

ADDRESSES: Copies of the Observer Plan may be obtained from the 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 Research Plan as revised by Amendment 1, the environmental assessment/regulatory impact review prepared for the Research Plan, and the final report "Establishing the Fee Percentage and Standard Exvessel Prices for 1995" may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Susan Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing the Research Plan became effective October 6, 1994 (59 FR 46126, September 6, 1994). Since then, these regulations have been amended three times. The first regulatory amendment was published in the Federal Register on January 9, 1995 (60 FR 2344), to clarify 1995 observer coverage requirements and revise the definition of certain terms set out under § 677.2. A second regulatory amendment was published on July 5, 1995 (60 FR 34904), to require vessels and shoreside processors to facilitate transmission of observer data. The third regulatory amendment was published on August 16, 1995 (60 FR 42470), to revise 1995 observer coverage requirements for crab catcher vessels and exempt certain crab catcher vessels required to obtain observer coverage from paying 1995 Research Plan fees.

The Council requested that full implementation of the Research Plan be delayed for a 1-year period to provide additional time to reconsider certain elements of the Research Plan that were previously adopted by the Council. This Council action was developed during the Council's April and June 1995 meetings, as well as during a May 16, 1995, teleconference. The Council also expressed its intent to continue the fee collection program implemented for 1995 for the remainder of the year, so that adequate start-up funds may be collected for full implementation of the Research Plan in 1997.

A proposed rule to delay full implementation of the Research Plan was published in the Federal Register on September 11, 1995 (60 FR 47142). Comments on the proposed rule were invited through November 6, 1995. No written comments were received within the comment period. NMFS received oral comment on the proposed delay of

the Research Plan during a September 18, 1995, public hearing by teleconference. The public hearing teleconference provided opportunity for public participation in Anchorage, AK, Juneau, AK, Seattle, WA, and Newport, OR. Members of the public participating in the public hearing either provided no comment or endorsed the proposed delay of the Research Plan.

Section 313(c)(3) of the Magnuson Act requires that, within 45 days of the close of the public comment period, NMFS, in consultation with the Council, analyze the public comment received and publish final regulations for implementing an amendment to the Research Plan. Consultation with the Council was initiated at the Council's September 1995 meeting. Oral comment received by NMFS and the Council indicated widespread industry support for the proposed delay of the Research Plan. NMFS received no further comment subsequent to the September Council meeting that would require further consultation with the Council.

NMFS has approved a 1-year delay of the full implementation of the Research Plan under section 313(c) of the Magnuson Act. Upon reviewing the Council's reasons for this delay and comments by the industry endorsing this action, NMFS has determined that this final rule is consistent with the Magnuson Act. The reasons for this delay are discussed further in the proposed rule (60 FR 47142, September 11, 1995).

Consistent with the Council's expressed intent, NMFS will continue to assess fees through early 1996 for fish harvested and retained in the Research Plan fisheries during 1995. Lacking future regulatory action to the contrary, collected funds will be held in an interest-bearing account and will be used to award contracts to provide observers under the Research Plan starting in 1997. Adequate start-up funds will be collected during 1995; as a result, Research Plan fees will not be assessed for fish caught in 1996.

The Council intends that 1996 observer coverage levels remain unchanged from 1995 levels. These observer coverage requirements for the groundfish and crab fisheries are set out at § 677.10(a). As in 1995, participants in the groundfish and crab Research Plan fisheries will be responsible for making their own arrangements and paying for required observer coverage.

The Council's intent to maintain 1995 observer coverage levels through 1996 applies to mothership processor vessel and shoreside processor observer coverage requirements set out in regulations implementing Amendment

35 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. Final regulations implementing Amendment 35 are codified at 50 CFR 675.25(b) and are effective through December 31, 1995. In keeping with the Council's intent to maintain 1995 observer coverage levels in 1996, NMFS is extending the effective date of observer coverage requirements implemented under Amendment 35 through December 31, 1996, and including these requirements in the 1996 Research Plan observer coverage requirements at § 677.10(a).

NMFS notes that regulations at § 677.10(g) set out vessel safety requirements applicable in 1996 and beyond. No substantive changes to these requirements are implemented; however, the regulatory text is revised to clarify that these requirements apply to vessels required to carry observers in 1996 under § 677.10(a).

NMFS further notes that the following sections of the Observer Plan still will be in effect until full implementation of the Research Plan in 1997: (1) Standards of observer conduct; and (2) description, specifications, and work statement for certified domestic observer contractors, including conflict of interest standards for NMFS-certified observers and contractors and conditions for contractor and observer certification revocation. Copies of the Observer Plan dated May 1994 are available from NMFS (see **ADDRESSES**).

Technical Amendments

Two technical amendments are implemented to clarify NMFS's intent for the Research Plan in 1996. The first technical amendment is necessary to allow groundfish and crab processors that participate in the 1996 Research Plan fisheries to receive a refund for costs of 1995 observer coverage up to an amount equal to the sum of the fee assessments paid by the processor for retained catch during 1995.

Section 677.6(d)(3)(ii)(C) authorizes NMFS to refund excess payments of 1995 Research Plan fee assessments to processors that do not intend to participate in the Research Plan fisheries during the first half of 1996. This provision assumes that a fee assessment program would be ongoing in 1996 and that processors participating in the 1996 Research Plan fisheries could be credited for any excess payments of their 1995 fee assessments on their 1996 bills.

However, the final rule to delay full implementation of the Research Plan does not authorize a fee assessment program during 1996. As a result,