

and a letter of authorization from the Regional Director.

\* \* \* \* \*

(p) \* \* \*

(2) Possess more than the incidental catch allowance of *Illex* squid unless issued an *Illex* squid moratorium permit.

\* \* \* \* \*

(6) Transfer squid or butterfish at sea to another vessel unless that other vessel has been issued a valid *Loligo* and butterfish or *Illex* moratorium permit or a valid squid/butterfish incidental catch permit and a letter of authorization by the Regional Director for the species being transferred.

\* \* \* \* \*

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## 50 CFR Part 679

[Docket No. 961119321-6321-01; I.D. 110796G]

RIN 0648-A168

### Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS is proposing revisions to several sections of regulations that pertain to permits, recordkeeping, and reporting for fisheries of the Exclusive Economic Zone (EEZ) off Alaska. The proposed changes are necessary to clarify existing text, facilitate management of the fisheries, promote compliance with regulations, and facilitate enforcement efforts. This action is intended to further the goals and objectives of the fishery management plans (FMPs) for the fisheries of the EEZ off Alaska.

**DATES:** Comments must be received by January 22, 1997.

**ADDRESSES:** Send comments to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or deliver to Federal Building, Fourth Floor, 709 West 9th Street, Juneau, AK. Comments on the collection-of-information requirements may be sent to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), Washington, DC 20503 (Attn: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

NMFS manages the groundfish fisheries in the EEZ off Alaska under authority of the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. These FMPs are implemented by regulations at 50 CFR part 679. General regulations that also pertain to these fisheries appear in subpart H of 50 CFR part 600. The FMPs were prepared by the North Pacific Fishery Management Council under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

NMFS is proposing revisions to regulations implementing permit and recordkeeping and reporting requirements for the Alaska groundfish fisheries. The proposed changes are expected to clarify existing regulatory text, facilitate management of the groundfish fisheries, promote compliance with regulations, and facilitate enforcement efforts.

The following is a brief description of the regulatory provisions proposed:

##### Permits

- **Renewal period extended.** NMFS proposes to issue the Federal fisheries permits and Federal processor permits on a 3-year cycle instead of an annual cycle. This proposed change is in response to a Presidential Directive in 1995 that Federal agencies decrease the paperwork burden hours required of the public.

- **Federal processor permit.** When the North Pacific Research Plan was in place (59 FR 46126, September 6, 1994), all processors were required to obtain a Federal processor permit for purposes of fee assessment. With the removal of the Research Plan (61 FR 56425, November 1, 1996), the fee assessment requirements were removed. However, the Federal processor permit serves to identify the vessels that operate solely as a mothership in Alaska State waters and shoreside processors that participate in groundfish fisheries in the same way that the Federal fisheries permit identifies the vessel participants. Therefore, NMFS proposes that regulatory text be modified to require a Federal processor permit only for shoreside processors and vessels operating solely as a mothership in Alaska State waters.

##### Additions

- **Sablefish/Pacific halibut Individual Fishing Quota (IFQ) information.** NMFS proposes that certain IFQ information currently authorized under OMB clearance No. 0648-0272 be recorded on the catcher vessel DFL or the catcher/processor DCPL. During the comment period on the 1996 recordkeeping and reporting proposed rule, the U.S. Coast Guard (USCG) requested that the DFL and catcher/processor DCPL be modified to include information that identifies all IFQ permit numbers and persons with IFQ on board a vessel and the date of IFQ landing, the IFQ registered buyer, and unloading port of the IFQ landing. This recordkeeping requirement has been requested by the USCG to facilitate the monitoring and enforcement of the IFQ program.

- **DFL** NMFS proposes that the Federal fisheries permit number be recorded on each DFL page, to be consistent with other reporting requirements and to assist NMFS Enforcement and USCG during audits of logbook data once logbook sheets have been submitted to NMFS.

- **DFL and catcher/processor DCPL.** NMFS proposes to add a requirement to record the fishing trip number on each page of the DFL and catcher/processor DCPL to assist the observer with recordkeeping and to assist NMFS Enforcement and USCG during audits on board vessels.

- **Text.** Introductory paragraphs are added and text is added to clarify requirements at paragraphs 679.5(c)(3), (d)(2)(i), (e)(2)(i), and (f)(2).

- **Definition of fishing trip.** A subparagraph is added to specify the appropriate definition of fishing trip with respect to recordkeeping and reporting.

##### Revisions

- **Metric tons to the nearest 0.001 mt.** NMFS is concerned about the status of several groundfish species, particularly rockfish. Even small amounts of these species must be accounted for. NMFS proposes that, when recording or reporting landings or products in metric tons, the requirement be changed from 0.01 metric ton to require quantities be recorded to at least the nearest 0.001 metric ton.

