

filing with his regional regulatory administrator.

(c) The Customs officer may, when he considers it necessary to establish that the merchandise was actually exported, require a landing certificate before he completes the certificate of exportation specified in paragraph (b)(1) of this section. If practical, the Customs officer will give advance notice to the manufacturer or export warehouse proprietor of the type of transactions for which a landing certificate will be required. However, failure to notify the manufacturer or proprietor in advance will not prevent the Customs officer from requiring a landing certificate for specific exportations when he considers it necessary to protect the revenue. In any case, the Customs officer will advise the manufacturer or proprietor before departure of the shipment from the United States as to those exports for which a landing certificate will be required.

(d) The provisions of this section relating to landing certificates also apply when a Form 2149/2150 (5200.14) is not required for each transaction (for example: when multiple exportations, individually documented by commercial records, are consolidated on a single Form 2149/2150 (5200.14) pursuant to an approved alternate procedure under § 290.72). The provisions apply to each transaction, regardless of the manner in which it is documented, unless specifically provided otherwise in the alternate procedure.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1418; (26 U.S.C. 5704); Sec. 622, Act of June 17, 1930, 49 Stat. 759 (19 U.S.C. 1622).)

Signed: August 22, 1978.

JOHN G. KROGMAN,
Acting Director.

Signed: August 23, 1978.

G. R. DICKERSON,
Acting Commissioner,
U.S. Customs Service.

Approved: October 26, 1978.

RICHARD J. DAVIS,
Assistant Secretary.

[FR Doc. 78-35064 Filed 12-18-78; 8:45 am]

[4810-22-M]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 79-11]

PART 113—CUSTOMS BONDS

Change of Policy Relating to Foreign Landing Certificates

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Change of policy.

SUMMARY: The U.S. Customs Service will require that proprietors of "duty-free shops" along the United States-Mexican border present landing certificates to confirm that certain purchases from those shops are presented or declared to Mexican customs. This action is necessary to protect the United States revenue by ensuring that the articles purchased actually enter the commerce of Mexico and are not reentered into the commerce of the United States without the payment of U.S. customs duties and taxes. This policy change will affect proprietors of these duty-free shops and individuals who purchase certain merchandise in greater than personal-use quantities in those shops.

DATES: The new policy will be implemented in phases and become effective on several different dates, as noted below under that part of the document entitled "Change of Policy."

FOR FURTHER INFORMATION CONTACT:

John R. Cookfair, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5354).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On September 9, 1977, the U.S. Customs Service ("Customs") published a notice in the FEDERAL REGISTER (42 FR 45338) proposing a change of policy relating to foreign landing certificates. As explained in the notice, Customs has discovered that substantial quantities of merchandise purchased in duty-free shops on the United States-Mexican border are entered into Mexico illegally without the payment of Mexican customs duties, then smuggled back into the United States to be reentered into the commerce of this country without payment of U.S. customs duties and taxes. The result is a substantial loss of revenue to the United States.

To prevent this loss of revenue, Customs proposed to require that landing certificates be presented to confirm that certain purchases from duty-free

shops are actually exported to Mexico. Interested parties were given until October 11, 1977, to submit written comments. After consideration of all comments, as well as comments received in response to a Bureau of Alcohol, Tobacco and Firearms notice published September 27, 1977, in the FEDERAL REGISTER (42 FR 49471) proposing regulations clarifying the authority of U.S. Customs officials to require landing certificates as evidence that domestically produced tobacco products have actually been exported, it has been determined to adopt the new policy with several changes as discussed below.

DISCUSSION OF COMMENTS AND CHANGES MONETARY OR QUANTITATIVE LIMITS

Several commenters noted that the \$250 value limit which would continue to be permitted on exportation of alcoholic beverages without presentation of a landing certificate was unrealistically high. They contended that value limit might represent as many as six cases of alcoholic beverages, a quantity in excess of that considered appropriate for normal personal use. Because Customs agrees with this contention, the quantity of alcoholic beverages that will be permitted exportation without presentation of a landing certificate is being reduced to 12 quarts. Customs also has determined that five (rather than two) cartons represent a quantity of cigarettes appropriate for normal personal use. This requirement applies to both domestic and imported cigarettes. The Bureau of Alcohol, Tobacco and Firearms concurs with this limitation as well as with the necessity for the landing certificate requirement.

ENFORCEMENT OF MEXICAN LAWS

Several commenters stated that the principal purpose and effect of the proposed change are to assist Mexico in enforcing its customs laws. It is United States Customs policy to cooperate with Mexico in preventing violations of its customs laws. This policy is manifested by the Mexican-American Mutual Customs Assistance Agreement signed September 30, 1976, effective January 26, 1977. The relationship between the Governments of the United States and Mexico historically has been one of mutual cooperation and assistance.

The particular concern of Customs, in this instance, is to prevent the illegal reentry into the United States of duty and/or tax free merchandise. This reentry adversely affects the legitimate interests of United States-Mexico border communities as well as the revenues of the United States and various governmental bodies. This policy change has been designed to remove the financial rewards now available to those who would smuggle this merchandise back into the United

States. To do this, Customs must ensure that the affected exports are presented to Mexican customs and that presentation is acknowledged by having the landing certificate signed by the appropriate Mexican official. Presentation of the exported merchandise to Mexican customs greatly reduces the likelihood that the merchandise will be reentered into the United States illegally. The benefit resulting to the Mexican Government from this change is corollary to the pressing need to eliminate the illegal reentry of the merchandise into the United States. While enforcing Mexican customs laws thus is not the principal purpose of the landing certificate requirement, once it was established that landing certificates were necessary for protection of the United States revenue, support of the anti-smuggling activities of Mexican customs is fully intended.

PURPOSE OF DUTY-FREE SHOPS

Several commenters indicated some confusion concerning the purpose of duty-free shops. Duty-free shops, as they are known today, began to appear in many countries in the late 1940's, principally at international airports. By the time duty-free shops made their appearance in the United States in the early 1960's, their purpose and scope were well known to international travelers. Extensive publicity and tremendous increases in international travel have made travelers aware of the purpose of duty-free shops—to facilitate small purchases, free of duty, for personal use abroad.

With this purpose in mind, Customs in 1965 established administrative procedures under which merchandise may be withdrawn from bonded warehouses in small quantities and "sold to persons departing from the United States." Procedures for the withdrawal of merchandise in larger quantities from bonded warehouses for export were established many years before. The new procedures were designed to separate the relatively new concept of small, personal-use quantity exportations, typical of duty-free shops, from the regular bonded warehouse program. Duty-free shops, therefore, are subject to the same laws and regulations as are all bonded warehouses. The procedures developed for the bonded warehouse operating as a duty-free shop are designed merely to facilitate personal-use quantity exportations, and are not intended for use in commercial quantity exportations.

Customs intends, by this change of policy, to correct an anomaly which has existed since landing certificates were first required in 1973 by § 113.55(d) of the Customs Regulations (19 CFR 113.55(d)). At that time, all bonded warehouse proprietors except

those operating duty-free shops were required to furnish landing certificates for the exportation of high risk commodities. That action was intended to affect commercial quantity exportations to Mexico. Bonded warehouses operating as duty-free shops were exempted because their business was traditionally in smaller, personal-use quantities.

Customs has found, however, that many duty-free shops, improperly taking advantage of this exemption, export commercial quantities of these commodities in direct competition with other bonded warehouses that are required to obtain landing certificates. For example, one duty-free shop exports, as often as twice a week, 40,000 pound truckloads of powdered milk to Mexico. Other duty-free shops routinely export liquor in truckload quantities of up to 1,000 cases. In each of these situations, other bonded warehouses would be required to obtain landing certificates while the duty-free shops are exempt from this requirement.

Customs believes that exports of this magnitude are hardly consistent with the traditional duty-free shop role. Rather, these exportations are typical of routine bonded warehouse transactions and should be treated accordingly. Uniformity in application of the landing certificate requirement will eliminate this anomalous situation.

Because the difference between "personal-use quantities" and "commercial quantities" is difficult to define accurately, Customs must rely on the experience and judgment of the Customs officers who make those decisions. The quantity limits set forth in this notice, therefore, reflect a policy determination based on Customs cumulative experience with duty-free shop transactions. It is Customs opinion that those quantities provide a liberal interpretation of the quantities normally considered appropriate by most individuals who purchase duty-free shop merchandise for personal use.

ILLEGAL REENTRY OF MERCHANDISE

Several commenters stated that Customs is incorrect in asserting that substantial quantities of merchandise purchased in duty-free shops are smuggled back into the United States. They stated that Customs should supply specific information and statistics to demonstrate the volume of this smuggling and the resulting loss of revenue.

Here, Customs faces the same dilemma as other law enforcement agencies—How many kilos of heroin are successfully smuggled in? How many illegal aliens enter undetected? How many crimes go unreported? In this instance, Customs must rely upon its

own experienced assessment as well as information supplied by concerned citizens who have knowledge of the availability of this merchandise in U.S. border communities. At a public hearing held in August 1977 at El Paso, Texas, a number of local businessmen testified to the ready availability of duty-free shop merchandise in their community. A tax official of the State of Texas expressed serious concern over the loss of State revenue caused by the smuggling back into Texas of some of the merchandise. The evidence presented produces a basis for concluding that a problem of smuggling back exists even though a dollar value cannot be put on the amount involved with any real precision.

