

Plan (FMP), requires an owner of a vessel operating in the limited-entry fishery to have a Federally issued limited-entry permit with an appropriate vessel size endorsement. In anticipation of a delay in issuing final regulations that will allow the stepping-up of size endorsements by combining permits, NMFS is extending the current 3-month suspension of effectiveness of the vessel size endorsement requirement for an additional 14 days, until April 15, 1994. The intent of this action is to allow owners of vessels that are larger than the size endorsed on their permits, who intend to increase the vessel size endorsed by combining limited-entry permits, to participate in the limited-entry fishery. They would otherwise be barred from the fishery pending issuance of the rule allowing the combining of permits.

EFFECTIVE DATE: Effective March 31, 1994, this document extends the suspension of the effective date for 50 CFR 663.33(f)(2) from 0001 hours (local time) April 1, 1994, through 2400 hours (local time) April 14, 1994.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140.
SUPPLEMENTARY INFORMATION: On November 16, 1992, NMFS published regulations, effective January 1, 1994, establishing a license-limitation limited-entry system for the Pacific Coast commercial groundfish fishery. The regulations, among other things, require that an owner of a vessel operating in the limited-entry fishery have a federally issued limited-entry permit with an appropriate vessel size endorsement. Limited-entry permits are transferrable and may be combined in order to increase the size endorsement.

Under § 663.33(f)(2), the owner of a vessel that is larger than the size endorsed on the permit could not participate in the fishery until he/she obtained a single permit endorsed with the size of the larger vessel. The size endorsement requirement was suspended (59 FR 258; January 4, 1994) for 3 months, until April 1, 1994, pending implementation of a rule that would establish a schedule for combining permits from smaller vessels (with smaller length endorsements) into one permit for a larger vessel with a larger length endorsement. The proposed rule for increasing size endorsements was published in the Federal Register on February 25, 1994 (59 FR 9171), and the comment period ended March 21, 1994.

A number of vessel owners have acquired larger vessels and additional limited-entry permits. However, until

issued, they will not know the exact number of permits from smaller vessels they will need to satisfy the length endorsement for the larger vessel. Even if the final rule were effective by April 1, 1994, when the current suspension of the length endorsement expires, vessel owners would need additional time to complete transfers of permits. Under § 663.33(f)(2), none of these vessel owners could participate in the fishery until he/she obtained a single permit endorsed with the size of the larger vessel. Therefore, it is necessary to extend the suspension of the vessel size endorsement requirement for an additional 14 days, until April 15, 1994.

Failure to extend the suspension of the size endorsement requirement would prevent limited-entry permit owners who have already obtained, or are in the process of obtaining, additional limited-entry permits for combination into a larger permit, from participating in the limited-entry fishery until NMFS issues the necessary final rule. The limited-entry program is not intended to prevent permit owners from participating in a fishery for which they have obtained the appropriate limited-entry permits.

NMFS does not expect this further suspension to result in much, if any, additional harvest capacity entering the limited-entry fishery during the time of the suspension. The harvest of all major species taken in the limited-entry fishery until April 15 is controlled with restrictive trip limits that serve as a disincentive to any permit holders bringing new, large-capacity fishing vessels into the fishery.

Classification

This final rule is issued under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* Because this rule must be in effect at the time the current suspension of effectiveness expires, in order to allow vessel owners who intend to combine permits to participate in the limited-entry fishery, pending establishment of a system to combine permits, it is not in the public interest to provide prior public comment under the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)). Also, because this rule temporarily relieves a restriction, it is being made effective immediately without a 30-day delay in effectiveness under 5 U.S.C. 553(d)(1).

List of Subjects in 50 CFR Part 663

Fisheries, Fishing, Reporting and

Dated: March 28, 1994.

Charles Karneila,
Acting Deputy Assistant Administrator for
Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, the suspension of 50 CFR 663.33(f)(2) is extended from 0001 hours (local time) April 1, 1994, through 2400 hours (local time) April 14, 1994.

[FR Doc. 94-7721 Filed 3-31-94; 8:45 am]
BILLING CODE 3510-22-P

50 CFR Part 675

[Docket No. 90899-0015; I.D. 032594A]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Modification of observer coverage requirements.

SUMMARY: NMFS is modifying 1994 observer coverage requirements established for operators of certain catcher or processor vessels participating in a directed fishery for groundfish in statistical area 517 during the period that the 1994 directed fishery for Pacific cod is open in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to implement gear specific observer coverage requirements that result from new regulations implementing Amendment 24 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) that allocate the BSAI Pacific cod total allowable catch (TAC) among vessels using trawl, hook-and-line or pot, and jig gear. This action is intended to carry out the objectives of the North Pacific Fishery Management Council.

EFFECTIVE DATE: Effective March 29, 1994, and expires 12 midnight, Alaska local time, December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson, Fisheries Management Division, Alaska Region, NMFS, (907) 586-7228.

SUPPLEMENTARY INFORMATION: NMFS published a final rule in the Federal Register on January 20, 1994 (59 FR 3000), that implemented a change in 1994 observer coverage requirements for vessels participating in a directed fishery for groundfish in BSAI statistical area 517. The rule required an operator of a catcher or processor vessel equal to or greater than 60 feet (18.3 m) in length

(38.1 m) LOA to have a NMFS-certified observer on board the vessel each day that it is used to participate in a directed fishery for groundfish in statistical area 517 during the period that the 1994 directed fishery for Pacific cod is open. NMFS published a second rule in the *Federal Register* on January 28, 1994 (59 FR 4009), that suspended the effective date of the change in 1994 observer coverage requirements until February 13, 1994, to provide adequate time for operators of catcher or processor vessels to comply with these new requirements. Reasons for these actions are set forth in the *Federal Register* as referenced above.

On January 28, 1994, NMFS published in the *Federal Register* a final rule implementing Amendment 24 to the FMP (59 FR 4009). These regulations: (1) Allocate the 1994 Pacific cod TAC among vessels using trawl, hook-and-line or pot gear, and jig gear, and (2) seasonally apportion the amount

of the Pacific cod TAC allocated to vessels using hook-and-line or pot gear. The 1994 observer coverage requirements implemented for vessels participating in a directed fishery for groundfish in statistical area 517 during the period of time that a directed fishery for Pacific cod is open must be modified to reflect gear specific allocations of BSAI Pacific cod implemented under Amendment 24.

NMFS modifies 1994 observer coverage requirements for vessels fishing for groundfish in statistical area 517 so that a vessel equal to or greater than 60 feet (18.3 m) LOA and less than 125 feet (38.1 m) LOA using trawl, hook-and-line or pot, or jig gear must have a NMFS-certified observer on board the vessel each day that it is used to participate in a directed fishery for groundfish in statistical area 517 during the period that a directed fishery for Pacific cod is open to vessels using that respective gear type.

Classification

This action is taken under 50 CFR 675.25. Because this action is required to provide relief to vessel owners who otherwise would be required to obtain expanded observer coverage, it is unnecessary and not in the public interest to provide prior public comment under 5 U.S.C. 553(b)(3). Also, because this action temporarily relieves a restriction, it is being made effective immediately without a 30-day delay in effectiveness under 5 U.S.C. 553(d)(1).

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: March 29, 1994.

David S. Crestin,

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

[FR Doc. 94-7818 Filed 3-29-94; 4:33 pm]

BILLING CODE 3310-22-P