

management measures for Atlantic bluefin tuna.

The October 3 session will begin with reports from the Council Chairman, Vice Chairman, Executive Director, NMFS Regional Administrator, and representatives from the NMFS Northeast Fisheries Science Center, Atlantic States Marine Fisheries Commission, U.S. Coast Guard, and the Mid-Atlantic Fishery Management Council. The Responsible Fishing Practices Committee will present its draft comments on NMFS' proposed Code of Conduct for Responsible Fisheries. The Monkfish Committee will provide an update on the development of a public hearing document and accompanying draft Supplemental Environmental Impact Statement. The October 3 session will conclude with a status report on the reauthorization of the Magnuson Fishery Conservation and Management Act, a briefing on the recent North Atlantic Fisheries Organization meeting and a discussion of the Mid-Atlantic Fishery Management Council's proposed regulatory amendment to the Fishery Management Plan for Summer Flounder and the Scup Fishery. Any other outstanding business also will be addressed.

Abbreviated Rulemaking—Northeast Multispecies

At the recommendation of its Groundfish Committee, the Council will consider final action on Framework Adjustment 18 to the Northeast Multispecies FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 648.90. The adjustment would allow herring and mackerel fishing with pelagic mid-water trawls in areas of Georges Bank now closed to all gear capable of catching groundfish.

The Council will consider public comments at a minimum of two Council Meetings prior to making any final recommendations to the NMFS Regional Administrator under the provisions for abbreviated rulemaking cited above. If the Regional Administrator concurs with the measures proposed by the Council, he will publish them as a final rule in the Federal Register.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Douglas G. Marshall (see ADDRESSES) at least 5 days prior to the meeting date.

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

Dated: September 20, 1996.

Gary Matlock,

Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 96-24745 Filed 9-24-96; 12:05 pm]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 960918264-6264-01; I.D. 091296A]

RIN 0648-A161

Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Sweep-up Adjustments

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 that would implement Amendment 43 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 43 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) and a regulatory amendment to the halibut individual fishing quota (IFQ) regulations. This action is necessary to increase the consolidation ("sweep-up") levels for small quota share (QS) blocks for Pacific halibut and sablefish managed under the IFQ program. This action is intended to maintain consistency with the objectives of the IFQ program (i.e., prevent excessive consolidation of QS, maintain diversity of the fishing fleet, and allow new entrants into the fishery), while increasing the program's flexibility by allowing a moderately greater amount of QS to be "swept-up" into larger amounts that can be fished more economically.

DATES: Comments must be received by November 12, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel. Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) for this action may be obtained from the above address.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background Information

The U.S. groundfish fisheries of the GOA and the BSAI in the exclusive economic zone are managed by NMFS pursuant to the FMPs for groundfish in the respective management areas. The FMPs were prepared by the North Pacific Fishery Management Council (Council) pursuant to the Magnuson Fishery Conservation and Management Act (Magnuson Act) at 16 U.S.C. 1801 *et seq.*, and are implemented by regulations for the U.S. fisheries at 50 CFR part 679. The Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773 *et seq.*, 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 management system for the fixed gear Pacific halibut and sablefish fisheries. NMFS approved the IFQ program in November 1993, and fully implemented the program beginning in March 1995. The Magnuson Act and the Halibut Act authorize the Council to recommend to NMFS changes to the IFQ program as necessary to conserve and manage the fixed gear Pacific halibut and sablefish fisheries.

Rationale for Amendments 43/43

Before NMFS implemented the IFQ program, the Council recommended that all initially issued QS that resulted in less than 20,000 lb (9 metric tons (mt)) of IFQ would be "blocked," that is, issued as an inseparable unit. Further information on Amendments 31/35 (Block Amendments) can be found in the preambles to the proposed rule (59 FR 33272, June 28, 1994), and the final rule (59 FR 51135, October 7, 1994). The final rule implementing these amendments was effective prior to the beginning of the first IFQ season in 1995.

The Block Amendments created a variety of block sizes that were available for transfer. One of the primary purposes of the Block Amendments was to create small blocks of QS that could be purchased at a relatively low cost by crewmembers and new entrants to the IFQ fisheries. As the experience of these fishermen increased and the size of their fishing operations grew, larger amounts of QS were needed to accommodate this growth. One method included in the Block Amendments to accommodate this growth was the "sweep-up" provision, which allows very small blocks of QS to be permanently consolidated. The maximum sweep-up level was set at 1,000 lb (0.45 mt) for

Pacific halibut and 3,000 lb (1.4 mt) for sablefish, based on the 1994 total allowable catch (TAC).

After the completion of the first IFQ season, the IFQ longline industry reported that the established sweep-up levels were lower than the harvest amount of a worthwhile fishing trip. Therefore, the IFQ longline industry requested a moderate increase in the sweep-up levels to allow greater amounts of QS to be swept-up into larger amounts that can be fished more economically. The Council determined that a moderate increase in the sweep-up levels would likely enhance the opportunity of crewmembers and small boat fishermen who seek to increase their QS holdings. The Council also determined that allowing persons to permanently consolidate slightly larger blocks of QS would not circumvent the primary goals of the Block Amendments (i.e., preventing excessive consolidation and maintaining the diversity of the IFQ longline fleet).

Management Action Pursuant to Amendments 43/43

Amendments 43/43 would increase the sweep-up levels for small QS blocks for Pacific halibut and sablefish from the current 1,000 lb (0.45 mt) maximum for Pacific halibut and 3,000 lb (1.4 mt) maximum for sablefish to a 3,000 lb (1.4 mt) maximum and a 5,000 lb (2.3 mt) maximum, respectively. Two other changes were recommended to accompany these increases. First, the base year TAC for determining the pounds would be the 1996 TAC, rather than 1994 TAC, which was used for the first sweep-up levels. Second, once QS levels are established for the appropriate regulatory areas based on the 1996 TAC, those QS levels would be fixed and codified. This would eliminate any confusion as to the appropriate sweep-up level in pounds, which would fluctuate with changes in the annual TAC.

