sale of plants but does not provide habitat protection. The Endangered Species Act provides further protection through section 7, recovery planning, and the Act's additional penalties for taking of plants in violation of Florida law.

#### E. Other Natural or Manmade Factors Affecting its Continued Existence

The limited geographic distribution, the fragmentation of remaining habitat into small segments isolated from each other, and the small sizes of *Jacquemontia reclinata* populations make it doubtful that any of the existing populations are viable (for an example of a population viability analysis for a plant, see Menges (1990)). Typically, only a few *Jacquemontia* plants are present at a given site (Johnson et al. 1990; D. Austin, Florida Atlantic Univ., pers. comm., 1991). As a result, germplasm conservation (seed storage or a garden population) appears essential. Additionally, the southeast Florida coast is subject to frequent hurricanes.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Jacquemontia reclinata* as an endangered species. As discussed under Factor E, this species is likely to become extinct throughout its range within the foreseeable future, meeting the Act's requirements for listing as an endangered species.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. Title 50, part 424 of the Code of Federal Regulations, § 424.12(1) states that designation of

critical habitat is not prudent when one or both of the following situations exist: (i) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or (ii) Such designation of critical habitat would not be beneficial to the species. Both situations apply to *Jacquemontia reclinata*.

All of the populations of *Jacquemontia reclinata* are very small and localized, typically only several plants. All but one are in public parks. If critical habitat were designated, it would need to be described in great detail, specifying precise locations of populations so as to exclude park facilities and vegetation unsuited to this species. Although unauthorized removal of *Jacquemontia reclinata* plants from parks is subject to Federal penalties under the Endangered Species Act, in addition to those provided in Florida law, such prohibitions are difficult to enforce, and publication of critical habitat descriptions and maps would only add to the threats faced by this species.

Critical habitat designation also would not be beneficial in terms of adding additional protection for the species under section 7 of the Act beyond that already available through listing the species. Regulations promulgated for the implementation of section 7 provide for both a "jeopardy" standard and a "destruction or adverse modification" of critical habitat standard. Because of the highly limited distribution of *Jacquemontia reclinata* and its precarious status, any Federal action that would destroy or have any significant adverse effect on its habitat would likely result in a jeopardy biological opinion under Section 7. Under these conditions, no additional benefits would accrue from designation of critical habitat that would not be available through listing alone.

All involved parties have been notified of the location and importance of protecting this species' habitat. In the case of public parks, the Service's experience with other endangered plants such as *Amorpha crenulata* (crenulate lead-plant) in Dade County, and *Asimina tetramera* (four-petal pawpaw) in Palm Beach County, shows that the affected park managers are informed and responsive to the needs of endangered plants without the designation of critical habitat.

Because *Jacquemontia reclinata* occurs primarily in public parks, the Service will work directly with park managers and other public officials to ensure the conservation of this species.

The only privately owned, otherwise unprotected tract known to be inhabited by *Jacquemontia reclinata* is protected in the Coastal Barrier Resource System (designated pursuant to the Coastal Barrier Resources Act, Pub. L. 97-348). The existing protection provided for *Jacquemontia reclinata* habitat, combined with the potential for problems with take, leads to the conclusion that designating critical habitat would provide no benefit to the plant beyond listing, and might increase threats to it. For this reason, the Service considers designation of critical habitat not to be prudent. The Service will address protection of this species' habitat through the recovery process, and through the section 7 jeopardy standard in the event of Federal involvement.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The populations of *Jacquemontia reclinata* on public lands in its range will require careful management and a carefully managed program of propagation, germplasm conservation and augmentation of existing populations. Fairchild Tropical Garden

and the Center for Plant Conservation have begun such a program. Control or extirpation of exotic pest plants such as Australian pine and Brazilian pepper may be necessary or desirable to protect existing populations of *Jacquemontia reclinata* or to restore former habitat.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62 and 17.63 for endangered plants, set forth a series of general prohibitions and exceptions for all endangered plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale listed species in interstate or foreign commerce, or to remove and reduce to possession these species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances.

It is anticipated that few trade permits will be sought or issued because *Jacquemontia reclinata* is currently not sold or traded across state lines. Sale or distribution of cultivated specimens within Florida does not require a Federal permit. Trade within Florida could occur because this species is desirable for use in oceanfront parks and may be useful in oceanfront landscaping. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington VA 22203 (703/358-2104).