In addition, Customs has a legislative mandate to address the problem, whether the threat to the revenue be actual or potential. Even without specific knowledge of the availability of duty-free shop merchandise in U.S. border communities, it is evident that this merchandise can be smuggled back in the United States profitably if it has been illegally entered into Mexico. A potential, if not actual, threat to the revenue clearly exists and requires that Customs take this action to address the threat.

EFFECT ON BORDER COMMUNITIES

Many comments discussed the impact of the proposed action on the economy of the United States—Mexican border communities. The preponderance of comments which urged adoption of the policy change cited the economic loss suffered by small businessmen and retailers because of unfair competition from tax and duty-free shop merchandise smuggled back into the United States. Some duty-free shop proprietors who opposed the proposal stated that requiring a landing certificate would put them out of business.

Customs is not establishing this requirement to damage any legitimate segment of the economy, but rather to prevent the unlawful reentry of duty-free shop merchandise into the United States, which results in a substantial loss of revenue. Only those "exportations" which pose a risk of being smuggled back into the United States are expected to show a drastic decline. Smuggled merchandise no longer will be available to those who compete unfairly with domestic retailers in United States—Mexican border communities. Merchandise destined for legitimate entry into the Mexican economy will continue to be exported without difficulty. The duty-free shop owner will be in no worse position than the operators of other bonded warehouses. This requirement will not interfere with the usual duty-free

shop sales of personal-use quantities to individuals.

OTHER COMMENTS

One commenter proposed that Customs officers certifying to the exportation of merchandise should ascertain visually that the merchandise is actually exported to Mexico. While this procedure would appear to be desirable, it would be physically impossible at many border crossings and totally inadequate in any event. Customs experience has demonstrated that the mere fact that a person or vehicle reports to Customs officers in any country does not ensure that the merchandise carried is declared and duty or tax paid. However, a landing certificate signed by a Mexican official ensures that the merchandise exported was presented to Mexican customs.

Another commenter complained of the burden allegedly placed on the purchaser of merchandise from a duty-free shop to provide Customs with a landing certificate for the merchandise exported. Because it is the proprietor of the duty-free shop, not the purchaser, who has the duty to present a landing certificate to Customs, there is no inconvenience to the purchaser. Customs also believes that the burden placed on the proprietor to obtain the landing certificate is minimal. Most commercial exporters have a representative at the Mexican customhouse for this purpose. Whatever method is used to obtain the certificate, the distance from the point of export to the point at which the certificate is available is seldom more than 200 yards.

Possible delay in the issuance of landing certificates by Mexican officials also was mentioned as a disadvantage. Section 113.55(d) of the Customs Regulations provides that a foreign landing certificate must be produced within six months from the date the merchandise has been exported from the United States. Moreover, Customs experience has shown that landing certificates can and have been acquired from Mexican officials and timely presented for thousands of shipments made during the past four years from other bonded warehouses subject to the requirement. In addition,

Customs intends to work with operators of duty-free shops and Mexican authority to assure that landing certificates are made available on a timely and efficient basis.

One commenter requested that airport duty-free shop operations be exempted from the landing certificate requirement. Customs experience indicates that the difficulties found along the United States-Mexican land border seldom occur at duty-free shops operated at public airports. Accordingly, Customs will exempt exportations of duty-free shop merchandise which accompany airline passengers departing the United States by scheduled airline.

One duty-free shop proprietor claimed that the landing certificate requirement could cause changes in sales patterns that would require adjustments to his inventories of the affected commodities which could not be accomplished by the effective date of the new policy. To alleviate this problem, Customs will grant temporary waivers of the landing certificate requirement to permit adjustment, on an individual basis and at the request of the proprietor, provided he satisfies Customs that his request is bona fide.

CHANGE IN POLICY

Effective January 31, 1979, a landing certificate will be required for each exportation to Mexico of the following commodities, regardless of value, whenever the quantity exported exceeds the amount indicated:

Alcoholic beverages—12 quarts.
Cigarettes—5 cartons.
Watches—2 each.

Effective February 15, 1979, a landing certificate will be required whenever a purchase of the commodities listed below for exportation to Mexico exceeds \$250. However, a landing certificate will not be required for the exportation of a single item with a purchase price over \$250. (For these purposes, bulk-type commodities such as powdered milk and suit material will not be considered as "single items.")

Chocolates	Porcelain
Clothing	Powdered milk
Costume jewelry	Suit material
Perfumes	

Effective March 15, 1979, a landing certificate will be required whenever a purchase of the commodities listed below for exportation to Mexico exceeds \$250. However, a landing certificate will not be required for the exportation of a single item with a purchase price over \$250.

Christmas ornaments	Tape recorder players
Cosmetics	Tape recorders
Crystal Radios	Television sets

A temporary waiver from this change of policy may be granted by Customs on an individual basis at the request of a duty-free shop proprietor who has satisfied Customs that this request is bona fide. The purpose of the waiver would be to allow a duty-free shop proprietor to adjust inventories of the foregoing commodities to respond to changed sales patterns. However, no waiver will be granted after six months from the effective date of a landing certificate requirement without permission from the Director, Inspection and Control Division, Headquarters, U.S. Customs Service. Once inventories have been adjusted, temporary waivers no longer will be granted.

The foregoing requirements for presentation of landing certificates will not apply to exportations of duty-free shop merchandise which accompany airline passengers departing the United States by scheduled airline.

Customs emphasizes that this change of policy is not intended to and will not hinder purchases by individuals from duty-free shops of merchandise for export in personal-use quantities. Those sales will continue to be accommodated for the convenience of the individual traveler.

G. R. DICKERSON,
*Acting Commissioner
of Customs.*

Approved: October 26, 1978.

RICHARD J. DAVIS,
*Assistant Secretary
of the Treasury.*

[FR Doc. 78-35065 Filed 12-18-78; 8:45 am]

Registered
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TUESDAY, DECEMBER 19, 1978
PART III



**DEPARTMENT OF
COMMERCE**

**National Oceanic
and Atmospheric
Administration**



**FOREIGN FISHING
REGULATIONS**

**Activities Within the U.S. Fishery
Conservation Zone**

[3510-22-M]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING REGULATIONS

Activities Within the U.S. Fishery Conservation Zone

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: These regulations govern foreign fishing activities within the United States fishery conservation zone (FCZ). These regulations are similar in most respects to regulations which governed foreign fishing activities in the FCZ during 1978. Experience gained during 1978 in administering the provisions of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*, as amended) ("the Act") has demonstrated little need for major changes in 1979. The most significant difference is in § 611.9 where additional reports and changes in reporting procedures have been made.

EFFECTIVE DATE: January 1, 1979.

ADDRESS: For further information contact:

Mr. Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: 202-634-7454.

SUPPLEMENTARY INFORMATION: The foreign fishing regulations were published as proposed rulemaking on November 2, 1978 (43 FR 51053). Unlike the 1978 foreign fishing regulations which are replaced hereby, these regulations are not expected to be replaced on an annual basis. As needed, amendments to these regulations will be issued through the informal rulemaking process prescribed by the Administrative Procedure Act, which usually involves FEDERAL REGISTER publication of proposed regulations, a public comment period, and then issuance of final regulations. Changes may be initiated by NOAA, National Marine Fisheries Service, because of newly arisen management needs or in response to comments or petitions for rulemaking received from the public. Comments or petitions should be sent to the Assistant Administrator for Fisheries, National Oceanic and At-

mospheric Administration, Washington, D.C. 20235.

COMPARISON

This part of the preamble briefly describes the new regulations, as compared to regulations in effect for 1978.

611.1—No change.

611.2—Definitions of "discard" or "discarded" and of "round weight" have been added.

611.3—No substantive changes.

611.4—Some clarifying language changes and modification of the standard vessel reporting format.

611.5—Some clarifying language changes.

611.6—An additional signal, based on the International Code of Signals, which may be used by a Coast Guard cutter has been added to subsection (b). The "safe ladder" in subsection (c), to be provided for the authorized officer and his party, is defined as being, preferably, the pilot ladder described in the Safety of Life at Sea (SOLAS) Convention of 1960.

611.7—No change.

611.8—Added requirement to allow an observer access to navigation equipment and personnel.

611.9—Various changes have been made in the reporting and recordkeeping procedures. These changes are intended to simplify and clarify the requirements. In addition, provision is made for reports of receipt of U.S. harvested fish (subsection (f)). Under authority of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*, as amended), a report is required of any incidental catch of marine mammals (subsection (g)). It should be noted that incidental catch of marine mammals is restricted to those species for which certificates of inclusion have been granted under the Marine Mammal Protection Act. Samples of all report forms have been included in order to clarify the specific requirements foreign fishermen must meet.

611.10—No change.

611.11—No change.

611.12—No change.

611.13—No change.

611.14—No change.