For example, the original sweep-up level for Pacific halibut was set at a 1,000 lb (0.45 mt) maximum based on the 1994 catch limit. This equaled 5,146 QS for the IFQ regulatory Area 2C based on the formula for calculating a person's annual allocation of IFQ as described in § 679.40(c) (i.e., the ratio of a person's QS for an IFQ regulatory area to the QS pool multiplied by the catch limit for that area. In 1995, the first year of fishing under the IFQ program, the halibut catch limit for IFQ regulatory Area 2C was 9,000,000 lb (4,082.3 mt). By using this catch limit and the 1995 QS/QS pool ratio, the actual maximum pounds that could be swept-up in IFQ regulatory Area 2C in 1995 was 774 lb

(0.35 mt). This amount changed to 772 lb (0.35 mt) based on the new catch limit and QS/QS pool ratio in 1996.

These fluctuations were very confusing, especially since the regulations codified the maximum levels in pounds.

Codifying a fixed QS number would eliminate this confusion. The number of QS units that could be swept-up would remain the same year after year, only the resulting IFQ would fluctuate annually. For example, the new sweep-up maximum for IFQ regulatory Area 2C would be 19,992 QS units based on the 1996 catch limit and the QS/QS pool ratio. This number of QS units would be codified as the maximum sweep-up level for IFQ regulatory Area 2C. Although the annual IFQ pounds resulting from 19,992 QS units in IFQ regulatory Area 2C may vary, the QS unit number would remain fixed and readily available in the regulatory text.

Classification

An EA/RIR was prepared for this rule that describes the management background, the purpose and need for action, the management action alternatives, and the socio-economic impacts of the alternatives. The EA/RIR estimates the total number of small entities affected by this action, and analyzes the economic impact on those small entities. Based on the economic analysis in the EA/RIR, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities; as follows:

The proposed rule would increase the consolidation ("sweep-up") levels for small quota share (QS) blocks for Pacific halibut and sablefish managed under the Individual Fishing Quota (IFQ) program. These amendments are intended to maintain consistency with the objectives of the IFQ program (i.e., prevent excessive consolidation of QS, maintain diversity of the fishing fleet, and allow new entrants into the fishery) while increasing the program's flexibility by allowing moderately greater amounts of QS to be swept-up into amounts that can be fished more economically.

Although most fishing operations affected by these regulations are considered small entities, the impacts of these regulations are not of the type contemplated by the Regulatory Flexibility Act (RFA) as significant. This proposed rule, if approved, would provide regulatory relief to small entities by removing inefficient barriers to economically beneficial consolidations. For example, allowing greater amounts of QS to be swept-up into blocks could affect fishing operations by increasing their efficiency; however, this efficiency would not

economically impact annual gross revenues or compliance costs of small entities, either directly or indirectly, to the levels considered significant under the RFA. Therefore, the analysis contained in the Regulatory Impact Review concluded that this action would not have a significant economic impact on a substantial number of small entities.

Copies of the EA/RIR can be obtained from NMFS (see **ADDRESSES**).

This proposed rule will not change the collection of information approved by the Office of Management and Budget, OMB Control Number 0648-0272, for the Pacific halibut and sablefish IFQ program.

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

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: September 23, 1996.

N. Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

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

2. In § 679.41, paragraph (e)(2) is revised and paragraph (e)(3) is added to read as follows:

§ 679.41 Transfer of QS and IFQ.

* * * * *

(e) * * *

(2) QS blocks for the same IFQ regulatory area and vessel category that represent less than 5,000 lb (2.3 mt) of sablefish IFQ, based on the 1996 TAC share for fixed gear sablefish in a specific IFQ regulatory area and the QS pool for that IFQ regulatory area on January 31, 1996, may be consolidated into larger QS blocks provided that the consolidated blocks do not represent greater than 5,000 lbs (2.3 mt) of sablefish IFQ based on the preceding criteria. A consolidated block cannot be divided and is considered a single block for purposes of use and transferability. The maximum number of QS units that may be consolidated into a single QS block in each IFQ regulatory area is as follows:

- (i) Southeast Outside district: 33,270 QS.
- (ii) West Yakutat district: 43,390 QS.
- (iii) Central Gulf area: 46,055 QS.

(iv) Western Gulf area: 48,410 QS.

(v) Aleutian Islands subarea: 99,210

QS.

(vi) Bering Sea subarea: 91,275 QS.

(3) QS blocks for the same IFQ

regulatory area and vessel category that represent less than 3,000 lbs (1.4 mt) of halibut IFQ, based on the 1996 catch limit for halibut in a specific IFQ regulatory area and the QS pool for that IFQ regulatory area on January 31, 1996, may be consolidated into larger QS blocks provided that the consolidated blocks do not represent greater than 3,000 lbs (1.4 mt) of halibut IFQ based on the preceding criteria. A consolidated block cannot be divided and is considered a single block for purposes of use and transferability. The maximum number of QS units that may be consolidated into a single block in each IFQ regulatory area is as follows:

(i) Area 2C: 19,992 QS.

(ii) Area 3A: 27,912 QS.

(iii) Area 3B: 44,193 QS.

(iv) Subarea 4A: 22,947 QS.

(v) Subarea 4B: 15,087 QS.

(vi) Subarea 4C: 30,930 QS.

(vii) Subarea 4D: 26,082 QS.

(viii) Subarea 4E: 0 QS.

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[FR Doc. 96-24786 Filed 9-24-96; 12:05 pm]

BILLING CODE 3510-22-F