

However, under the circumstances of a delayed opening, which could extend the "B" season into early October, reassessing the status of the pollock TAC and announcing and possibly prosecuting a "C" season fishery before the November 1 deadline may be difficult.

Seven-day "No-trawl" Measure

Data from the yellowfin sole fishery indicate that the amount of halibut bycatch is much greater during the 2 weeks prior to the August 15 opening of the pollock "B" season than the amount of halibut bycatch in subsequent weeks. This high halibut bycatch appears to be due to a few vessels that experienced higher halibut bycatch than other vessels fishing in the yellowfin sole fishery prior to the opening of the "B" season. Crowding effects of the pollock vessels in the yellowfin sole fishery may cause some vessels to fish in areas where more halibut occur. High halibut bycatch in the yellowfin sole fishery can cause a premature closure of the yellowfin sole fishery due to the halibut prohibited species catch allowance being reached before the yellowfin sole TAC is reached.

The high halibut bycatch and the Council's concerns about preemption in the yellowfin sole fishery prompted the Council to recommend a "no-trawl" fishing prohibition for vessels participating in the pollock "B" season to reduce the likelihood that the pollock vessels would participate in the yellowfin sole fisheries or redistribute fishing effort to other trawl fisheries prior to the opening of the pollock "B" season. Any vessel that fishes for groundfish with trawl gear in the BSAI or GOA, during any portion of the 7 days prior to the September 1 opening date of the pollock "B" season would be prohibited from directed fishing for pollock in the 7 days after September 1. Vessels participating in the CDQ directed pollock fishery would be exempt from this prohibition.

Classification

The Council prepared an EA/RIR/FRFA in 1993, and a supplemental analysis was prepared in 1996. The 1993 analysis, as supplemented, was reviewed, and the economic analysis was found to be still valid. These documents combine to comprise an initial regulatory flexibility analysis for this action. The analysis indicates that the impacts could vary across regions and from year to year. However, in general, as stated above, floating processors who participate in the pollock B season would tend to benefit from an additional economic

opportunity to process salmon. Onshore processors could lose revenues as a result of increased competition among pollock processors. Finally, the effect on local Alaskan communities can not be reliably determined at present and would depend on the net impact of the delay. A copy of the 1993 EA/RIR/FRFA and the 1996 supplement are available from the Council (see ADDRESSES).

An informal section 7 consultation under the Endangered Species Act was initiated for the proposed rule to determine any adverse effects of the BSAI "B" season delay on Steller sea lions. The consultation determined that the proposed delay in the fishery and the November 1 ending date of the "B" season would not likely result in any adverse effects on Steller sea lions or critical habitat.

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

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements

Dated: June 7, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 675 is proposed to be amended as follows:

PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. The authority citation for part 675 continues to read as follows:

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

2. In § 675.20, paragraph (a)(2)(ii) is revised to read as follows:

§ 675.20 General limitations.

- (a) * * *
(2) * * *

(ii) The TAC of pollock in each subarea or district will be divided, after subtraction of reserves, into two allowances. The first allowance will be available for directed fishing from January 1 until noon, Alaska local time (A.l.t.), April 15. The second allowance will be available for directed fishing from noon, A.l.t., September 1 until noon A.l.t., November 1, of each fishing year. Within any fishing year, unharvested amounts of the first allowance will be added to the second allowance, and harvests in excess of the first allowance will be deducted from the second allowance.

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3. In § 675.23, paragraph (e) is revised to read as follows:

§ 675.23 Seasons.

* * * * *

(e) Directed fishing for pollock. (1) Subject to other provisions of this part, and except as provided in paragraphs (e)(2) and (e)(3) of this section, directed fishing for pollock is authorized from 00:01 a.m., A.l.t., January 1, until noon, A.l.t., April 15, and from noon A.l.t., September 1 until noon A.l.t., November 1, of each fishing year.

(2) Applicable through December 31, 1998. (i) Subject to other provisions of this part and except as provided in paragraphs (e)(2)(ii) and (e)(2)(iii) of this section, directed fishing for pollock by the offshore component, defined at § 672.2 of this chapter, or by vessels delivering pollock to the offshore component, is authorized from noon A.l.t., January 26, until noon A.l.t., April 15. Directed fishing for pollock under the Western Alaska Community Development Quota program pursuant to § 675.27 of this part is authorized from January 1, through the end of the fishing year.

(ii) Directed fishing for pollock by the offshore component, as defined at § 672.2 of this chapter, or vessels delivering pollock to the offshore component is prohibited until noon, A.l.t., February 5, for those vessels that are used to fish prior to noon, A.l.t., January 26, for groundfish in the Bering Sea and Aleutian Islands management area, groundfish in the Gulf of Alaska, as defined at § 672.2 of this chapter, or king or Tanner crab in the Bering Sea and Aleutian Islands area, as defined at § 671.2 of this chapter.

(iii) Neither paragraphs (e)(2)(ii) nor (e)(3) of this section apply to vessels used to fish exclusively in a directed fishery for pollock prior to noon, A.l.t., January 26, or during the period that extends from noon, A.l.t., August 25, through noon A.l.t., September 1, under the Western Alaska Community Development Quota program pursuant to § 675.27.

(3) Directed fishing for pollock is prohibited during the second pollock season defined at paragraph (e)(1) of this section until noon, A.l.t., September 8, for any vessel that is used to fish with trawl gear for groundfish in the Bering Sea and Aleutian Islands management area or the Gulf of Alaska as defined at § 672.2 of this chapter, between noon A.l.t., August 25, and noon A.l.t., September 1.

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50 CFR Part 676

[I.D. 060496A]

RIN 0648-A157

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

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

ACTION: Notice of availability of amendments to fishery management plans; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 42 to the Fishery Management Plan (FMP) for the Bering Sea/Aleutian Islands Groundfish and Amendment 42 to the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery. The Council recommended these amendments to alleviate certain restrictions in the Individual Fishing Quota (IFQ) Program. If approved, these FMP amendments would allow quota shares (QS) and IFQ assigned to vessels in larger size categories to be used on smaller vessels. The Council intends these amendments to increase the flexibility of QS use and transfer while maintaining the

management goals of the IFQ Program and, thus, provide small boat fishermen with more opportunities to improve the profitability of their operations. Comments are requested from the public.

DATES: Comments on the proposed FMP amendments must be received by August 6, 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 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 Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also

requires that NMFS, upon reviewing the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment.

Amendment 42 to each of the FMPs governing Federal fisheries in and off of Alaska would redefine IFQ vessel categories to allow QS and IFQ assigned to larger vessel categories to be used on smaller vessels. An exception to this change would prohibit QS or IFQ assigned to vessel category B in regulatory areas 2C (for halibut) and east of 140° W. long. (for sablefish) to be used on vessels less than 60 ft (18.3 m) length overall except in QS blocks equivalent to less than 5,000 lb (2.3 mt).

NMFS will consider the public comments received during the comment period in determining whether to approve the proposed amendments. The proposed regulations are scheduled to be published within 15 days of this document.

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

Dated: June 6, 1996.

Richard W. Surdi,

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

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