

multispecies provisions: The minimum mesh size requirements for the GOM RMA at 50 CFR 648.80(a)(3)(i); regulations pertaining to the GOM Rolling Closure Areas II, III, IV, and V at 50 CFR 648.81(g)(1)(ii), (iii), (iv), and (v), respectively; NE multispecies DAS restrictions at 50 CFR 648.82(a); and minimum fish size requirements specified at 50 CFR 648.83(a)(1).

The EFP would allow the commercial vessel to conduct the proposed study using a modified trawl net constructed with a changeable inner mesh size codend (liner) surrounded by a small mesh (3-inch (7.62-cm)) codend cover in order to determine the optimal square mesh net size and net type (knotted vs. unknotted) for bottom trawl gear for the purpose of reducing bycatch. A total of four liners would be constructed, including three using larger square panel knotted mesh nets (6.5, 7.0, and 7.4-inch (16.51-cm, 17.78-cm, and 18.80-cm, respectively)) and one consisting of 6.5-inch (16.51-cm) square panel unknotted mesh. For each liner, three 1-day fishing trips would be directed on cod, and three, 1-day trips would target witch flounder, for a total of 24 DAS. The incidental catch is expected to be primarily dogfish, skates, monkfish, and American lobster; however, summer flounder, winter flounder, yellowtail flounder, and American plaice may be caught during the targeted witch flounder trips.

The applicant requested that the research be conducted in the GOM in an area including 30-minute statistical squares 124, 125, 132, and 133, or between 42°00' and 43°00' N. lat. and between 70°00' and 71°00' W. long. The tows would take place between April 1 and December 31, 2003. Fish retained by the experimental net would be enumerated, weighed and measured, and returned to the sea as quickly as possible. Selection curves, 50-percent retention lengths, selection factors, and selection ranges would be determined for each of the four square-mesh liners. Since no fish would be landed as a result of this study, a NE multispecies DAS exemption would compensate for the fact that no economic benefit would result from fishing during the course of this EFP.

The participating vessel would be required to report all landings in its Vessel Trip Report. The data collection activities aboard the participating vessel would be conducted by a biologist with the Allan D. Michael & Associates consulting group and supervised ashore and aboard (on key trips) by the project coordinator, or his official designee, to ensure compliance with the experimental fishery objectives. The

EFP would also contain a provision that the Regional Administrator has the authority to reconsider the continuation of the experimental fishery on a month-to-month basis, based upon a monthly status report outlining total catch and bycatch submitted by the applicant, and would authorize the Regional Administrator to terminate the experimental fishery at any time, at her discretion.

Based on the results of the EFPs, this action may lead to future rulemaking.

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

Dated: February 21, 2003.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[I.D. 021403B]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP are consistent with the goals and objectives of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and the Atlantic Mackerel, Squid, and Butterfish FMP. However, further review and consultation may be necessary before a final determination is made to issue an EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue EFPs that would allow up to 10 vessels to test the effectiveness of a 5.5-inch (13.97-cm) square mesh extension escapement panel for reducing bycatch of scup and retain Loligo squid inside the Gear Restricted Areas (GRAs), and up to 15

additional vessels to conduct fishing operations otherwise restricted by the regulations governing the fisheries of the Northeastern United States. In order to fund the survey, the 15 additional vessels would be fishing for specific amounts of named species under the Research Set-Aside (RSA) Program. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Comments on this document must be received on or before 5 p.m. EST March 17, 2003.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on NFI Squid Scup GRA EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Paul Perra, Fishery Policy Analyst, 978-281-9153.

**SUPPLEMENTARY INFORMATION:** The application process for an EFP was completed by the National Fisheries Institute (NFI) on January 28, 2002. To conduct the experiment, NFI, in cooperation with Rutgers University and Manomet Center for Conservation Sciences, requested EFPs for up to 10 vessels to test the effectiveness of a 5.5-inch (13.97-cm) square mesh extension escapement panel for reducing bycatch of scup and retaining Loligo squid inside the GRAs (mesh study), and for up to 15 additional vessels to harvest RSA allocations. Coordinates of the GRAs are listed at 50 CFR 648.122(a) and (b). The 10 vessels participating in the mesh study and up to 15 additional vessels would make additional compensation fishing trips, during closed seasons, to land up to the total RSA quota allocation of 140,543 lb (63,749 kg) of Loligo squid, 23,325 lb (10,580 kg) of scup, and 21,338 lb (9,679 kg) of black sea bass. However, no fish caught during these compensation fishing trips smaller than the legal minimum size would be sold, traded, bartered, or processed for sale. Landings from such trips would be sold to generate funds that would defray the costs associated with the research project.