611.15—Provisions have been added for closing a fishery when optimum yield has been reached.

611.16—Slight change to clarify procedures when derelict fishing gear is encountered.

611.17—New provision relating to management-oriented joint research.

611.20—New TALFFs are provided.

611.21—Allocations will be announced by the Department of State, but not published in these foreign fishing regulations.

611.22—New poundage fee schedule is provided. In a separate FEDERAL REGISTER publication, new regulations impose a surcharge on certain foreign

fishing fees, to implement Pub. L. 95-376.

611.50—Language changes have been made for clarity in this section which regulates the Northwest Atlantic Ocean fishery. In addition, the following changes have been made:

(1) The western boundary of area 5 has been changed from 70° W. longitude to 68°45' W. longitude. Changes in fishing seasons have also been made, as reflected in Table I to this section.

(2) Sea turtles are excluded from the "other finfish" category—in effect making them prohibited species.

(3) A new paragraph has been added whereby fishing operations may be authorized for purposes of gathering additional management information.

(4) Specification of off-bottom gear has been clarified. Fishermen are reminded that if experience indicates that the off-bottom nets described do not reduce the incidental catch of species important to U.S. fisheries, more stringent net modifications may be required.

(5) The restrictions against trawling in any fixed-gear area, and between the 100-200 fathom bottom contours in fishing areas, remain, except that the 100-200 fathom restriction does not apply in fishing area 5. The prohibition contained in the 1978 regulations on fishing within two nautical miles of reported fixed-gear areas is currently receiving additional public comment (see 43 FR 58104; December 12, 1978). Amendments to subsection (d) may be required on the basis of comments received.

(6) The requirements for the collection, maintenance, and reporting of data have been amended. The 1979 data collection requirements are significantly more stringent than in 1978. Foreign fishing vessels must log the time and position when beginning each set, and the time and position at the end of each set. Sets for each day must be logged separately. In 1978 foreign fishermen were required to record their catch to the nearest 100 kilograms. These 1979 regulations require measurements to the nearest 10 kilograms. Detailed specifications of the quarterly scientific report have been added to the regulations.

611.60—Hook size restrictions have been added for the shark fishery when conducted inside the 100-fathom depth contour. An area closed to shark fishing in the Flower Garden Banks marine sanctuary has been added.

611.70—Reserved.

611.80—Some clarifying language changes.

611.90—Foreign vessels operating in waters off the coast of Alaska, other than those engaging in the crab fishery, may not carry crab pots. There is a uniform season opening and closing

time at 0800 G.m.t. Thus, any date reference in Subpart G automatically carries with it the time of 0800 G.m.t.

611.91—The Tanner crab regulations implement the fishery management plan for Tanner crabs, which was prepared by the North Pacific Fishery Management Council. It should be noted, however, that the specification of TALFF for Tanner crab in § 611.20(c) has been promulgated on an interim basis and may be modified in response to comments received on the proposed final specification of TALFF for Tanner crab for 1979 (see 43 FR 54964, November 24, 1978). The comment period on the proposed Tanner crab TALFF ends on December 22, 1978.

611.92—These regulations were published separately (43 FR 52709, November 14, 1978), implementing a fishery management plan for the Gulf of Alaska groundfish which was prepared by the North Pacific Fishery Management Council. No substantive changes have been made, although minor language changes have been made in § 611.92(a)(3) to clarify the annual period on which the fishery will be managed.

611.93—No substantive change; however, specifications of certain of the closed areas in the Bering Sea have been reworded for clarity.

611.94—This section contains the snail fishery regulations which are substantively unchanged. The sablefish fishery in the Gulf of Alaska, previously regulated in 611.94, is now regulated under § 611.92.

COMMENTS RECEIVED

Comments were received from four foreign countries, from two other Federal agencies, and from interested private persons.

The gear-conflict/fixed-gear avoidance issue in the Atlantic Ocean was of major concern to all foreign commenters, and the other Federal agencies. It is clear that the issue of the 2-mile "buffer" radius around reported fixed gear needs additional public comment and study.

Another important and related issue was the proposed reduction in size of area 5 in the Atlantic FCZ. The original proposal would have reduced the physical size of the area by about 66 percent. To alleviate hardship on the foreign fishermen, however, the prohibition against trawling in area 5 between the 100 and 200 fathom isobaths was suspended. Even so, comments received made it clear that the reduction in size of area 5 was too stringent. Consequently, in order to provide the foreign fishermen with a reasonable opportunity to harvest their respective allocations, a substantial portion (about 40 nautical miles in length) of area 5 was restored. In addition,

in order to insure that foreign fishermen could harvest their allocations, the 100-200 fathom restriction does not apply in area 5. It is believed that the original purpose of protecting the U.S. whiting fishery will still be served without imposing undue hardship on the foreign fishermen. Accordingly, the preliminary fishery management plans for Squid Fisheries of the Northwestern Atlantic, Mackerel Fishery of the Northwest Atlantic, Atlantic Herring Fishery of the Northwestern Atlantic, Foreign Trawl Fisheries of the Northwestern Atlantic, and Hake Fisheries of the Northwestern Atlantic are changed as follows:

The western boundary of fishing area 5 is extended from 68° W. longitude to 68°45' W. longitude.

Other comments were directed to the U.S. observer program. While those comments did not generally address the proposed regulations directly, they did emphasize the need for improving the training of U.S. observers. One comment expressed concern about the proposed requirement that the observers have access to the ship's communication and navigation equipment. This concern (which was expressed in terms of costly and delicate instruments) may be exaggerated, since NOAA expects that the observers will request assistance from the ship's appropriate personnel when use of such equipment is necessary.

Three countries stressed the need for more timely regulations. To that end, these regulations are intended to remain in effect until amended, rather than being issued on an annual basis.

The preamble to the proposed foreign fishing regulations which was published on November 2, 1978, contained specific information about amendments to the respective preliminary fishery management plans (PMP) so that the proposed regulations, upon which comment was invited, could be read in the proper context. Several foreign comments were directed to levels of optimum yield, predicted domestic annual harvest, reserves, total allowable levels of foreign fishing, and national allocations in those PMP amendments. Such comments were considered by NOAA in preparing final regulations.

It is true that large reserves of fishery resources impose difficulties and inconveniences on foreign fishermen. Unfortunately, no better way has been suggested for dealing with this issue. Making an equitable distribution of resources between domestic and foreign fishermen, when the two fisheries are being conducted simultaneously, within the constraints of optimum yield, and providing a preference for U.S. fishermen at the same time, is an extremely difficult problem. NOAA will continue to search for improved

ways of managing the fisheries to achieve these multiple, somewhat conflicting objectives.

The Assistant Administrator for Fisheries, under a delegation of authority from the Secretary of Commerce, has determined that these regulations are consistent with the National Standards, the rest of the Act, and other applicable law, and do not constitute, by themselves, a major Federal action requiring the preparation of an environmental impact statement. It has been determined further that these regulations do not require a regulatory impact analysis under Executive Order 12044.

Signed at Washington, D.C., this the 13th day of December, 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Chapter VI is amended by striking Part 611 in its entirety and substituting the following.

Subpart A—General

- Sec.
- 611.1 Purpose.
- 611.2 Definitions.
- 611.3 Permits for foreign fishing vessels.
- 611.4 Vessel reporting.
- 611.5 Vessel and gear identification.
- 611.6 Facilitation of enforcement.
- 611.7 Prohibitions.
- 611.8 Observers.
- 611.9 Reports and recordkeeping.
- 611.10 Fishery support operations.
- 611.11 Gear conflicts.
- 611.12 Directed fisheries.
- 611.13 Incidental catch-prohibited species.
- 611.14 Incidental catch-other species.
- 611.15 Fishery closure procedures.
- 611.16 Disposal of fishing gear and other articles.
- 611.17 Scientific research.

Subpart B—Surpluses

- 611.20 Total allowable level of foreign fishing.
- 611.21 Allocations.
- 611.22 Fee schedule for foreign fishing permits.

Subpart C—Atlantic Ocean

- 611.50 Northwest Atlantic Ocean fishery.

Subpart D—Atlantic, Caribbean, and Gulf of Mexico

- 611.60 Atlantic billfish and sharks fishery.

Subpart E—Northeast Pacific Ocean

- 611.70 Washington, Oregon, California trawl fishery. [Reserved]

Subpart F—Western Pacific Ocean

- 611.80 Seamount groundfish fishery.

Subpart G—North Pacific Ocean and Bering Sea

- 611.90 General provisions.
- 611.91 Tanner crab fishery.
- 611.92 Gulf of Alaska groundfish fishery.
- 611.93 Bering Sea and Aleutian Islands fishery.
- 611.94 Snail fishery.

AUTHORITY: (16 U.S.C. 1361 et seq. 16 U.S.C. 1801 et seq.)

Subpart A—General

§ 611.1 Purpose.

This part governs only foreign fishing over which the United States exercises exclusive fishery management authority under the Fishery Conservation and Management Act of 1976, as amended.

§ 611.2 Definitions.

