

the selectivity of bottom longlines currently in use in the fishing industry and to attempt to improve the selectivity of longline gear. The experimental fishery would involve the use of longline gear equivalent to current commercial longline gear as well as experimental hooks, bait, and other control gears to compare results. The New England Aquarium and the MADMF have received funding for and conducted similar selectivity and survival experimental fisheries in the past.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Christopher B. Kellogg at the Council (see ADDRESSES).

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

Dated: September 4, 1996.

Gary Matlock,

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

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50 CFR Part 648

[Docket No. 960830238-6239-3802; I.D. 081496C]

RIN 0648-AJ07

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Control Date

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

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) is considering limiting future access to anyone not in possession of a current multispecies limited access multispecies permit who enters the fisheries for silver hake (*Merluccius bilinearis*), black-eye whiting (offshore hake) (*Merluccius albus*), ocean pout (*Macrozoarces americanus*), and red hake (*Urophycis chuss*) after September 9, 1996 (control date). Consideration of a control date is intended to discourage new entry into the fishery based on economic speculation during the Council's deliberation on the issue.

DATES: Comments must be submitted by October 7, 1996.

ADDRESSES: Comments should be directed to: Douglas Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, NMFS, Fishery Policy Analyst, 508-281-9252.

SUPPLEMENTARY INFORMATION: The Council manages multispecies under the Northeast Multispecies Fishery Management Plan (FMP). Amendment 4 to the FMP, effective June 27, 1991, included fisheries for silver hake, red hake and ocean pout, but did not include any specific measures to manage these species. On March 1, 1994, Amendment 5 to the FMP established a limited access permit program for regulated multispecies and retained an open-access permit category for the nonregulated multispecies—whiting, red hake, and ocean pout.

A definition for "nonregulated species" pertaining to the Northeast multispecies fishery was established by a final rule published on July 31, 1996, at 61 FR 39909. That definition contains the following species: Whiting, red hake, and ocean pout. The term "nonregulated species" in this action refers to whiting, red hake, ocean pout, and black-eye whiting. Black-eye whiting has historically not been distinguished from whiting, but the Council has recently requested information regarding biology and fishery economics from NMFS, because it may be prudent to monitor and manage the species separately.

On February 5, 1996, the Council submitted Amendment 7 to the FMP to NMFS and, after a preliminary evaluation, three measures in the amendment were disapproved on February 14, 1996, including the establishment of a limited access category for qualified vessels that fished in the open access possession limit category under Amendment 5. Pursuant to section 304(b)(3)(A) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Council resubmitted the measure that would implement a possession limit permit category by revising it to allow any vessel of the United States to obtain the permit and fish for and possess nonregulated multispecies. NMFS approved this resubmitted measure on July 19, 1996, and implemented it by a final rule on July 31, 1996 (61 FR 39909). The rule established an open access permit category named the "open access nonregulated multispecies permit."

The Council currently manages fisheries for silver hake, ocean pout, and

red hake under the FMP, and it is gathering information necessary to consider the inclusion of black-eye whiting in the FMP in a plan amendment now under development. One of the impacts of the regulated species effort reduction program under Amendments 5 and 7 is that vessels are seeking alternative fisheries, including nonregulated multispecies fisheries. As markets develop, additional participants may enter these fisheries with potentially negative impacts on the health of the resource. Of the nonregulated multispecies, NMFS scientists have indicated one of the two stocks of silver hake is probably overexploited and the other is fully exploited, ocean pout is fully exploited, and red hake is underexploited.

Future access to these resources (the nonregulated species) in the exclusive economic zone will not be assured beyond the control date if a management regime that limits the number of participants in the fishery is developed and implemented under the Magnuson Act. The Council has indicated its intent to qualify vessels that hold a valid limited access multispecies permit for any limited access system that may be implemented for these species. The potential eligibility criteria may be based on current eligibility for limited access multispecies permits, as well as on historical participation, defined as any number of trips having any documented amount of any of these species. This document, therefore, gives the public, particularly those not in possession of a limited access multispecies permit, notice that they should locate and preserve records that substantiate and verify their participation in the fisheries for these species.

The control date will help to distinguish currently established multispecies fishermen from speculative entrants to the fisheries while management measures are being developed. Fishermen not in possession of a current limited access multispecies permit are notified that entering the fisheries after the control date may not qualify as previous participation, should such a criterion be the basis for future access to the silver hake, red hake, ocean pout, or black-eye whiting resources. Furthermore, additional and/or other qualifying criteria also may be applied. The Council may choose different and variably weighted methods to qualify fishermen, based on the type and length of participation in the fishery or on the quantity of landings. The Council may also decide not to limit entry into these fisheries after a

consideration of all reasonable alternatives for their management.

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

Dated: September 3, 1996.

N. Foster,

*Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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