

on the burden estimate or any other aspect of this form to the Service Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20503.

Economic Effect

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. While there would be an increase in the sale of firearms, ammunition, hunting gear, etc., this proposed rule would have minimal effect on such entities as this is not a big hunting program and hunting is otherwise allowed in surrounding areas.

Federalism

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared for this opening. Based upon the Environmental Assessments, the Service issued a Finding of No Significant Impact with respect to the opening. A Section 7 evaluation was prepared pursuant to the Endangered Species Act with a finding that these openings are not likely to adversely affect a listed species or its critical habitat.

Primary Author

Stephen R. Vehrs, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Hunting, Fishing, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

For the reasons set forth in the preamble, Part 32 of chapter I of Title 50 of the *Code of Federal Regulations* is amended to read as follows:

PART 32—[AMENDED]

1. The authority citation for Part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

2. Section 32.54 *Ohio* is amended by revising paragraph (c) to read as follows:

§ 32.54 Ohio.
* * * * *

Ottawa National Wildlife Refuge

* * * * *

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.
2. Hunters are required to check in and out of the refuge each day that they hunt.
3. No shooting from refuge roads or dikes is permitted.

* * * * *

Dated: October 20, 1995.
George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95-29105 Filed 11-29-95; 8:45 am]
BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, 676, and 677

[Docket No. 951120272-5272-01; I.D. 110295A]

Groundfish of the Gulf of Alaska; Limited Access; Foreign Fishing; Interim 1996 Harvest Specifications

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

ACTION: Interim 1996 harvest specifications for groundfish; associated management measures; and closures.

SUMMARY: NMFS issues interim 1996 total allowable catch (TAC) amounts for each category of groundfish and specifications for prohibited species bycatch allowances for the groundfish fishery of the Gulf of Alaska (GOA). NMFS is closing certain fisheries as specified in the interim 1996 groundfish specifications. The intended effect is to conserve and manage the groundfish resources in the GOA.

EFFECTIVE DATE: 0001 hours, Alaska local time (A.L.T.), January 1, 1996, until the effective date of the Final 1996 Harvest Specifications for Groundfish, which will be published in the Federal Register.

ADDRESSES: The preliminary Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1995, is available from the North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fisheries at 50 CFR parts 672, 676, and 677. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620.

The Council met September 27 through October 2, 1995, to review scientific information concerning groundfish stocks. The preliminary specifications are based on the current stock assessments contained in the preliminary Gulf of Alaska Groundfish SAFE Report, dated September 1995, as well as recommendations by the GOA Groundfish Plan Team, Advisory Panel, and Scientific and Statistical Committee. The preliminary SAFE Report was prepared and presented to the Council by the GOA Groundfish Plan Team and summarizes the best available scientific information. Copies of the SAFE Report are available from the Council (see **ADDRESSES**). The Council recommended a preliminary total TAC amount of 267,917 metric tons (mt) and a preliminary total acceptable biological catch (ABC) amount of 477,110 mt for the 1996 fishing year.

Under § 672.20(c)(1)(ii), NMFS is publishing in the Proposed Rules section of this issue of the Federal Register for review and comment proposed initial harvest specifications for groundfish and associated management measures in the GOA for the 1996 fishing year. Those proposed specifications contain detailed

information on the 1996 specification process and provides a discussion of the preliminary ABCs, proposed establishment of the 1996 annual TAC amounts and apportionments thereof among domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF) and reserves for each target species and the "other species" category, apportionments of pollock and Pacific cod TAC, apportionments of the sablefish TAC to vessels using hook-and-line and trawl gear, halibut prohibited species catch (PSC) limits, and seasonal allocations of the halibut PSC limits.

Regulations at § 672.20(c)(1)(ii)(A) require that one-fourth of the preliminary or proposed specifications (not including the reserves and the first quarterly allowance of pollock), one-fourth of the inshore and offshore allocations of Pacific cod in each regulatory area, and one-fourth of the halibut PSC amounts become effective at 0001 hours, A.I.t., January 1, on an interim basis and remain in effect until superseded by the final harvest specifications, which will be published in the Federal Register.

This action provides interim TAC specifications and apportionments thereof for the 1996 fishing year that will become available on January 1, 1996, on an interim or preliminary basis. Background information concerning the 1996 groundfish harvest specification process upon which this interim action is based is provided in the proposed initial harvest specifications appearing in the Proposed Rules section of this Federal Register issue.