In addition to the definitions contained in the Act, and unless the context requires otherwise, in this Part 611 the terms used shall have the following meaning (some definitions in the Act have been repeated here to aid fishermen in understanding the regulations):

(a) "Act" means the Fishery Conservation and Management Act of 1976, Pub. L. 94-265 (16 U.S.C. 1801 et seq.), as amended.

(b) "Agent" means the person appointed and maintained within the United States who is authorized to receive and respond to any legal process issued in the United States with respect to an owner or operator in accordance with section 201(c)(2)(F) of the Act.

(c) "Anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters, including but not limited to:

King salmon (*Oncorhynchus tshawytscha*)
Pink salmon (*Oncorhynchus gorbuscha*)
Chum salmon (*Oncorhynchus keta*)
Sockeye salmon (*Oncorhynchus nerka*)
Silver salmon (*Oncorhynchus kisutch*)
Steelhead trout (*Salmo gairdneri*)
Atlantic salmon (*Salmo salar*)
Striped bass (*Morone saxatilis*)

(d) "Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration (National Marine Fisheries Service) or a designee.

(e) "Authorized officer" means:

- (1) Any commissioned, warrant or petty officer of the U.S. Coast Guard;
- (2) Any certified enforcement or special agent of the National Marine Fisheries Service;
- (3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce or Transportation to enforce the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

(f) "Billfish" means all species of marlin, spearfish, sailfish and swordfish.

(g) "Continental Shelf" means the seabed and subsoil of the submarine areas which appertain to the United States beyond the territorial sea, at any place where the depth of the superjacent waters allows exploitation of the natural resources of such areas.

(h) "Continental Shelf fishery resources" means the following:

COLEENTERATA

Bamboo coral (*Acanella* spp.)
Black coral (*Antipathes* spp.)
Gold coral (*Callagorgia* spp.)
Precious red coral (*Corrallium* spp.)
Bamboo coral (*Keratois* spp.)
Gold coral (*Parazoanthus* spp.)

CRUSTACEA

Tanner crab (*Chionoecetes tanneri*)
Tanner crab (*Chionoecetes opilio*)
Tanner crab (*Chionoecetes angulatus*)
Tanner crab (*Chionoecetes bairdi*)
King crab (*Paralithodes camtschatica*)
King crab (*Paralithodes platypus*)
King crab (*Paralithodes brevipes*)
Lobster (*Homarus americanus*)
Dungeness crab (*Cancer magister*)
California king crab (*Paralithodes californiensis*)
California king crab (*Paralithodes rathbuni*)
Golden king crab (*Lithodes aequispinus*)
Northern stone crab (*Lithodes maja*)
Stone crab (*Menippe mercenaria*)
Deep-sea red crab (*Geryon quinquequedens*)

MOLLUSKS

Red abalone (*Haliotis rufescens*)
Pink abalone (*Haliotis corrugata*)
Japanese abalone (*Haliotis kamtschatkana*)
Queen conch (*Strombus gigas*)
Surf clam (*Spisula solidissima*)
Ocean quahog (*Arctica islandica*)

SPONGES

Glove sponge (*Hippispongia canaliculata*)
Sheepswool sponge (*Hippispongia lachne*)
Grass sponge (*Spongia graminea*)
Yellow sponge (*Spongia barbara*)

(i) "Designated representative" means the person appointed by a nation and maintained within the United States who is responsible for receiving and submitting reports and other information concerning fishing by vessels from that nation.

(j) "Directed fishery" with respect to any species, means a fishery conducted for the purpose of catching that species.

(k) "Discard" or "discarded" means to release or return to the sea fish whether or not such fish are brought fully aboard a fishing vessel.

(l) "Existing International Fishery Agreement" means any treaty, convention or agreement, to which the United States is a party, which relates

to fishing and which was in effect on April 13, 1976, namely:

(1) The International Convention for the High Seas Fisheries of the North Pacific Ocean, with Annex and Protocol of May 9, 1952, as amended; and

(2) The Convention for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea of March 2, 1953 (termination scheduled on March 31, 1979).

(m) "Fish" means finfish, mollusks, crustaceans, and all other forms of marine animal or plant life other than marine mammals, birds and highly migratory species.

(n) "Fish over which the United States exercises exclusive fishery management authority" means:

(1) All fish within the fishery conservation zone;

(2) All anadromous species beyond the fishery conservation zone, except when they are within any foreign nation's territorial sea or fishery conservation zone (or equivalent), to the extent that such sea or zone is recognized by the United States; and

(3) All Continental Shelf fishery resources beyond the fishery conservation zone.

(o) "Fishery" means:

(1) One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; or

(2) Any fishing for such stocks.

(For related definitions, see: Directed fishery, paragraph (j) of this section; Incidental catch, paragraph (y) of this section; and Prohibited species, paragraph (bb) of this section.)

(p) "Fishery conservation zone" (FCZ) means the area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

(q) "Fishery resource" means any fishery, any stock of fish, any species of fish, and any habitat of fish.

(r) "Fishing" means any activity, other than scientific research, which:

(1) Does, is intended to, or can reasonably be expected to result in the catching or removal from the sea of fish, over which the United States exercises exclusive fishery management authority;

(2) Consists of scouting or exploring for the presence of such fish by visual, acoustic, or other means which do not involve removal of fish from the sea; or

(3) Consists of any operation at sea in support of, or in preparation for, any activity described in paragraphs (1) and (2) of this definition, including, but not limited to:

(i) Processing, including freezing, fish or fish products;

(ii) Transferring or transporting fish or fish products; or

(iii) Supplying a fishing vessel with water, fuel, provisions, fishing equipment, fish processing equipment, or other supplies.

(s) "Fishing vessel" means any boat, ship, or other craft which is used for, equipped to be used for, or of a type normally used for, fishing.

(t) "Foreign fishing" means fishing by a vessel other than a vessel of the United States.

(u) "Foreign fishing vessel" means any fishing vessel other than a vessel of the United States.

(v) "Gear conflict" means any incident at sea involving one or more fishing vessels:

(1) In which one fishing vessel or its gear comes into contact with another vessel or the gear of another vessel, and

(2) Which results in the loss of, or damage to, a fishing vessel, fishing gear, or catch.

(w) "Governing International Fishery Agreement" means an agreement between the United States and a foreign nation under Section 201(c) of the Act.

(x) "Highly migratory species" means the species of tuna which in the course of their life cycle spawn and migrate over great distances of the ocean, including, but not limited to:

Albacore (*Thunnus alalunga*)
Bigeye tuna (*Thunnus obesus*)
Bluefin tuna (*Thunnus thynnus*)
Skipjack tuna (*Euthynnus pelamis*)
Southern bluefin tuna (*Thunnus maccoyii*)
Yellowfin tuna (*Thunnus albacares*)

(y) "Incidental catch" means fish of any species, other than the directed fishery species, which are caught during a directed fishery.

(z) "Operator", with respect to any vessel, means the master or other individual on board and in charge of that vessel.

(aa) "Owner", with respect to any vessel means any person who owns that vessel or any charterer, whether bareboat, time, or voyage; or any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel.

(bb) "Prohibited species", with respect to any vessel, means any species of fish which that vessel is not specifically authorized to retain.

(cc) "Round weight" means whole fish weight.

(dd) "Secretary" means the Secretary of Commerce or a designee.

(ee) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States. It does not include the remaining districts of the Trust Territory of the Pacific Islands.

(ff) "Vessel day" means a unit of fishing effort measured by the presence, for any part of a day, of a vessel rigged for fishing (as defined in paragraph (r)(1) of this section) in a designated fishing area.

(gg) "Vessel of the United States" means:

(1) A vessel documented or numbered by the Coast Guard under United States law; or

(2) A vessel, under five net tons, which is registered under the laws of any State.

§ 611.3 Permits for foreign fishing vessels.

(a) No foreign fishing vessel may engage in fishing unless a permit has been issued to it under this section.

(b) Registration permits for foreign vessels to engage in fishing pursuant to an Existing International Fishery Agreement may be issued annually by the Secretary of State upon application from the foreign nation.

(c) Annual permits for foreign fishing vessels to engage in fishing pursuant to a Governing International Fishery Agreement may be issued by the Assistant Administrator after:

(1) His approval of an application from the foreign nation;

(2) The foreign nation's acceptance of the applicable terms and conditions;

(3) The payment of the fees established by the Secretary; and

(4) The designation of an agent.

(d) Applications for foreign vessel permits shall be submitted on forms available from: Office of Fisheries Affairs, Department of State (OES/OFA), Washington, D.C. 20520. To allow time for review and comments by the public, the involved governmental agencies, and appropriate fishery management councils, and the necessary processing, applications should be submitted to the Secretary of State at least 90 days prior to the date on which the foreign vessel desires to commence fishing under the proposed permit.

(e) The procedures for issuance of permits under paragraph (c) of this section and the commencement of activities thereunder are as follows:

(1) Permit Forms will be distributed to foreign nations in advance of permit issuance in order that they

may be readily available for completion when permits are issued. The Permit Form provides spaces for insertion of all pertinent information contained in the permit and instructions for its use.

