

documentation on vessels built after 1984, written verification from a qualified marine surveyor or the builder, or the vessel's construction plans. A copy of the length overall verification must accompany an application for a Federal multispecies permit issued under § 651.4.

\* \* \* \* \*

9. Section 651.23(c) is revised to read as follows:

**§ 651.23 Minimum fish size.**

\* \* \* \* \*

(c) The minimum size applies to whole fish or to any part of a fish while possessed on board a vessel, except as provided in paragraph (d) of this section, and to whole fish only, after landing. Fish or parts of fish must have skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. "Skin on" means the entire portion of the skin normally attached to the portion of the fish or fish parts possessed.

\* \* \* \* \*

[FR Doc. 95-2536 Filed 2-01-95; 8:45 am]

BILLING CODE 3510-22-F

## 50 CFR Part 676

[Docket No. 950123023-5023-01; I.D. 010995E]

RIN 0648-AH38

### Limited Access Management of Federal Fisheries In and Off of Alaska; Determinations and Appeals

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

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** This interim final rule amends the regulations implementing the determinations and appeals procedures for limited access management of Federal fisheries in and off of Alaska and amends regulations implementing the individual fishing quota (IFQ) limited access program with respect to establishment of quota share (QS) pools for each IFQ regulatory area. The changes made to the determinations and appeals procedures reduce the current two-stage appeals procedure to a single-step process, and reduce the length of time periods for certain appeals-related actions. The changes made to the establishment of QS pools allow for the addition of catch history that is in dispute and being appealed. These changes are necessary to avoid

excessive delays in deciding appeals and to allow the timely issuance of IFQ resulting from disputed catch history that was successfully appealed. The intended effect of this action is to shorten the appeals process while providing reasonable time for applicants to file, and to provide IFQ resulting from disputed catch history to persons who may have an appeal successfully resolved after the IFQ calculation date.

**DATES:** Interim rule effective January 30, 1995. Comments must be received at the following address no later than March 6, 1995.

**ADDRESSES:** Comments on the interim final rule may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori J. Gravel. Copies of the regulatory impact review prepared for this action may be obtained also from this address.

**FOR FURTHER INFORMATION CONTACT:** John Lepore, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

The IFQ program is a regulatory regime developed by the North Pacific Fishery Management Council to promote the conservation and management of Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fixed gear fisheries in the Gulf of Alaska and the Bering Sea and Aleutian Islands Area under Federal jurisdiction. Further information about the IFQ program is contained in the preamble to the final implementing regulations published November 9, 1993 (58 FR 59375). The commercial harvesting of halibut and sablefish under the IFQ program is scheduled to begin in the spring of 1995. The IFQ program is implemented by regulations at 50 CFR part 676.

The IFQ implementing regulations provide for the assignment of QS to qualified persons. The amount of QS assigned directly reflects a qualified person's verified catch history during specified years. The allocation of IFQ represents a privilege to harvest a specified amount of halibut or sablefish during one fishing year. The amount of IFQ allocated to any person by area is calculated annually on January 31 generally as the product of the total allowable catch available for harvest by fixed gear and the persons's QS divided by the QS pool for the area (50 CFR 676.20(f)). The QS pool for an area is the sum of all QS in that area for a species (50 CFR 676.20(b)).

### Changes to the Determinations and Appeals Procedures

Final rules implementing the appeals procedure for limited access fisheries 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 appears in the preamble of the notice of proposed rulemaking published February 9, 1994 (59 FR 5979). Three changes to the final rules have been identified by NMFS as necessary to improve the efficiency of the appeals process. These changes:

1. Eliminate applicants' right to appeal an appellate officer's decision to the NMFS Director, Alaska Region (Regional Director), but retain the Regional Director's discretionary authority to renew, modify, reverse or remand any such decision;
2. Reduce the time period for filing an appeal of an initial administrative determination from 90 Federal business days to 60 calendar days after the date the determination was made; and
3. Reduce the time period before an appellate officer's decision becomes effective from 45 Federal business days to 30 calendar days after the date the decision is issued, unless, prior to that time, the Regional Director alters or modifies the decision, issues an order staying the effectiveness of the decision pending review, or accelerates the effectiveness date.

Subject to later revision based on public comments received, these actions are necessary to avoid excessively delayed appeals decisions. It is now apparent that the timely resolution of appeals to the Regional Director will not be possible. The changes discussed above will facilitate a more timely appeals process. The original time periods were excessively long in view of the number of appeals that are now expected, and resolving these appeals more expeditiously will benefit the fishermen involved. The majority of the initial administrative decisions to deny QS are due to be issued before January 31, 1995, the date of the required calculation of IFQ for the 1995 fishing season.

The first change is the elimination of the right to appeal an appellate officer's decision to the Regional Director. The Regional Director's discretionary authority to review and modify, reverse, or remand any appellate officer's decision is retained. This effectively changes the original two-stage appeals procedure into a single-step process. The original procedure provided an applicant a first-stage opportunity to