Species TAC amounts are apportioned initially among DAP, JVP, TALFF, and

reserves under §§ 611.92(c)(1) and 672.20(a)(2). DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen deliver their catches to foreign processors at sea. TALFF amounts are intended for harvest by foreign fishermen. Existing harvesting and processing capacity allows the U.S. industry to utilize the entire 1996 TAC specified for GOA groundfish. Therefore, the Council recommended that DAP equal TAC for each species category, which results in no proposed amounts of TALFF or JVP for the 1996 fishing year.

The reserves for the GOA are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish species, and the "other species" category. Given that the GOA groundfish TAC amounts have been utilized fully by DAP since 1987, NMFS has reapportioned all the reserves to DAP. The interim TAC amounts contained in Table 1 reflect the reapportionment of reserves to DAP.

Amendment 23 to the FMP and Amendment 18 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area established inshore and offshore component allocations of Pacific cod and pollock in the GOA and inshore and offshore component allocations of pollock in the Bering Sea and Aleutian Islands management area during the years 1993 through 1995. Because Amendments 23 and 18 and their implementing regulations expire on December 31, 1995, and because the Council has yet to complete development of its comprehensive plan to address problems caused by the open access nature of the Alaska groundfish fisheries, the Council voted

unanimously at its June 1995 meeting to adopt Amendments 40 and 38, which would extend the provisions of the expiring Amendments 23 and 18 through December 31, 1998. The Council has submitted to NMFS for review and approval under the Magnuson Act proposed Amendments 40 and 38. On September 18, 1995, NMFS published a proposed rule that would implement the inshore and offshore allocations through 1998 (60 FR 48087). However, at this time, NMFS has not determined that either Amendment 40 or Amendment 38 is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws.

This interim specification document specifies allocations of pollock and Pacific cod to inshore and offshore components. If NMFS disapproves proposed Amendment 40 to the FMP, NMFS will revise the applicable GOA interim pollock and Pacific cod TAC allocations specified in this document before the start of the 1996 fishing season. The revised interim TAC allocations of pollock and Pacific cod will be published in the Federal Register.

1. Interim TAC Amounts and Apportionments Thereof

Table 1 provides interim TAC amounts, interim TAC allocations of Pacific cod to the inshore and offshore components, first quarterly allowances of pollock in the combined Western and Central regulatory areas, and interim sablefish TAC apportionments to hook-and-line and trawl gear. These interim TAC amounts and apportionments thereof become effective at 0001 hours, A.I.t., January 1, 1996.

TABLE 1.—INTERIM 1996 TAC AMOUNTS OF GROUND FISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)^{1 2 3}. FIRST QUARTERLY ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR. AMOUNTS ARE IN METRIC TONS.

Species	Area	Interim TAC	
Pollock ^{4 5}	W (61)	6,125	
	C (62)	3,125	
	C (63)	3,250	
	Subtotal	W/C E	12,500 675
Total		13,175	
Pacific cod ⁶	Inshore	W	4,241
	Offshore	W	471
	Inshore	C	9,653
	Offshore	C	1,073

TABLE 1.—INTERIM 1996 TAC AMOUNTS OF GROUND FISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)¹²³. FIRST QUARTERLY ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR. AMOUNTS ARE IN METRIC TONS.—Continued

Species	Area	Interim TAC
Inshore	E	731
Offshore	E	81
Total		16,250
Flatfish, Deep-water ⁷		
	W	115
	C	1,875
	E	780
Total		2,770
Rex sole		
	W	200
	C	1,763
	E	460
Total		2,423
Flathead Sole		
	W	500
	C	1,250
	E	685
Total		2,435
Flatfish, Shallow-water ⁸		
	W	1,125
	C	3,238
	E	295
Total		4,658
Arrowtooth flounder		
	W	1,250
	C	6,250
	E	1,250
Total		8,750
Sablefish ^{9 10 11}		
H/L	W	N/A(520)
TRW	W	130
H/L	C	N/A(1,720)
TRW	C	430
H/L	WYak	N/A(974)
TRW	WYak	51
H/L	SEO	N/A(1,473)
TRW	SEO	78
Total		5,376
Pacific ocean perch ¹²		
	W	315
	C	833
	E	592
Total		1,740
Shortraker/rougheye ¹³		
	W	43
	C	303
	E	133
Total		479
Rockfish, northern ¹⁴		

TABLE 1.—INTERIM 1996 TAC AMOUNTS OF GROUND FISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)^{1 2 3}. FIRST QUARTERLY ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR. AMOUNTS ARE IN METRIC TONS.—Continued

Species	Area	Interim TAC
	W	160
	C	1,153
	E	5
Total		1,318
Rockfish, other ^{15 16}		
	W	45
	C	293
	E	1,440
Total		1,778
Rockfish, pelagic shelf ¹⁷		
	W	228
	C	800
	E	270
Total		1,298
Rockfish, Demersal Shelf SEO ¹⁸	SEO	145
Thornyhead rockfish	GW	390
Atka mackerel	W	578
	C	231
	E	1
Total		810
Other species ¹⁹		3,190
GOA Total Interim TAC		66,985

(Interim TAC amounts have been rounded.)