(2) Permits are issued by the Assistant Administrator, through the Secretary of State, in Washington, D.C., U.S.A. Permits are valid when issued, but not earlier than January 1 of the year for which the permit is issued. Permits are valid only for the specific vessel(s) for which they are issued. However, permits are not issued for small boats used for fishing which are launched from larger vessels. Each such small boat is an extension of its mothership and any enforcement action or permit sanction which might result from the activities of any such small boat would be taken against the mothership. A permit specifies the permit number for each permitted vessel, the fisheries and activities authorized for each permitted vessel, any other activities authorized, any additional conditions and restrictions applicable to a permitted vessel, and the date of issuance of the permit.

(3) A vessel may engage in fishing activities authorized in its permit only after:

(i) The permitted vessel has received notification of the permit number, the fisheries and activities authorized, any additional activities authorized, any applicable additional conditions and restrictions, and the date of issuance of the permit, and

(ii) The vessel has substantiated receipt of such notification by prominently displaying a properly completed Permit Form in the wheelhouse of such permitted vessel.

(4) If a permit is modified by the Assistant Administrator, the fisheries, activities, conditions and restrictions, as modified, must be recorded on the Permit Form and prominently displayed in the wheelhouse.

(5) The burden of accurately transmitting the notification of the contents of the permit (or modification) to the foreign fishing vessel, and the burden of accurately recording the pertinent contents of the permit (or modification) on the Permit Form, shall be upon the foreign nation and the owner or operator of the foreign fishing vessel.

(f) For determination of appropriate permit fees for permits issued under paragraph (c) of this section and for determination of activities authorized by such permit, the following definitions apply:

(1) "Catching" is those activities described in § 611.2(r) (1) or (2).

(2) "Processing" is those activities described in § 611.2(r)(3)(i).

(3) "Other Support" is those activities described in § 611.2(r)(3) (ii) or (iii).

(g) If a foreign fishing vessel has been used in the commission of any act prohibited by § 611.7, or if an agent is not maintained within the United States, the Assistant Administrator may take appropriate action with respect to a permit issued under paragraph (c) of this section, under the administrative civil procedures specified in 50 CFR Part 621.

(h) Permits issued under this section do not authorize vessels or persons to engage in the kill, capture, or harassment of marine mammals. The requirements, restrictions and prohibitions applicable to marine mammals and the application procedures for permits to take marine mammals incidental to fishing operations are contained in 50 CFR 216.24.

(i) Permits issued under paragraph (c) of this section may be modified by the Assistant Administrator as follows:

(1) Because compliance with this Part 611 of the regulations is a condition of all foreign fishing permits, such permits may be modified by amendment of these regulations. Any such modification which would adversely affect activities under a permit will be effective no sooner than ten days after publication of the final amended regulation in the *FEDERAL REGISTER*. Other changes in the regulations may be made effective immediately. Notice of potentially adverse modifications will be sent by the Assistant Administrator to:

(i) Each nation whose fishing vessels are affected (via the Secretary of State); and

(ii) The owner of each affected fishing vessel (via the agent).

(2) The Assistant Administrator may modify any permit for purposes of "conservation and management" (as defined in section 3(2) of the Act) of fishery resources covered by the permit. Except as provided in subparagraph (2)(vii) of this paragraph such modifications will be effected as follows:

(i) The Assistant Administrator shall notify the owner of the affected fishing vessel (via the agent) of the proposed modification and shall provide a summary of the reasons underlying the proposal.

(ii) The owner of the affected vessel may:

(A) Submit written comments on the proposed modification within 30 days after receipt of the notice; and

(B) Receive an informal hearing on the proposed modification if his written request for such a hearing is received by the Assistant Administrator within 15 days after receipt of the notice.

(iii) The Assistant Administrator will publish a notice of the proposed modification in the *FEDERAL REGISTER* providing for a 30-day public comment period. The Assistant Administrator will also notify the appropriate Regional Fishery Management Councils, the Secretary of State, and the Commandant of the Coast Guard asking for their written comments within 30 days of receipt of such notice.

(iv) Not less than 15 days prior to the date of a hearing, the Assistant Administrator shall:

(A) Publish a notice of the hearing in the *FEDERAL REGISTER*;

(B) Notify the requesting owner of the time and place of the hearing (via the agent).

(v) The Assistant Administrator may allow public participation at the hearing. The requesting owner and other participants may submit all relevant material, data, views, comments, arguments, and exhibits at the hearings. A summary record shall be kept of any such hearing.

(vi) The Assistant Administrator shall make a final decision regarding the proposed modification as soon as practicable after the 30-day comment period and the hearing, if any. Notice of the modification will be published in the *FEDERAL REGISTER* and will be sent to the nation involved (via the Secretary of State), the owner of the permitted fishing vessel (via the agent), each appropriate Regional Fishery Management Council, the Secretary of State, the Commandant of the Coast Guard, the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Committees on Commerce, Science, and Transportation, and on Foreign Relations of the Senate.

(vii) If necessary to prevent substantial harm to a fishery resource of the United States, the Assistant Administrator may make the proposed modification effective immediately or otherwise earlier than 30 days after the date of notice of proposed modification. In such cases, the Assistant Administrator shall summarize his findings of necessity and the reasons therefore in the notices of the proposed modification required by this section. The Assistant Administrator shall expedite the hearing process whenever a modification has been implemented on an interim basis.

(3) A nation may submit a written request for a modification of any permit applicable to a vessel of that nation. The Assistant Administrator may make technical modifications or corrections requested by the nation, such as change in radio call sign, which will be effective immediately. Similarly, a change in information submitted on an application, such as change in ownership of a vessel, proc-

essing equipment, or tonnage, will be effective immediately.

(4) If, in the opinion of the Assistant Administrator, a permit change requested by a nation could significantly affect the status of any fishery resource, such request will be treated as an application for a new permit and procedures for issuance of the permit will be in accordance with section 204 of the Act.

(5) After modification of a permit under § 611.3(i)(2) or (3) of this section, the Assistant Administrator shall promptly issue a revised permit to the nation involved.

§ 611.4 Vessel reporting.

(a) The operator of each foreign fishing vessel shall notify the Coast Guard, in the manner set forth in paragraph (b) of this section, of:

(1) The time and position at which the vessel will *begin* fishing (action code BEGIN) (see paragraph (d) of this section for use of action codes);

(2) The time and position of a temporary *departure* from the fishing grounds (that is, the specific location where fishing is conducted within a fishing area) for the purpose of embarking or debarking an observer or for a call at a U.S. port, or any other temporary departure from the grounds which will involve departure from any authorized fishing area but which does not include departure from the seaward limits of the fishery conservation zone (action code DEPART);

(3) The time and position of *return* to the fishing grounds following a temporary departure described in subparagraph (2), above (action code RETURN);

(4) The time and position of any *shift* in its fishing area (as shown in Appendix II to § 611.9), except when changing between areas 2 and 3 in the Northwest Atlantic Ocean fishery (action code SHIFT);

(5) The time and position it will *cease* fishing, intending to leave the fishery conservation zone (action code CEASE).

(b) The notices required by paragraph (a) of this section shall be in English. They should be delivered via private or commercial communications facilities to the appropriate Coast Guard commander who will relay them to the appropriate National Marine Fisheries Service Region (see Table I). If adequate private or commercial communications facilities have not been successfully contacted, only then may the required notice be delivered via the closest Coast Guard communications station as indicated in the accompanying Table II. Radiotelegraphy or TELEX must be used if available. Voice reports will be accepted in English only.

(c) The notices required by paragraphs (a)(1) and (a)(5) of this section must be *delivered* to the appropriate Coast Guard commander at least 24 hours prior to beginning or ceasing fishing. The other notices required by paragraph (a) of this section must be *transmitted* prior to the event requiring notice and *delivered* within 72 hours of the event.

(d) The notices required by this section shall contain the following information: the message identifier "VESREP" to indicate it is a required vessel report, vessel name, international radio call sign, date (month and day), time (hour and minute G.m.t.), latitude and longitude (degrees and minutes), fishing area (use code specified in Appendix II to section 611.9), and the appropriate action code (see paragraphs (a)(1)-(5) of this section). Fishing area and position to be reported shall be the area and position to which the vessel is proceeding for action codes BEGIN, and RETURN, and SHIFT, and the area and position being departed for action codes DEPART and CEASE. The date and time reported shall be the date and time of arrival at or departure from the indicated position.

An illustration of a sample report is as follows: The stern trawler NAVIS, LTUX, will begin fishing on March 11, 1979, at 1320 G.m.t. at position 59-30 N. latitude, 142-30 W. longitude in the Yakutat fishing area of the Gulf of Alaska.

The required message would be transmitted as follows:

From: M/V NAVIS, LTUX
To: 17th Coast Guard District, Juneau, Alaska, Alaska Region, NMFS, Juneau, Alaska.
VESREP
NAVIS / LTUX / 0311 / 1320 / 5930N / 14230W / 64 / BEGIN

(e) The notices required by this section may be provided for individual vessels or groups of vessels (on a vessel-by-vessel basis) by fleet commanders or other authorized persons. In these cases, the message format in paragraph (d) of this section should be modified so that each line of the text under "VESREP" is a separate vessel report.