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the

Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

#### References Cited

- Austin, D.F. 1979. Beach *Jacquemontia*, *Jacquemontia reclinata*. P. 36 in Rare and endangered biota of Florida, vol. 5: plants. D.B. Ward, ed. University Presses of Florida. xxix + 175 pp.
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- Johnson, A.F., J.W. Muller, and K.A. Bettinger. 1990. An assessment of Florida's remaining coastal upland natural communities: southeast Florida. Report to Florida Natural Areas Inventory, Tallahassee. Unpagged.
- Lippincott, C.S. 1990. Status report on *Jacquemontia reclinata* at Hugh Taylor Birch State Recreation Area, Broward County, Florida. Report to Florida Natural Areas Inventory, Tallahassee. Unpagged.
- Menges, E.S. 1990. Population viability analysis for an endangered plant. *Conservation Biology* 4:52-62.
- Pilkey, O.H., Jr., D.C. Sharma, H.R. Wanless, L.J. Doyle, O.H. Pilkey, Sr., W.J. Neal, and B.L. Gruver. 1984. Living with the east Florida shore. Duke Univ. Press, Durham NC. xv + 259 pp.
- Robertson, K.R. 1971. A revision of the genus *Jacquemontia* (Convolvulaceae) in North and Central America and the West Indies. Ph.D. Dissertation, Washington University, St. Louis, MO. 285 pp.
- Small, J.K. 1905. Additions to the flora of subtropical Florida. *Bull. New York Bot. Garden* 3:419-440.
- Small, J.K. 1933. Manual of the Southeastern flora. Univ. of North Carolina Press, Chapel Hill. 1554 pp.

#### Author

The primary author of this rule is Mr. David Martin (see ADDRESSES section).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

#### Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

#### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order, under Convolvulaceae, to the List of

Endangered and Threatened Plants, to read as follows: **§ 17.12 Endangered and threatened plants.** (h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Convolvulaceae—Morning-glory family:						
Jacquemontia reclinata	Beach Jacquemontia	U.S.A. (FL)	E	523	NA	NA

Dated: September 29, 1993.  
 Richard N. Smith,  
 Acting Director, Fish and Wildlife Service.  
 [FR Doc. 93-28867 Filed 11-23-93; 8:45 am]  
 BILLING CODE 4310-55-P

**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

**50 CFR Part 625**  
 [Docket No. 930615-3215; I.D. 111793A]  
**Summer Flounder Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.  
**ACTION:** Notification of commercial quota transfer.

**SUMMARY:** NMFS issues this notification to announce that 125,000 pounds (56,700 kg) of summer flounder commercial quota available to the State of North Carolina has been transferred to the Commonwealth of Virginia. This transfer allows Federally permitted summer flounder vessels to land in Virginia until the total adjusted state quota is attained. This notification advises the public that a quota adjustment has been made and the adjusted commercial quota for the State of North Carolina is 3,131,750 pounds (1,420,552 kg), and for the Commonwealth of Virginia is 2,882,623 pounds (1,307,549 kg).

**DATES:** Effective November 19, 1993, through December 31, 1993.  
**FOR FURTHER INFORMATION CONTACT:**

Hannah Goodale, Fishery Policy Analyst, 508-281-9101.  
**SUPPLEMENTARY INFORMATION:** Regulations governing the summer flounder fishery are found at 50 CFR part 625 (December 4, 1992, 57 FR 57358). The regulations require an 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 1993 calendar year was set equal to 12.35 million pounds (5.6 million kg) (January 22, 1993, 58 FR 5658). The percent allocated to each state was adjusted by Amendment 4 to the Fishery Management Plan for the Summer Flounder Fishery (September 24, 1993, 58 FR 49937) with 21.31676 percent or 2,632,623 pounds (1,194,150 kg) allocated to Virginia, and 27.44584 percent, or 3,389,565 pounds (1,537,497 kg) allocated to North Carolina.  
 An emergency interim rule published August 26, 1993, (58 FR 45075) allows two or more states, under mutual agreement and with the concurrence of the 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.  
 Further, the Regional Director is required to publish a notification in the **Federal Register** advising a state, and notifying Federal vessel and dealer

permit holders that, effective upon a specific date, a portion of a state's commercial quota has been transferred to or combined with the commercial quota of another state.  
 North Carolina and Virginia have agreed to transfer 125,000 pounds (56,700 kg) of North Carolina's commercial quota to Virginia. This transfer is in addition to the transfer of 125,000 pounds (56,000 kg) from North Carolina to Virginia on November 3, 1993 (November 8, 1993, 58 FR 59196), and 7,815 pounds (3,545 kg) which were transferred from North Carolina to New Jersey on November 18, 1993.  
 The Regional Director has determined that the criteria set forth in § 625.20 have been met, and publishes this notification of quota transfer. The revised quotas for the calendar year 1993 are: North Carolina—3,131,750 pounds (1,420,552 kg); Virginia—2,882,623 pounds (1,307,549 kg).  
**Classification**  
 This action is authorized by 50 CFR part 625.  
**Authority:** 16 U.S.C. 1801 *et seq.*  
**List of Subjects in 50 CFR Part 625**  
 Fisheries, Reporting and recordkeeping requirements.  
 Dated: November 18, 1993.  
**Joe P. Clem,**  
 Acting Director of Office Fisheries Conservation and Management, National Marine Fisheries Service.  
 [FR Doc. 93-28851 Filed 11-19-93; 1:20 pm]  
 BILLING CODE 3510-22-M