

model, using publicly-available, industry-wide information, allows the user to simulate the relative impact of particular changes in the industry.

2. A copy of the model has been placed in the public file in CC Docket No. 96-98, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996. Parties who wish to use the model, create variations of the model, or file models of their own, in that proceeding are requested to file Comments no later than Monday, July 1, 1996. There will be no Reply Comment filing opportunity. Commenters should file an original and four copies with the Office of the Secretary, two copies with Ms. Wanda Harris, Room 518, Competitive Pricing Division, Common Carrier Bureau, one copy with the Chief, Industry Analysis Division, Common Carrier Bureau, and one copy with the Chief, Competition Division, Office of the General Counsel. Comments are limited to fifty (50) pages, inclusive of attachments.

3. Copies of the model may be purchased by calling International Transcription Services, Inc. (ITS) at (202) 857-3800. The model also can be downloaded from the Common Carrier Bureau's home page on the World Wide Web. The home page can be accessed directly (<http://www.fcc.gov/ccb.html>) or through a direct link from the main FCC home page (<http://www.fcc.gov>). The model also can be downloaded from the FCC-State Link computer bulletin board at (202) 418-0241 [BBS file name: MODELV30.ZIP].

4. For further information about the model, contact Jim Lande at (202) 418-0498 (e-mail: jlande@fcc.gov) or Doron Fertig at (202) 418-1869 (e-mail: dfertig@fcc.gov).

Federal Communications Commission

William F. Caton,

Acting Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 676

[Docket No. 960612171-6171-01; I.D. 060496A]

RIN 0648-A157

Limited Access Management of Federal Fisheries In and Off of Alaska; Quota Shares and Individual Fishing Quota on Smaller Vessels

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule to implement Amendment 42 to the Fishery Management Plan (FMP) for the Bering Sea/Aleutian Islands Groundfish, Amendment 42 to the FMP for the Gulf of Alaska Groundfish Fishery, and a regulatory amendment to the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off of Alaska. The proposed rule would allow quota shares (QS) and IFQ assigned to vessels in larger size categories to be used on smaller vessels. The North Pacific Fishery Management Council (Council) recommended this action to increase the flexibility of QS use and transfer while maintaining the management goals of the IFQ Program and to provide small boat fishermen with more opportunities to improve the profitability of their operations.

DATES: Comments on the proposed rule and supporting documents must be received by August 5, 1996.

ADDRESSES: Send comments to Ronald J. Berg, Chief, Fisheries Management Division, Attn: Lori Gravel, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

Copies of the proposed Amendments, and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for this action may be obtained from the North Pacific Fishery Management Council, Suite 306, 605 West 4th Avenue, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: James Hale, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish FMPs and their implementing regulations govern the sablefish fisheries in Federal waters off Alaska. The FMPs were prepared by the Council under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Northern Pacific Halibut Act of 1982 (Halibut Act) authorizes the Council to develop and NMFS to implement regulations to allocate halibut fishing privileges among U.S. fishermen.

Under these authorities, the Council developed the IFQ Program, a limited access system to manage the fixed gear Pacific halibut and sablefish fisheries. NMFS approved the IFQ Program in November 1993, and fully implemented it beginning in March 1995. The Magnuson Act and the Halibut Act authorize amendments to the IFQ Program as necessary to conserve and manage these fisheries. The proposed amendments to the FMPs and the IFQ Program would increase flexibility of QS use—a change that is analyzed along with the status quo alternative in the draft EA/RIR/IRFA prepared by the Council in February 1996.