An illustration of a group report is as follows: The refrigerated transport vessel SOPOV, LJUU, with a fleet commander aboard, wishes to report for three stern trawlers in his fleet. The

stern trawler NAVIS, LTUX, will begin fishing as described in the previous example. The stern trawler FISKVOL, LBEV, will temporarily depart the fishing grounds at 58°05' N. latitude, 149°50' W. longitude in the Kodiak fishing area on March 12, 1979, at 1200 G.m.t. to embark an observer. The stern trawler ALEXANDROV, LXDV, will cease fishing at 54°40' N. latitude, 157°15' W. longitude in the Chirikof fishing area on March 13, 1979, at 0800 G.m.t. to return to its home port. The required message would be transmitted as follows:

From: M/V SOPOV, LJUU
To: 17th Coast Guard District, Juneau, Alaska, Alaska Region, NMFS, Juneau, Alaska.
VESREP
NAVIS / LTUX / 0311 / 1320 / 5930N / 14230W / 64 / BEGIN //
FISKVOL / LBEV / 0312 / 1200 / 5805N / 14950W / 63 / DEPART //
ALEXANDROV / LXDV / 0313 / 0800 / 5440N / 15715W / 62 / CEASE //

Since the illustrated group report contains notice of the beginning of fishing at 1320 G.m.t. on March 11, the message must be delivered to Commander, 17th Coast Guard District not later than 1320 G.m.t. on March 10.

TABLE I

Area	National Marine Fisheries Service	Coast Guard
Pacific Ocean off Hawaii and other insular possessions.	Southwest region, Terminal Island, Calif.	14th District, Honolulu, Hawaii (Telex: 392401).
Pacific Ocean off California, Oregon and Washington.	Northwest region, Seattle, Wash.	Pacific Area, San Francisco, California (Telex: 330427).
Pacific Ocean and Bering Sea off Alaska.	Alaska region, Juneau, Alaska.	17th District, Juneau, Alaska (Telex: 45305).
Atlantic Ocean north of Cape Hatteras.	Northeast region, Gloucester, Mass.	Atlantic Area, New York, New York (Telex: 126831).
Atlantic Ocean south of Cape Hatteras, the Gulf of Mexico and the Caribbean Sea.	Southeast region, St. Petersburg, Fla.	Do.

TABLE II

Station	Radiotelegraphy			Voice: Duplex high-frequency single-sideband channels guarded GMT ¹
	Call Sign	Bands Guarded	Times ¹	
Boston	NMF	500 kHz, 8, 12 MHz	H24	B(0000-2400)
Portsmouth	NMN	500 kHz, 8, 12 MHz	H24	A(0200-1200) B(0000-2400) C(0000-2400)
		16 MHz	HJ	D(1200-0200) E (On request)
Miami	NMA	500 kHz	H24	B(0000-2400)
San Juan	NMR	500 kHz, 8, 12 MHz	H24	None
		17 MHz	HJ	
New Orleans	NMG	500 kHz	H24	A(0200-1200) B(0000-2400) C(0000-2400)
		6 MHz	HN	D(1200-0200) E (On request)
San Francisco	NMC	500 kHz, 12 MHz	H24	A(0000-2400) B(0000-2400) C(0000-2400)
		16, 22 MHz	HJ	D (On request) E (On request)
Honolulu	NMO	500 kHz, 8, 12 MHz	H24	A(0000-2400) B(0000-2400) C(0000-2400)
		16 MHz	HJ	D (On request) E (On request)
Guam	NRV	500 kHz	H24	B(0900-2100) D(2100-0900)
Kodiak	NOJ	500 kHz, 8 MHz	H24	B(0000-2400) A, C, D and E (On request)

¹Times guarded as follows:

HJ—Daytime (2 hours after sunrise until 2 hours before sunset, local time).

HN—Nighttime (2 hours before sunset until 2 hours after sunrise, local time).

H24—Continuous, 24 hours.

²Carrier frequencies (kHz) as follows:

Letter	Shore transmit	Ship transmit
A	4428.7	4134.3
B	6506.4	6200.0
C	8765.4	8241.5
D	13113.2	12342.4
E	17307.3	16534.4

§ 611.5 Vessel and gear identification.

(a) Identification. (1) Each fishing vessel assigned an international radio call sign (IRCS) shall display that call sign amidships on both the port and starboard sides of the deck house or hull, and on an appropriate weather deck.

(2) Each fishing vessel not assigned an IRCS, such as a small trawler associated with a mothership or one of a pair of trawlers, shall display the IRCS of the associated vessel followed by a numerical suffix. (For example, JCZM-1, JCZM-2, etc. would be displayed on small trawlers not assigned an IRCS operating with a mothership whose IRCS is JCZM; JANP-1 would be displayed by a pair trawler not assigned an IRCS operating with a trawler whose IRCS is JANP).

(b) The identifying markings shall be permanently affixed to the vessel in contrasting block Roman alphabet letters and arabic numerals at least one meter in height for vessels over 20 meters in length and at least one-half meter in height for all other vessels.

(c) The operator of each vessel shall:

(1) Keep the identifying markings clearly legible and in good repair, and

(2) Ensure that no part of the vessel, its rigging or its fishing gear obstructs the view of the markings from an enforcement vessel or aircraft.

(d) Each vessel engaged in fishing shall display the lights and shapes prescribed by the International Regulations for Preventing Collisions at Sea, 1972, for the activity in which the vessel is engaged.

(e) Any fishing gear which, when in use, is not physically and continuously attached to a fishing vessel shall be clearly marked with the IRCS of the vessel to which it belongs. Such marking shall be affixed to at least one element of the fishing gear so as to be visible above the water.

§ 611.6 Facilitation of enforcement.

(a) The operator of each fishing vessel shall immediately comply with instructions issued by authorized officers to facilitate boarding and inspection of the vessel for purposes of enforcing the Act and these regulations.

(b) Upon being approached by a Coast Guard cutter or aircraft or

other vessel or aircraft authorized to enforce the Act, a vessel shall be alert for signals conveying enforcement instructions. The following signals based on the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly";

(2) "SQ3" meaning "You should stop or heave to; I am going to board you";

(3) "RY CY" meaning "You should proceed at slow speed, a boat is coming to you"; and

(4) "AA AA AA, etc." which is the call for an unknown station, to which the signaled vessel should respond by identifying itself or by illuminating (or clearing obstructions from) the vessel identification required by § 611.5.

(c) A vessel signaled for boarding shall:

(1) Guard channel 16, VHF-FM, if equipped with VHF-FM radio;

(2) Stop immediately and lay to or maneuver in such a manner as to facilitate boarding by the authorized officer and his party;

(3) Provide a safe ladder for the authorized officer and his party (Safety of Life at Sea (SOLAS) Convention of 1960 pilot ladder preferred);

(4) When necessary to facilitate the boarding, provide a manrope, safety line and illumination for the ladder; and

(5) Take such other actions as necessary to ensure the safety of the authorized officer and his party and to facilitate the boarding and inspection.

(d) A Coast Guard cutter whose personnel wish to board a fishing vessel for purposes other than law enforcement will display the international code signal "SQ3 RQ" which means "Will you stop or heave to? May I board you?"

(e) If equipped with suitable radio equipment, each fishing vessel shall guard 500 kHz and 2182 kHz each day from 2000 to 2030 G.m.t.

(f) Fishing vessels, through a fleet commander or otherwise, shall provide vessel positions when requested by the National Marine Fisheries Service or the Coast Guard within the time specified in the request.

§ 611.7 Prohibitions.

(a) It is unlawful for any person to:

(1) Violate any provision of the Act or any regulation or permit issued under the Act;

(2) Use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued under the Act;

(3) Violate any provision of, or regulation under, an applicable Governing International Fishery Agreement entered into under section 201(c) of the Act;

(4) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act or any regulation, permit, or agreement referred to in paragraph (a)(1) or (a)(3) of this section;

(5) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (a)(4) of this section;

(6) Resist a lawful arrest for any act prohibited by this section;

(7) Ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in paragraph (a)(1) or (a)(3) of this section; or

(8) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section.

(b) It is unlawful for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage in fishing:

(1) Within the boundaries of any State; or

(2) Within the fishery conservation zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to § 611.3.

(c) A person is guilty of a criminal offense if he commits any act prohibited by paragraph (a)(4), (a)(5), (a)(6), (a)(8) or (b) of this section.

§ 611.8 Observers.

(a) For the purposes of collecting scientific data and carrying out such other management and enforcement activities as may be authorized, the Assistant Administrator may assign an observer to any foreign fishing vessel. The owner and operator of any vessel to which such an observer is assigned shall:

(1) Provide, at no cost to the observer or the United States, accommodations for the observer aboard the vessel which are equivalent to those provided to the officers of that vessel;

(2) Cause the vessel to proceed to such places and at such times as may be designated by the Assistant Administrator for the purpose of embarking and debarking the observer;

(3) Allow the observer to use the vessel's communications equipment and personnel as necessary for the transmission and receipt of messages;

(4) Allow the observer access to and use of the vessel's navigation equipment and personnel as necessary to determine the vessel's position; and

(5) Provide all other reasonable assistance to enable the observer to carry out his duties.