¹ Amounts specified as JVP and TALFF are proposed to be zero and are not shown in this table.

² Reserves have been reapportioned to DAP and are reflected in the interim TAC amounts. (See § 672.20(a)(2)(ii))

³ See § 672.2 for definitions of regulatory area, regulatory district, and statistical area.

⁴ Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area, and is further divided into equal quarterly allowances. The first quarterly allowances are in effect on an interim basis as of January 1, 1996. In the Eastern Regulatory Area, pollock is not divided into quarterly allowances, and one-fourth of the TAC is available on an interim basis.

⁵ The TAC apportionment for pollock in all regulatory areas and all quarterly allowances is divided into inshore and offshore components. The inshore component is apportioned 100 percent of the pollock TAC in each regulatory area after subtraction of amounts that are determined by the Director, Alaska Region, NMFS, to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. At this time, these bycatch amounts are unknown and will be determined during the fishing year. (See § 672.20(a)(2)(v)(A))

⁶ The TAC apportionment of Pacific cod in all regulatory areas is divided into inshore and offshore components. The inshore and offshore component allocations are 90 percent and 10 percent, respectively, of the Pacific cod TAC in each regulatory area. (See § 672.20(a)(2)(v)(B))

⁷ "Deep-water flatfish" means Dover sole and Greenland turbot.

⁸ "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

⁹ Sablefish TAC amounts for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Central and Western Regulatory Areas, 80 percent of the TAC is allocated to hook-and-line gear and 20 percent to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to hook-and-line gear. Five percent is allocated to trawl gear and may only be used as bycatch to support directed fisheries for other target species. (See § 672.24(c))

¹⁰ The sablefish hook-and-line (H/L) gear fishery is managed under the Individual Fishing Quota (IFQ) program and subject to regulations contained in subparts B and C of 50 CFR part 676. Annual IFQ amounts are based on the final TAC amount specified for the sablefish H/L gear fishery as contained in the final specifications for groundfish. Under § 676.16(c), retention of sablefish caught with H/L gear is prohibited unless the harvest is authorized under a valid IFQ permit and IFQ card. In 1996, IFQ permits and IFQ cards will not be valid prior to the effective date of the 1996 final specifications. Thus, fishing for sablefish with H/L gear will not be authorized under these interim specifications. Nonetheless, interim amounts are shown in parentheses to reflect assignments of one-fourth of the proposed TAC amounts among gear categories and regulatory areas in accordance with § 672.20(a)(7). See §§ 676.20 and 676.23(b) for guidance on the annual allocation of IFQ and the sablefish season.

¹¹ Sablefish caught in the GOA with gear other than hook-and-line or trawl gear must be treated as prohibited species and may not be retained.

¹² "Pacific ocean perch" means *Sebastes alutus*.

¹³ "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

¹⁴ "Northern rockfish" means *Sebastes polypsinis*.

¹⁵ "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means slope rockfish.

¹⁶“Slope rockfish” means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. babcocki* (redbanded), and *S. reedi* (yellowmouth).

¹⁷“Pelagic shelf rockfish” includes *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

¹⁸“Demersal shelf rockfish” means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

¹⁹“Other species” includes sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for “other species” equals 5 percent of the TAC amounts of target species.

2. Interim Halibut PSC Mortality Limits

Under § 672.20(f), annual Pacific halibut PSC mortality limits are established for trawl and hook-and-line gear and may be established for pot gear. As in 1995, the Council proposes to exempt pot gear and the sablefish hook-and-line fishery from halibut PSC limits for 1996. The interim PSC limits are effective on January 1, 1996, and remain in effect until superseded by the Final 1996 Harvest Specifications, which will be published in the Federal Register. The interim halibut PSC limits are as follows: (1) 500 mt to trawl gear, (2) 73 mt to hook-and-line gear for fisheries other than demersal shelf rockfish, and (3) 2.5 mt to hook-and-line gear for demersal shelf rockfish fishery in the Southeast Outside District.

