The belief that significant discards of public hearings, also failed to support small yellowtail are occurring. Public confirms that significant discards of made available through sea sampling to Hampshire. No information has been Bay off Massachusetts and New Hampshire. Deal with alleged high discards of

**Restrictive measures under Flexible Area Fishery Management Council's (Council) Northeast Region (Regional Director) has considered the notification to inform the public and the fishing industry that the Director, regional Director whether or not to adjust the standards. If the Regional Director determines that the standards should be adjusted, notice will be published in the Federal Register.


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

[FR Doc. 92-26852 Filed 11-2-92; 8:45 am]

BILLING CODE 3510-22-M

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FOR FURTHER INFORMATION CONTACT: Jack Terrill (NMFS, Resource Policy Analyst), 508-281-9252.

**Supplementary Information:** Amendment 3 to the Fishery Management Plan for the Northeast Multispecies Fishery established a Flexible Area Action System (FAAS), whereby protection can be provided to concentrations of juvenile, sublegal, or spawning fish. Regulations implementing Amendment 3 were published on December 22, 1989 (54 FR 52903).

FAAS No. 6 was initiated by reports to the chairman of the Council that high discards of sublegal yellowtail flounder were occurring in areas offshore of Massachusetts and New Hampshire known as Ipswich Bay. Under the provisions of 50 CFR 651.26, a notice was published on October 13, 1992 (57 FR 48640). The notice announced that the Council would consider action under FAAS No. 6 to protect a large concentration of yellowtail flounder smaller than the legal minimum landing size in Ipswich Bay.

Upon initiation, the Regional Director began fact finding to determine the existence of a problem in the area. Attempts were made to place a sea sampler on a vessel fishing in the area. Unfortunately, other species moved into the area immediately after FAAS No. 6 was initiated, causing vessels to leave the area. As a consequence, sea samplers were not placed on vessels and could not confirm or deny the existence of a problem. The U.S. Coast Guard provided assistance by boarding two vessels and observing haulbacks. These observations were inconclusive. Neither a fact-finding report nor an economic impact analysis could be prepared for FAAS No. 6.

A public hearing on FAAS No. 6 was held on October 22, 1992, in Danvers, Massachusetts, in conjunction with the October meeting of the Council, to hear comments on the proposed action. Approximately 15 persons attended. In addition, three written comments were received. The comments addressed the issue of large scallop vessels working in an area generally fished by small vessels, rather than the problem of yellowtail flounder discards. The scallop vessels use dredge gear containing 3-inch (7.62 cm) diameter rings. Commenters stated that this ring size would equate to a mesh size that is less than the regulated mesh size of 5/8 inches (13.97 cm) and that these vessels should not be working in this area without further restrictions.

At the conclusion of the public hearing the Council met to consider the results of the Regional Director's fact-finding investigations and the public comments received. The Council raised concerns about the presence of scallop vessels in the area and recommended to the Regional Director that scallopers fishing in Ipswich Bay be subject to a 500-pound possession limit of groundfish for a period of up to 6 months.

Under the provisions of § 651.26(f), the Regional Director has disapproved the Council's recommendation. The decision is based upon a lack of conclusive evidence that a problem is occurring in the area. While there is concern over the use of gear capable of taking sublegal groundfish, the absence of information that significant discards are occurring makes it inappropriate to take the recommended action under FAAS No. 3.

The lack of a fact-finding report or an economic impact analysis makes it unfair to impose a restriction for which there has been no opportunity for public review and comment.

**Classification**

This denial of FAAS No. 6 is authorized by 50 CFR part 651 and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

**List of Subjects in 50 CFR Part 651**

Fisheries, Fishing, Reporting and recordkeeping requirements.


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

[FR Doc. 92-26852 Filed 10-29-92; 8:45 am]

BILLING CODE 3510-22-M

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FOR FURTHER INFORMATION CONTACT: Pacific Halibut Fisheries; Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands; Limited Access Management of Fisheries Off Alaska.

AGENCY: National Marine Fisheries Service (NMFS), 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 15 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and
Amendment 20 to the FMP for
Groundfish of the Gulf of Alaska for
review by the Secretary of Commerce
(Secretary). Comments are requested
from the public. Copies of the
amendments and the final
environmental impact statement/
supplemental environmental impact
statement (FEIS/SEIS) may be obtained
from the Council (see "ADDRESSES").

DATES: Comments on the amendments
must be received on or before January 4,
1993.

ADDRESSES: Comments should be sent
to Ronald J. Berg, Chief, Fisheries
Management Division, Alaska Region,
NMFS, P.O. Box 21668, Juneau, Alaska
99802 or delivered to the Federal
Building Annex, Suite 6, 9109
Mendenhall Mall Road, Juneau, Alaska.
Copies of the amendments and the
FEIS/SEIS are available on request from
the North Pacific Fishery Management
Council, P.O. Box 103136, Anchorage.
AK 99510 (telephone 907-271-2809).

FOR FURTHER INFORMATION CONTACT:
Jay J. C. Ginter, Fishery Management
Biologist, Alaska Region, NMFS at
907-586-7228.

SUPPLEMENTARY INFORMATION: The
Magnuson Fishery Conservation and
Management Act (Magnuson Act) (16
U.S.C. 1801 et seq.) requires that each
Regional Fishery Management Council
submit any FMP or FMP amendment it
prepares to the Secretary for review and
approval, disapproval, or partial
disapproval. The Magnuson Act also
requires the Secretary, on receiving the
plan or amendment, to immediately
publish a notice in the Federal Register
that the plan or amendment is available
for public review and comment. The
Secretary will consider the public
comments received during the comment
period in determining whether to
approve Amendments 15 and 20.

A companion regulatory amendment
would effect changes to rules governing
the harvest of Pacific halibut by U.S.
fishermen in and off of Alaska. The
proposed halibut regulatory amendment
would provide management measures
that are in addition to, and not in
conflict with, regulations developed by
the International Pacific Halibut
Commission and promulgated at 50 CFR
part 301. Although the Council does not
have an FMP for halibut, it has
delegated authority under the Halibut
Act, as amended in 1982, to recommend
to the Secretary policies affecting
halibut allocation among U.S. fishermen
in and off of Alaska.

If approved, the proposed FMP and
regulatory amendments would allocate
future total catch limits of Pacific
halibut and sablefish among individual
fishermen. An individual fishing quota
(IFQ) would be a transferable harvest
privilege that could be used, within
specified limitations, by the IFQ holder
to harvest halibut or sablefish whenever
and however such harvests would be
most beneficial to the holder's fishing
operation. The proposed IFQ program
would limit the entry of future fishermen
into the affected fisheries to those
persons willing to purchase the harvest
privilege from a person who already
holds the privilege. The IFQ program is
intended to resolve various conservation
and management problems that stem
from the current "open access"
regulatory regime that allows free
access to the common property fishery
resources and stimulates excessive
capital investment in the fisheries. If
implemented, the proposed IFQ program
would apply only to the fixed gear
fisheries for sablefish and halibut in and
off of Alaska.

In addition, a Western Alaska
Community Development Quota is
proposed to help develop commercial
fisheries in communities on the Bering
Sea coast by allowing them exclusive
access to specified amounts of halibut
and sablefish in the BSAI area.

Regulations proposed by the Council
to implement these amendments are
scheduled to be published within 15
days of this notice.

List of Subjects in 50 CFR Parts 672, 675,
and 676:
Fisheries, Reporting and
recordkeeping requirements.

773 et seq.

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