The research project would be carried out by the research vessels conducting discard monitoring and net testing. Discard monitoring will rely on vessel reports to identify areas of high scup discarding. Once areas of high scup

discarding are identified, the research vessels would work in pairs to make coordinated trips of about 5 days duration. Each research vessel, working in close proximity to the paired research vessel, would conduct about 10 research tows for a total of about 20 research tows during a coordinated trip. One of the vessels would use unmodified gear (1.875-inch (4.76-cm) standard codend and unmodified extension) and the other would use modified gear (1.875-inch (4.76-cm)) standard codend with a square mesh panel in the extension or other configuration). Nets will be towed using an ABBA pattern of deployment. Approximately 80 combined two-hour research tows will be made to carry out the mesh study. Most tows would occur in March, but some tows may take place in November and December. The catch will be sorted by species and weighed. Target species in order of priority will be scup, *Loligo* squid, summer flounder, black sea bass, and whiting. Data will be statistically analyzed and a report prepared. Generally, where sampling permits, at least 100 lengths of discards and landings will be collected for each target species.

To conduct the mesh study, the research vessels would be granted exemptions to black sea bass quarterly quota closures at § 648.141; scup trimester quota closures at § 648.121(a); scup time and area restrictions at § 648.122(a) and (b); scup trawl gear restrictions at § 648.123; and *Loligo* squid trip and quarterly closures at § 648.22. In addition, in order to collect individual size measurements and other data, the EFP for the ten vessels identified as research vessels to conduct the mesh study would grant additional exemptions from the following regulations: Minimum sizes for scup at § 648.124(a), summer flounder at § 648.103(a), (b), and (c), and black sea bass at § 648.143. The 1 to 15 vessels that would be used to harvest the RSA would be exempt from the following: Black sea bass trip limits at § 648.140(b)(2); black sea bass quarterly quota closures at § 648.141; scup trimester quota closures at § 648.121(a); and *Loligo* squid possession limit, and quarterly closures at § 648.22(a) and (c).

Any landings that would occur from research or compensation fishing would be reported in the Vessel Trip Report, as required, because the participating vessels possess a commercial scup, *Loligo* squid, summer flounder, or black sea bass moratorium permit. All fish would be landed in compliance with applicable state landing laws.

Based on the results of the EFP, this action may lead to future rulemaking.

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

Dated: February 21, 2003.

**Richard W. Surdi,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 022003B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Delay of Full Retention and Utilization Requirements for Rock Sole and Yellowfin Sole

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

**ACTION:** Notice of availability (NOA); request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 75 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This amendment would delay the effective date of requirements for 100-percent retention and utilization of rock sole and yellowfin sole from January 1, 2003, until June 1, 2004. The purpose of Amendment 75 is to provide the Council and the affected industry with additional time to develop and assess alternatives to address groundfish discards in the groundfish fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI).

**DATES:** Comments on Amendment 75 must be received by April 29, 2003.

**ADDRESSES:** Comments on Amendment 75 may be mailed to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Durall. Hand delivery or courier delivery of comments may be sent to the NMFS, Alaska Region, 709 West 9th St., Room 453, Juneau, AK, 99801. Comments also may be sent via facsimile (fax) to (907) 586-7557. Comments will not be accepted if submitted via e-mail or the Internet. Copies of Amendment 75 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) prepared for this action are available from NMFS at the above

address, or by calling the Sustainable Fisheries Division, Alaska Region, NMFS, at (907) 586-7228.

**FOR FURTHER INFORMATION CONTACT:** Kent Lind, (907) 586-7228 or [kent.lind@noaa.gov](mailto:kent.lind@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP, immediately publish notification in the **Federal Register** that the FMP or amendment is available for public review and comment.

#### Purpose and Need for Amendment 75

In 1997, the Council adopted a regulatory program to reduce the amount of groundfish discards in the groundfish fisheries off Alaska. This program, known as the Improved Retention/Improved Utilization (IR/IU) Program, was adopted as Amendments 49 to the FMP for the Groundfish Fishery of the BSAI and Amendment 49 to the FMP for Groundfish of the Gulf of Alaska (GOA) (Amendments 49/49). The IR/IU program requires that vessels fishing for groundfish in Alaska retain all pollock and Pacific cod beginning in 1998 when directed fishing for those species is open. In January 1, 2003, the program expanded to include all rock sole and yellowfin sole in the BSAI, and all shallow water flatfish in the GOA.

In December 1995, the Council adopted its IR/IU problem statement. That statement reads as follows:

"In managing the fisheries under its jurisdiction, the North Pacific Fishery Management Council is committed to: (1) assuring the long-term health and productivity of fish stocks and other living marine resources of the North Pacific and Bering Sea ecosystem; and (2) reducing bycatch, minimizing waste, and improving utilization of fish resources in order to provide the maximum benefit to present generations of fishermen, associated fishing industry sectors, communities, consumers, and the nation as a whole...

The Council's overriding concern is to maintain the health of the marine ecosystem to ensure the long-term conservation and abundance of the groundfish and crab resources. As a response to this concern, a program to promote improved utilization and effective control/reduction of bycatch and discards in the fisheries off Alaska should address the following problems:

1. By catch and discard loss of groundfish, crab, herring, salmon, and other non-target species.
2. Economic loss and waste associated with the discard mortality of target species