(b) The owner and operator of each fishing vessel to which an observer is assigned shall reimburse the United States for the total costs of placing the observer aboard, including salary, per diem, transportation of observer, and overhead costs. Payment of these costs shall be made upon billing at the end of the calendar year.

(c) It is unlawful for any person to forcibly assault, resist, oppose, impede, intimidate, or interfere with an observer placed aboard a vessel under this section.

§ 611.9 Reports and record keeping.

(a) The operator of each foreign fishing vessel shall maintain an accurate log of catch and effort information in accordance with the regulations for the fishery in which the vessel is engaged.

(b) Upon each transfer of any fish or fishery product, the operators of both the transferring and receiving vessels shall record in their respective logs:

(1) The date, time, and location (in geographic coordinates) of the transfer;

(2) The weight or number, by species, of all fish transferred; and

(3) The name, nationality, and permit number of the other vessel involved in the transfer.

(c) The operator of each foreign fishing vessel shall record, in a communications log, the Greenwich mean time and content of each notification made under § 611.4.

(d) *Daily cumulative catch log.* (1) All foreign fishing vessels, except as otherwise provided in § 611.90(e)(2),

shall maintain a daily cumulative catch log in English. This log shall have recorded on a daily and a cumulative basis the round weight of all catches of all allocated species during the permit period. The log shall be maintained aboard the vessel during the duration of the permit period. Information for each fishing area shall be maintained on a separate page of the log.

(2) The log shall contain the following information:

(i) Name and call sign of the vessel.

(ii) Permit number.

(iii) Date.

(iv) Allocated species by common name and species code number (see Appendix I).

(v) Fishing area and area code number where caught (see Appendix II).

(vi) Daily catch by allocated species to the nearest hundredth of a metric ton (0.01 m.t.).

(vii) Disposition of the catch: human consumption (including consumed on board), fishmeal, or discarded.

(viii) Cumulative total catch for each allocated species in each fishing area.

(3) This daily cumulative catch log must be in the format illustrated in Appendix III, which contains the instructions for completing the log. No adjustment shall be made in this log to deduct any catch off-loaded. The log must record this information for each of the species for which the vessel's flag nation has an allocation (see § 611.21).

(4) In the Washington, Oregon, California trawl fishery, record in addition to allocated species, the prohibited species salmon (species code 210) and halibut (species code 722) which are discarded, in terms of the number of fish.

(e) *Weekly catch report.* (1) Each foreign nation shall submit, through the designated representative, a weekly report stating, on a vessel-by-vessel basis, except as otherwise provided in § 611.90(e)(2), the catch in round weight of the species allocated to that nation, for the weekly period Sunday through Saturday, Greenwich mean time. In the Washington, Oregon, California trawl fishery, in addition to allocated species, catch of salmon and halibut in numbers of fish shall be reported.

(2) This report shall contain the following information:

(i) Name of vessel.

(ii) Permit number.

(iii) Month and day (last day of reporting period).

(iv) Fishing areas by code numbers.

(v) Number of days actually fished in each fishing area during the reporting period.

(vi) Allocated species caught during the reporting period by species code

number (regardless of whether retained or discarded).

(vii) Weight of catch of allocated species by fishing area and species rounded to the nearest tenth of a metric ton (0.1 m.t.).

(3) This weekly report must be in the format illustrated in Appendix IV, which contains instructions for completing the report form, a sample of the form, and a sample of a Telex report.

(4) This report must arrive at the address and time specified in Appendix IV D. The report may be sent by Telex but mail or hand delivery is permitted if it will arrive by the prescribed time. If the report is sent by Telex, a completed copy of the report form must be submitted by mail as a confirmation of the Telex report.

(f) *Weekly report of receipts of U.S. harvested fish.* (1) Each foreign nation shall submit, through the designated representative, a weekly report stating, on a vessel-by-vessel basis, any receipt of U.S. harvested fish for the weekly period Sunday through Saturday, Greenwich mean time. No report is required for vessels which receive no U.S. harvested fish during the reporting period.

(2) This report shall contain the following information:

(i) Name of vessel.

(ii) Permit number.

(iii) Month and day (last day of reporting period).

(iv) Fishing areas by code numbers.

(v) Species received during the week by species code number (regardless of whether retained or discarded).

(vi) Weight of fish received by fishing area and species rounded to the nearest tenth of a metric ton (0.1 m.t.).

(3) This weekly report must be in the format illustrated in Appendix V, which contains instructions for completing the report form, a sample of the form, and a sample of a Telex report.

(4) This report must arrive at the address and time as specified in the submission instructions for the Weekly Catch Report in Appendix IV D. The report may be sent by Telex but mail or hand delivery is permitted if it will arrive by the prescribed time. If the report is sent by Telex, a completed copy of the report form must be submitted by mail as a confirmation of the Telex report.

(g) *Weekly report of marine mammal incidental catch.* (1) Each foreign nation shall submit, through the designated representative, a weekly report stating, on a vessel-by-vessel basis, except as otherwise provided in § 611.90(e)(2), any incidental catch of marine mammals for the weekly period Sunday through Saturday, Greenwich mean time. No report is re-

RULES AND REGULATIONS

quired for vessels which have no incidental catch of marine mammals during the reporting period.

(2) This report shall contain the following information:

- (i) Name of vessel.
- (ii) Permit number.
- (iii) For each marine mammal caught:
 - (A) Date.
 - (B) Latitude and longitude.
 - (C) Species, by species code number.
 - (D) Status of mammal by status code number.

(3) This weekly report must be in the format illustrated in Appendix VI, which contains instructions for completing the report form, a sample of

the form, and a sample of a Telex report.

(4) This report must arrive at the address and time as specified in the submission instructions for the Weekly Catch Report in Appendix IV D. The report may be sent by Telex but mail or hand delivery is permitted if it will arrive by the prescribed time. If the report is sent by Telex, a completed copy of the report form must be submitted by mail as a confirmation of the Telex report.

(5) For information regarding the kill, capture, or harassment of marine mammals and the requirements for permits to take marine mammals inci-

dental to fishing operations, see § 611.3(h) and 50 CFR 216.24.

(h) In addition, the owner or operator of each fishing vessel shall provide to the Assistant Administrator, in such form and at such times as the Assistant Administrator may prescribe, such other information as the Assistant Administrator may request to carry out duties under the Act.

(i) The records and logbooks required to be kept by this section shall be:

(1) Accurately and timely maintained in a form satisfactory to the Assistant Administrator; and

(2) Made available for inspection by any authorized officer at any time.

APPENDIX I.—Species Codes

A. ATLANTIC OCEAN FISHES (INCLUDING THE GULF OF MEXICO)

Code	Common English name	Scientific name
FINFISHES		
101	Cod, Atlantic	<i>Gadus Morhua</i>
102	Haddock	<i>Melanogrammus aeglefinus</i>
103	Redfish	<i>Sebastes marinus</i>
104	Hake, silver	<i>Merluccius bilinearis</i>
105	Hake, red	<i>Urophycis chuss</i>
106	Pollock	<i>Pollachius virens</i>
202	Herring, Atlantic	<i>Clupea harengus harengus</i>
204	Mackerel, Atlantic	<i>Scomber scombrus</i>
210	Salmon, coho	<i>Oncorhynchus kisutch</i>
212	Butterfish	<i>Peprilus triacanthus</i>
216	Menhaden, Atlantic	<i>Brevoortia tyrannus</i>
220	Saury, Atlantic	<i>Scomberesox saurus</i>
228	Bluefish	<i>Pomatomus saltatrix</i>
264	Swordfish	<i>Xiphias gladius</i>
112	Plaice, American	<i>Hippoglossoides platessoides</i>
114	Flounder, witch	<i>Glyptocephalus cynoglossus</i>
116	Flounder, yellowtail	<i>Limanda ferruginea</i>
120	Halibut, Atlantic	<i>Hippoglossus hippoglossus</i>
122	Flounder, winter	<i>Pseudopleuronectes americanus</i>
124	Flounder, summer	<i>Paralichthys dentatus</i>
132	Goosefish	<i>Lophius americanus</i>
136	Searobins (NS)	<i>Triglidae</i>
144	Cusk	<i>Brosme Brosme</i>
164	Pout, ocean	<i>Macrozoarces americanus</i>
168	Grenadier, roundnose	<i>Macrourus rupestris</i>
172	Lances, sand (NS)	<i>Ammodytidae</i>
176	Scup	<i>Stenolomus chrysops</i>
182	Tilefish	<i>Lopholatilus chamaeleonticeps</i>
186	Hake, white	<i>Urophycis tenuis</i>
188	Wolfishes (NS)	<i>Anarhichadidae</i>
894	Sculpin (NS)	<i>Cottidae</i>
302	Alewite	<i>Alosa pseudoharengus</i>
309	Herring, river (302/334/360)	<i>Alosa sapidissima</i>
310	Shad, American	<i>Argentina silus</i>
312	Argentine, Atlantic	<i>Salmo salar</i>
318	Salmon, Atlantic	<i>Centropomus spp.</i>
332	Bass, Black Sea	<i>Alosa aestivalis</i>
334	Herring, blueback	<i>Mallotus villosus</i>
340	Capelin	<i>Dorosoma cepedianum</i>
354	Shad, gizzard	<i>Alosa mediocris</i>
360	Shad, hickory	<i>Trachurus lathami</i>
406	Scad, rough (jack mackerel)	<i>Squalidae</i>
459	Dogfishes (NS)	<i>Squaliformes</i>
469	Sharks (NS)	<i>Rajiformes</i>
479	Skates (NS)	<i>Osteichthyes—Condriichthyes</i>
499	Other finfish	<i>Lutjanus campechanus</i>
137	Red snapper	<i>Lutjanidae</i>
155	Snappers (NS)	<i>Sparidae</i>
199	Porgies (NS)	<i>Epinephelus itajara</i>
444	Jewfish	<i>Epinephelus morio</i>
445	Red grouper	<i>Epinephelus nigritus</i>
447	Warsaw grouper	<i>Mycteroperca bonaci</i>
450	Black grouper	<i>Serranidae</i>
456	Groupers (NS)	<i>Branchiostegidae</i>
461	Tilefish (NS)	<i>Sphyrna barracuda</i>
848	Reef fishes (NS)	<i>Coryphaena hippurus</i>
206	Great barracuda	<i>Coryphaena equisetis</i>
237	Dolphin	<i>Acanthocybium solanderi</i>
230	Pompano dolphin	<i>Dasyatidae</i>
225	Wahoo	<i>Myliobatidae</i>
372	Stingrays (NS)	
373	Eagle rays (NS)	