Increased Flexibility of QS Use

The IFQ Program assigns QS to vessel categories specified by length overall (LOA) and authorization to process IFQ species (freezer vessels) or not (catcher vessels): Category A—freezer vessels of any length; Category B—catcher vessels greater than 60 ft (18.3 m) LOA; Category C—for sablefish, catcher vessels less than or equal to 60 ft (18.3 m) LOA, and for halibut, catcher vessels less than or equal to 60 ft (18.3 m) but greater than 35 ft (10.7 m) LOA; or Category D—for halibut, catcher vessels less than or equal to 35 ft (10.7 m) LOA. Current regulations at § 676.22(a) require that IFQ be fished only on vessels in the category to which the pertinent QS have been assigned. An exception to this rule allows category B, C, or D IFQ to be fished on a category A freezer vessel provided its LOA is consistent with the vessel category of the IFQ being fished and it neither processes any species of fish nor fishes category A IFQ concurrently with the use of category B, C, or D IFQ (§ 676.22(i)(3)). NMFS has published a proposed rule that would amend the regulations to allow IFQ fishermen to process groundfish on board their vessels under certain circumstances (61 FR 14547, April 2, 1996).

The Council prohibited QS transfer across vessel categories to preserve the

social and cultural character of the small boat fisheries prior to limited access. Public discussions leading up to IFQ Program implementation elicited substantial concern that harvesting privileges might ultimately transfer to owners of large vessels and disenfranchise owners of small vessels. The Council responded to these concerns in part by establishing vessel categories and prohibiting transfer and use of QS and IFQ across those categories. Thus, these transfer restrictions were intended to prevent consolidation of harvesting privileges among owners of large vessels.

Concern over the potential for excessive consolidation also led to the Modified Block Program implemented under Amendments 31 and 35 to the BSAI and GOA FMPs respectively and IFQ Program amendments published at 60 FR 51135 (October 7, 1994). The Modified Block Program requires an initial allocation of QS that represents less than 20,000 lb (9.1 mt) of IFQ in the year prior to the implementation year (1994) to be issued as an indivisible block that can be transferred in its entirety only.

During the first year of fishing under the IFQ Program in 1995, IFQ fishermen and their representatives reported to the Council that the prohibition against using or transferring QS across vessel categories limited their ability to improve the profitability of their operations. Many fishermen reported that they had received QS that represented far fewer pounds than their recent catch history prior to the IFQ program. Small boat fishermen reported the scarcity of medium- and large-size QS blocks ($\geq 5,000$ lb (2.3 mt)) available to smaller vessels and requested that the Council enable them to purchase shares from QS holders in larger vessel size categories. Also, category B vessel operators reported difficulties in using or marketing small category B blocks and requested the opportunity either to downsize operations or to sell smaller QS blocks to owners of smaller vessels.

This action would address the above concerns by allowing QS initially assigned to a larger vessel category to be used on smaller vessels, while continuing to prohibit the upgrading of QS or IFQ to larger vessel categories. Under the proposed amendments, QS would continue to be assigned to vessel categories by existing criteria at § 676.20(c)(1)-(9) and would retain original vessel category assignments in perpetuity. However, the proposed amendments would allow halibut and sablefish QS and IFQ assigned to vessel category B to be used on vessels of any size; halibut QS assigned to vessel

category C likewise could be used on vessels of categories C and D. The proposed amendments would continue to prohibit the use of QS and IFQ on larger vessel categories than originally assigned.

In taking final action on this proposal, the Council elected to diminish the effect the proposed amendment would have in IFQ regulatory areas 2C for halibut and east of 140° W. long. for sablefish. In these regulatory areas the proportion of QS assigned to vessel category B is significantly smaller than the amount assigned to other vessel categories. Excessive consolidation of QS among smaller vessels in this region of the GOA would reduce the larger vessel fleet and thus also have an undesirable impact on the fisheries' socio-economic character. This action proposes that QS assigned to vessel category B in IFQ regulatory areas 2C for halibut and east of 140° W. long. for sablefish be prohibited from use on vessels less than or equal to 60 ft (18.3 m) LOA except in QS blocks equivalent to less than 5,000 lb (2.3 mt) based on the 1996 Total Allowable Catch (TAC).