- **Definition of fish product weight.** The definition for fish product weight is revised to accommodate the new wording for recording and reporting of products to the nearest 0.001 metric ton and also to clarify this term relative to fresh fish.

## Classification

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). OMB approval for the majority of this information has been obtained under OMB control numbers 0648-0206 and -0213; additions and revisions to the collection have been submitted to OMB for approval.

a. *Approved under 0648-0206—Alaska permits:* No new forms or revisions to forms; renewal cycle for Federal fisheries permit and Federal processor permit extended from 1 to 3 years. The information collection requirements for the Federal processor permit are repeated in this rule and have an estimated response time of 0.33 hour per response.

b. *Approved under 0648-0213—Alaska Region Logbook Family of Forms:* Revisions to existing forms have the following effects: Estimated time for operator of a catcher vessel with fixed gear to complete a DFL increases from 0.25 hour per response to 0.33 hour per response; estimated time for operator of a catcher/processor with fixed gear to complete a catcher/processor DCPL increases from 0.45 hour per response to 0.53 hour per response; estimated time for operator of a catcher vessel with gear other than fixed gear to complete a DFL increases from 0.25 hour per response to 0.28 hour per response; estimated time for operator of a catcher/processor with gear other than fixed gear to complete a catcher/processor DCPL increases from 0.45 hour per response to 0.48 hour per response. The estimated response times shown include the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection-of-information.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection-of-information displays a currently valid OMB control number.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS and to OIRA, OMB (see ADDRESSES).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on

a substantial number of small entities as follows:

The proposed rule would improve the efficiency of data collection and accuracy of the resultant data required under existing recordkeeping and reporting regulations and would include those recommendations received from industry, enforcement, and management. The revisions will decrease the reporting burden for industry, and the reduction in burden will benefit both large and small entities.

This action has been determined to be not significant for purposes of E.O. 12866.

## List of Subjects in 50 CFR part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: December 16, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 679 is proposed to be amended as follows:

## PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*

2. In § 679.2, the definition for “fish product weight” is revised and the definition of “fishing trip” is amended by adding paragraph (4) to read as follows:

### § 679.2 Definitions.

\* \* \* \* \*

*Fish product weight* means the weight of the fish product in pounds or to at least the nearest thousandth of a metric ton (0.001 mt). Fish product weight is based upon the number of production units and the weight of those units. Production units include pans, cartons, blocks, trays, cans, bags, and individual fresh or frozen fish. The weight of a production unit is the average weight of representative samples of the product, and, for fish other than fresh fish, may include additives or water, but not packaging. Any allowance for water added cannot exceed 5 percent of the gross product weight (fish, additives, and water).

\* \* \* \* \*

### Fishing trip \* \* \*

(4) With respect to recordkeeping and reporting, one of the following:

(i) For a vessel used to process groundfish or a catcher vessel used to deliver groundfish to a mothership, a weekly reporting period during which one or more fishing days occur.

(ii) For a catcher vessel used to deliver groundfish to other than a mothership, the time period during which one or more fishing days occur, that starts on the day when fishing gear is first deployed and ends on the day the vessel offloads groundfish or leaves the EEZ off Alaska and adjacent waters of the State of Alaska.

\* \* \* \* \*

3. In § 679.4, paragraphs (b)(4)(i) and (f) are revised to read as follows:  
§ 679.4 *Permits.*

\* \* \* \* \*

(b) \* \* \*

(4) *Duration*—(i) A Federal fisheries permit is issued on a 3-year cycle and is in effect from the date of issuance through the end of the current NMFS 3-year cycle, unless it is revoked, suspended, or modified under §§ 600.735 or 600.740 of this chapter.

\* \* \* \* \*

(f) *Federal processor permit*—(1) *Requirement.* No shoreside processor of the United States or vessel of the United States operating solely as a mothership in Alaska States waters may receive or process groundfish harvested in the GOA or BSAI unless the owner first obtains a Federal processor permit, issued under this part. A Federal processor permit is issued without charge. (2) *Application.* A complete application for a Federal processor permit must include the following:

(i) If the application is for an amended permit, the current Federal processor permit number and an update of the permit information that has changed.

(ii) The shoreside processor's name, business street address, telephone number, and fax number.

(iii) The shoreside processor owner's name or names, business mailing address, managing company, if any, telephone number, ADF&G Processor Code, and fax number.

(iv) Indication of the fishery or fisheries for which the permit is requested.

(v) Indication of the shoreside processor operations category.