Regulations at § 672.20(f)(1) authorize apportionments of the trawl halibut PSC limit allowance as bycatch allowances to a deep-water species complex, comprised of rex sole, sablefish, rockfish, deep-water flatfish, and arrowtooth flounder, and a shallow-water species complex, comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel,

and other species. The interim 1996 apportionment for the shallow-water species complex is 415 mt and for the deep-water species complex is 85 mt.

3. Closures to Directed Fishing

Under § 672.20(c)(2)(ii), if the Director, Alaska Region, NMFS (Regional Director), determines that the amount of a target species or “other species” category apportioned to a fishery or, with respect to Pacific cod, to an allocation to the inshore or offshore component, is likely to be reached, the Regional Director may establish a directed fishing allowance for that species or species group. In establishing a directed fishing allowance, the Regional Director shall consider the amount of that species group or allocation of Pacific cod to the inshore or offshore component that will be taken as incidental catch in directed fishing for other species in the same regulatory area or district. If the Regional Director establishes a directed fishing allowance, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or

species group in the specified regulatory area or district.

The Regional Director has determined that interim amounts of groundfish specified in Table 1 of these interim specifications for species or species groups identified in Table 2 will be necessary as incidental catch to support anticipated groundfish fisheries prior to the time that final specifications for groundfish are in effect for the 1996 fishing year. Therefore, NMFS is prohibiting directed fishing for those target species, gears, and components listed in Table 2 to prevent exceeding the interim amounts of groundfish TAC amounts specified. These closures will be in effect during the period that the 1996 interim specifications for groundfish TAC amounts are effective beginning at 0001 hours, A.l.t., January 1, 1996, until superseded by the Final 1996 Harvest Specifications for Groundfish. While the closures are in effect, the maximum retainable bycatch amounts at § 672.20(g) apply at any time during a fishing trip. Additional closures and restrictions may be found in existing regulations at 50 CFR part 672.

TABLE 2.—CLOSURES TO DIRECTED FISHING UNDER THE INTERIM 1996 TOTAL ALLOWABLE CATCH AMOUNTS IMPLEMENTED BY THIS ACTION¹ OFFSHORE = THE OFFSHORE COMPONENT; TRW = TRAWL; ALL = ALL GEARS; WG = WESTERN REGULATORY AREA; CG = CENTRAL REGULATORY AREA; EG = EASTERN REGULATORY AREA; GOA = ENTIRE GULF OF ALASKA

Fishery	Component	Gear	Closed areas
Atka mackerel	ALL	GOA
Northern rockfish	ALL	WG, EG
Pelagic shelf rockfish	ALL	WG, EG
Other rockfish	ALL	WG, CG
Pacific cod	Offshore	ALL	EG
Rex sole	ALL	WG
Sablefish	TRW	WG, CG
Shorthead/rougheye	ALL	GOA
Thornyhead rockfish	ALL	GOA

¹ These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 672.

After consideration of public comments on the proposed 1996 specifications and additional scientific information presented at its December 1995 meeting, the Council may recommend other closures to directed fishing. Additionally, NMFS may implement other closures at the time the

Final 1996 Specifications for Groundfish are implemented, or during the 1996 fishing year as necessary for effective management.

Classification

This action is authorized under 50 CFR 611.92, 672.20, and 676.20 and is exempt from review under E.O. 12866.

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

Dated: November 24, 1995.

Nancy Foster,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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50 CFR Part 676

[Docket No.950123023-5271-02; I.D.
110795E]

RIN 0648-AH38; 0648-AI09

Limited Access Management of Federal Fisheries In and Off of Alaska; Determinations and Appeals; Individual Fishing Quota Program

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule
adopting as final without change two
interim rules that amended regulations
implementing the Individual Fishing
Quota (IFQ) Program for Pacific halibut
and sablefish fixed gear fisheries in and
off of Alaska.

EFFECTIVE DATE: This rule is effective
November 30, 1995.

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

SUPPLEMENTARY INFORMATION:

Background

The IFQ Program is a regulatory
regime developed by the North Pacific
Fishery Management Council (Council)
to promote the conservation and
management of Pacific halibut
(*Hippoglossus stenolepis*) and sablefish
(*Anoplopoma fimbria*) stocks in Federal
waters in and off of Alaska. The IFQ
Program limits access to Pacific halibut
and sablefish fixed gear fisheries
through the annual issuance of IFQ.
Holders of IFQ may harvest their IFQ,
specific to species, vessel category, and
regulatory area, any time during the IFQ
fishing season. Further information
about the IFQ Program is contained in
the preamble to the final implementing
regulations published at 58 FR 59375,
November 9, 1993, and subsequent
amendments.