For example, an individual who holds two blocks of QS assigned to vessel category B in regulatory area 2C (for halibut) or east of 140° W. long. (for sablefish)—one block equivalent to 13,000 lb (5.9 mt) and the other equivalent to 3000 lb (1.4 mt) (according to the 1996 TAC)—would be able to transfer the smaller QS block or use its resulting IFQ on catcher vessels of any size, since the block is equivalent to less than 5,000 lb (2.3 mt). The larger QS block, which would result in IFQ of more than 5,000 lb (2.3 mt), would still be prohibited from use on any vessel other than one in vessel category B. *Unblocked* QS of any amount assigned to vessel category B in areas 2C and east of 140° W. long. would continue to be restricted to transfer or use on vessels in category B only.

This action would provide owners of small boats with opportunities to acquire QS initially assigned to larger vessel categories and would make smaller category B blocks more marketable. The Council's intent to prevent excessive consolidation of QS among owners of larger vessels would be maintained, while providing greater economic potential for owners/operators of smaller boats in the IFQ fisheries. Conversely, the additional provision to lessen the effect of the proposed action in regulatory areas 2C for halibut and east of 140° W. long. for sablefish would prevent excessive consolidation among owners of smaller boats in areas where category B QS are relatively few.

Classification

Section 304(a)(1)(D) of the Magnuson Act requires NMFS to publish regulations proposed by a Council within 15 days of receipt of the FMP amendments and regulations. At this time, NMFS has not determined that the FMP amendments these regulations would implement are consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making final determinations about the FMP amendments and in issuing final rules under both the Magnuson and Halibut Acts, will take into account the data, views, and comments received during the comment period.

The Council prepared an initial regulatory flexibility analysis as part of the regulatory impact review, which describes the impact this proposed rule would have on small entities, if adopted. The amendments could have a significant positive impact on small vessel owners. They open new opportunities for owners of smaller vessels to improve the profitability of their operations by increasing the quota share holdings available for trade by 309 percent and the IFQ pounds available for trade by 2,547 percent. A copy of the analysis is available from the Council (see ADDRESSES).

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

List of Subjects in 50 CFR Part 676

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: June 19, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 676 is proposed to be amended as follows:

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

1. The authority citation for 50 CFR part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. In § 676.20, paragraph (a)(2) is revised to read as follows:

§ 676.20 Individual allocations.

* * * * *

(a) * * *

(2) *Vessel categories.* QS and IFQ assigned to vessel categories include:
(i) Category A—QS and IFQ, which authorizes an IFQ cardholder to harvest and process IFQ species on a freezer vessel of any length;

(ii) Category B—QS and IFQ, which authorizes and IFQ cardholder to harvest IFQ species on a catcher vessel of any length;

(iii) Category C—QS and IFQ, which authorizes an IFQ cardholder to harvest IFQ species on a catcher vessel less than or equal to 60 ft (18.3 m) in length overall; and

(iv) Category D—QS and IFQ, which authorizes an IFQ cardholder to harvest IFQ halibut on a catcher vessel less than or equal to 35 ft (10.7 m) in length overall.

* * * * *

3. In § 676.22, paragraph (a) is revised to read as follows:

§ 676.22 Limitations on use of QS and IFQ

(a) The IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area. Except as provided in paragraph (i)(3) of this section or in § 676.21(h)(1), the IFQ assigned to one vessel category as provided in § 676.20(a) must not be used to harvest IFQ species on a vessel of a different vessel category. Notwithstanding § 676.20(a)(2)(ii), IFQ assigned to vessel category B must not

be used on any vessel less than or equal to 60 ft (18.3 m) in length overall to harvest IFQ halibut in IFQ regulatory area 2C or IFQ sablefish in the IFQ regulatory area east of 140° W. long. unless such IFQ derives from blocked QS units that result in IFQ of less than 5,000 lb (2.3 mt), based on the 1996 TAC for fixed gear specified for the IFQ halibut fishery and the IFQ sablefish fishery in each of these two regulatory areas.

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