(vi) The owner of the shoreside processor must sign and date the application.

(3) *Issuance*—(i) Upon receipt of a properly completed permit application, the Regional Director will issue a Federal processor permit required by this paragraph (f).

(ii) The Regional Director will send the Federal processor permit to the applicant with the shoreside processor logbook, as provided under § 679.5.

(4) *Duration*—(i) A Federal processor permit is issued for a 3-year period and remains in full force and effect from the

date of issuance through the end of the current NMFS 3-year renewal cycle, unless it is revoked, suspended, or modified under §§ 600.735 or 600.740 of this chapter.

(ii) A Federal processor permit is surrendered when the original permit is submitted to and received by the Chief, RAM Division, NMFS.

(5) *Transfer*. A Federal processor permit issued under this paragraph (f) is not transferable or assignable and is valid only for the processor for which it is issued.

(6) *Inspection*—(i) An original Federal processor permit issued under this paragraph (f) must be on site at the shoreside processor at all times. Photocopied or faxed copies are not considered originals.

(ii) A permit issued under this paragraph (f) must be presented for inspection upon the request of any authorized officer.

4. Section 679.5 is amended as follows:

a. In each of the following paragraphs in § 679.5, the reference to “0.01 mt” is revised to read “0.001 mt”: (a)(6)(iii)(H), (a)(8)(ii)(A), (a)(9)(ii), (a)(10)(i)(A), (f)(2)(ii)(E), (g)(3)(iii)(E), (g)(3)(iv), (h)(3)(iv), and (k)(2)(ii)(C).

b. Paragraphs (a)(5)(iii) and (iv), (c)(3)(i) introductory text, (c)(3)(i)(B) through (D); paragraphs (c)(3)(ii)(A), the introductory text of paragraphs (d)(2)(i), (e)(2)(i), and (f)(2)(i); and paragraph headings for (c)(3)(iv) and (c)(3)(v) are revised; and paragraphs (c)(3)(iii)(A) and (B) and (c)(3)(vi) are added to read as follows:

**§ 679.5 Recordkeeping and reporting.**

(a) \* \* \*

(5) \* \* \*

(iii) If a shoreside processor, the Federal processor permit number and ADF&G processor number.

(iv) If a buying station, the name and ADF&G vessel number (if a vessel) of the buying station; the name, ADF&G processor code, and Federal processor permit number of associated shoreside processor or the Federal fisheries permit number of the associated mothership.

\* \* \* \*

(c) \* \* \*

(3) *Information required*—(i) *General*. In addition to requirements described in paragraphs (a) and (b) of this section, the operator of a catcher vessel or catcher/processor must record on each page:

\* \* \* \*

(B) The start date, end date, and trip number of the fishing trip.

(C) If a catcher vessel, the vessel name, ADF&G vessel registration number, and Federal fisheries permit number.

(D) If a catcher/processor, the vessel name, ADF&G processor code, and Federal fisheries permit number.

\* \* \* \*

(ii) \* \* \*

(A) If a catcher vessel, date (month-day-year).

\* \* \* \*

(iii) \* \* \*

(A) *Catcher vessels*—(1) If deliveries to a mothership or shoreside processor are unsorted codends, the operator must check the appropriate box.

(2) If deliveries to a mothership or shoreside processor are presorted at sea, the operator must check the appropriate box and must record discard/donation information as described in paragraph (a)(10) of this section.

(B) *Catcher/processors*. The operator must record discard/donation

information as described in paragraph (a)(10) of this section.

(iv) *Catcher vessel delivery information*. \* \* \*

(v) *Catcher/processor product information*. \* \* \* (vi) *IFQ data*. The operator of a catcher vessel or catcher/processor must record IFQ information as follows:

(A) Check YES or NO to indicate if persons aboard have authorized IFQ permits.

(B) If YES, record the following:

(1) Vessel operator's (captain's) name and IFQ permit number, if any.

(2) The name of each IFQ holder aboard the vessel and each holder's IFQ permit number.

(3) Month and day of landing.

(4) Name of registered buyer.

(5) Name of unloading port.

(d) \* \* \*

(2) *Information required*—(i) *General*. In addition to requirements described in paragraphs (a) and (b) of this section, the operator of a buying station must record on each page:

\* \* \* \*

(e) \* \* \*

(2) *Information required*—(i) *General*. In addition to requirements described in paragraphs (a) and (b) of this section, the operator of a mothership must record on each page:

\* \* \* \*

(f) \* \* \*

(2) *Information required*—(i) *Part IA*. In addition to requirements described in paragraphs (a) and (b) of this section, the manager of a shoreside processor must record on each page:

\* \* \* \*

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