This action makes final several
changes to the IFQ implementing
regulations that were originally effected
by interim rules. One interim rule
reduced the two-stage appeals
procedures to a single-step process,
shortened the length of time required for
certain appeals-related actions, and
established a quota shares (QS) reserve
to permit the deferred allocation of IFQ

for qualified persons whose QS are in
dispute at the time of annual IFQ
allocation. The other interim rule
allowed vessels subject to existing IFQ
Program recordkeeping and observer
coverage requirements to fish for IFQ
species in regulatory areas for which
persons aboard a vessel hold IFQ less
than the total amount of IFQ species on
board. These changes are described
below.

Changes to the Determinations and Appeals Procedures

Final rules implementing the appeals
procedure for limited access
management of Federal fisheries in and
off of Alaska became effective July 1,
1994 (59 FR 28281, June 1, 1994). A
detailed explanation of the procedure
for appealing initial administrative
determinations appeared in the
preamble of the notice of proposed
rulemaking published at 59 FR 5979 on
February 9, 1994. NMFS identified three
changes to the final rules as necessary
to improve the efficiency of the appeals
process. An interim rule published at 60
FR 6448, February 2, 1995, effected
these changes, as follows.

1. The first change eliminated
applicants' right to appeal an appellate
officer's decision to the Director, Alaska
Region, NMFS (Regional Director), but
retained the Regional Director's
discretionary authority to renew,
modify, reverse, or remand any such
decision. This effectively changed the
original two-stage appeals procedure to
a single-step process. The original
procedure provided an applicant a first-
stage opportunity to appeal an initial
administrative determination to an
appellate officer and a second-stage
opportunity to appeal the appellate
officer's decision to the Regional
Director. This interim rule eliminated
the second-stage appeal; however, the
Regional Director routinely reviews
appellate officers' decisions and may
reverse, modify, or remand those
decisions for further consideration. The
appellate officer's decision, unless acted
on by the Regional Director, becomes
the final agency action for purposes of
judicial review 30 days after issuance.

2. The second change substantially
reduced the time period within which
an appellant may file an appeal from 90
Federal business days to 60 calendar
days after the date of the initial
administrative determination. The
original appeals filing period consisted
of 90 days, not including weekends and
holidays. The revised appeals filing
period consists of 60 calendar days
unless the last day falls on a weekend
or holiday. The original appeals filing
period was intended to provide an

appellant with a liberal period within
which to prepare an appeal. NMFS
determined that this period was
unnecessarily long and would
exacerbate expected delays in the
resolution of appeals. Disputes in which
two or more applicants make claims to
the same vessel or catch data should be
resolved at the same time. Without this
change, one claimant could file a
prompt appeal while another could
delay filing for up to 4 months, thereby
preventing the prompt issuance of
disputed IFQ to the rightful party. The
revised period provides appellants with
adequate time to prepare and file
appeals, and benefits all affected parties
by accelerating the appeals process.

3. The third change shortened the
period of delayed effectiveness of an
appellate officer's decision from 45
Federal business days to 30 calendar
days after the date the decision is
issued, unless, prior to that time, the
Regional Director modifies the decision,
issues an order staying the effectiveness
of the decision pending review, or
accelerates the effectiveness date. This
change also accelerated the agency's
final actions on appeals. NMFS
determined that 30 calendar days are
adequate for the Regional Director to
review an appellate officer's decision
and take any necessary action, such as
a stay.

These changes implemented by the
interim rule help to expedite the
appeals process, which benefits the
fishermen involved.

Changes to the Establishment of QS Pools

Regulations pertaining to the
calculation of QS and the QS pool for
an area are found at § 676.20. The
interim rule at 60 FR 6448, February 2,
1995, also amended § 676.20(d)(3) to
establish a reserve within the QS pool
of each IFQ regulatory area. Without
such a reserve, contested catch history
would not be included in the pool, and
persons without QS included in the QS
pool on January 31 of any year, when
annual allocations of IFQ are
determined, would be unable to
participate in the IFQ fisheries in that
year.

A problem of particular concern in
the initial year of the IFQ Program was
that numerous appeals involved
disputes over who owned or leased a
vessel that made qualified landings but
not over the amount of those landings.
Many of these appeals were not resolved
by January 31, 1995. Failure to establish
a reserve within the QS pool could have
prevented the prevailing party from
receiving and using IFQ during the IFQ