Code	Common English name	Scientific name
INVERTEBRATES		
502	Squid, long-finned.....	<i>Loligo pealei</i>
504	Squid, shortfinned.....	<i>Illex illecebrosus</i>
509	Squid (NS).....	<i>Cephalopoda</i>
536	Scallop, Sea.....	<i>Placopecten Magellanicus</i>
619	Crabs, marine (NS).....	
622	Lobster, northern.....	<i>Homarus americanus</i>
639	Shrimps (NS).....	
B. PACIFIC OCEAN FISHES		
FINFISHES		
701	Pollock (walleye, Alaska).....	<i>Theragra chalcogramma</i>
702	Pacific cod.....	<i>Gadus macrocephalus</i>
703	Sablefish (black cod).....	<i>Anoplopoma fimbria</i>
704	Pacific hake.....	<i>Merluccius productus</i>
118	Turbot (greenland).....	<i>Reinhardtius hippoglossoides</i>
721	Turbot (arrow-tooth flounder).....	<i>Atheresthes stomias</i>
720	Yellowfin sole.....	<i>Limanda aspera</i>
129	Other flounders (NS).....	<i>Pleuronectiformes</i>
780	Pacific Ocean perch.....	<i>Sebastes alutus</i>
849	Other rockfish (NS).....	<i>Scorpaenidae</i>
885	Lingcod.....	<i>Ophiodon elongatus</i>
207	Atka mackerel.....	<i>Pleuragrammus monopterygius</i>
208	Jack mackerel.....	<i>Trachurus symmetricus</i>
209	Pacific herring.....	<i>Clupea harengus pallasii</i>
722	Pacific halibut.....	<i>Hippoglossus stenolepis</i>
211	Steelhead trout.....	<i>Salmo gairdneri</i>
210	Pacific salmon (all species).....	<i>Oncorhynchus spp.</i>
499	Other finfish (NS).....	<i>Osteichthyes—Chondrichthyes</i>
200	Armorhead.....	<i>Pentaceros Richardsoni</i>
201	Alfonsin.....	<i>Beryx splendens</i>
237	Pompano dolphin.....	<i>Coryphaena equisetis</i>
230	Dolphin.....	<i>Coryphaena hippurus linnaeus</i>
252	Sailfish.....	<i>Istiophorus platypterus</i>
253	Black marlin.....	<i>Makaira indicans</i>
255	Wahoo.....	<i>Acanthocybium solanderi</i>
260	Blue marlin.....	<i>Makaira nigricans</i>
261	Striped marlin.....	<i>Tetrapturus audax</i>
262	Shortbill spearfish.....	<i>Tetrapturus angustirostris</i>
263	Requiem sharks (NS).....	<i>Carcharhinidae</i>
264	Broadbill swordfish.....	<i>Xiphias gladius</i>
265	Thresher sharks (NS).....	<i>Alopiidae</i>
266	Mackerel sharks (NS).....	<i>Lamnidae</i>
267	Hammerhead sharks (NS).....	<i>Sphyrnidae</i>
INVERTEBRATES		
610	Tanner crab (opilio, snow, queen).....	<i>Chionoecetes opilio</i>
501	Tanner crab (bairdi, snow, queen).....	<i>Chionoecetes bairdi</i>
	Tanner crab (hybrid).....	
676	Other crabs.....	<i>Chionoecetes species</i>
509	Squid (NS).....	<i>Cephalopoda</i>
697	Shrimp (NS).....	
696	Octopus (NS).....	<i>Octopoda</i>
698	Spiny lobsters (NS).....	<i>Palinuridae</i>
682	Corals (NS).....	
539	Scallops (NS).....	<i>Pectinidae</i>
673	Snails (NS).....	<i>Gastropoda</i>
C. MARINE MAMMALS		
933	Baleen whales.....	<i>Mysticeti unspecified</i>
994	Toothed whales (NS).....	<i>Odontoceti</i>
915	Beluga.....	<i>Delphinapterus leucas</i>
946	Northern right whale dolphin.....	<i>Lissodelphis borealis</i>
992	Pilot whales (NS).....	<i>Globicephala sp.</i>
998	Porpoise (NS).....	<i>Cetacea delphinidae</i>
936	Atlantic white-sided dolphin.....	<i>Lagenorhynchus acutus</i>
941	Bottlenose dolphin.....	<i>Tursiops truncatus</i>
940	Common dolphin.....	<i>Delphinus delphis</i>
947	Harbor porpoise.....	<i>Phocoena phocoena</i>
938	Pacific white-sided dolphin.....	<i>Lagenorhynchus obliquidens</i>
942	Risso's dolphin, grampus.....	<i>Grampus griseus</i>
934	Rough-toothed dolphin.....	<i>Steno bredanensis</i>
995	Seals (NS).....	<i>Pinnipedia phocidae</i>
974	Bearded seal.....	<i>Erignathus barbatus</i>
976	Gray seal.....	<i>Halichoerus grypus</i>
967	Harbor seal.....	<i>Phoca vitulina</i>
972	Harp seal, Greenland seal.....	<i>Phoca groenlandica</i>
975	Hooded seal.....	<i>Cystophora cristata</i>
968	Largha seal, spotted seal.....	<i>Phoca largha</i>
981	Northern elephant seal.....	<i>Mirounga angustirostris</i>

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APPENDIX I.—Species Codes—Continued

B. PACIFIC OCEAN FISHES—Continued

Code	Common English name	Scientific name
958	Northern fur seal.....	<i>Callorhinus ursinus</i>
973	Ribbon seal.....	<i>Phoca fasciata</i>
969	Ringed seal.....	<i>Phoca hispida</i>
996	Sea lions (NS).....	<i>Pinnipedia otarriidae</i>
956	California sea lion.....	<i>Zalophus californianus</i>
955	Northern sea lion.....	<i>Eumetoplia jubatus</i>
966	Walrus.....	<i>Odobenus rosmarus</i>
987	Polar bear.....	<i>Ursus maritimus</i>
986	Sea otter.....	<i>Enhydra lutris</i>

APPENDIX II.—Area Codes

Code Number	Name	Figure No.	Code Number	Name	Figure No.
A. NORTHWEST ATLANTIC OCEAN FISHERY					
01	Atlantic Area 1.....	1	61	Shumagin.....	3
02	Atlantic Area 2.....	1	62	Chirikof.....	3
03	Atlantic Area 3.....	1	63	Kodiak.....	3
04	Atlantic Area 4.....	1	64	Yakutat.....	3
05	Atlantic Area 5.....	1	65	Southeastern.....	3
11	Caribbean Area 11.....	4	66	Charlotte.....	3
12	Gulf of Mexico Area 12..	4	67	Vancouver.....	3
13	Gulf of Mexico Area 13..	4	71	Columbia.....	3
14	Gulf of Mexico Area 14..	4	72	Eureka.....	3
15	Atlantic Area 15.....	4	73	Monterey.....	3
16	Atlantic Area 16.....	4	74	Conception.....	3
17	Atlantic Area 17.....	4	81	Hawaiian Islands FCZ * ..	
			82	Guam and Northern Mariana Islands FCZ * ..	
			83	American Samoa FCZ * ..	
B. PACIFIC					
51	Bering Sea Area I.....	2	* FCZ means the United States 200-mile fishery conservation zone.		
52	Bering Sea Area II.....	2			
53	Bering Sea Area III.....	2			
54	Bering Sea Area IV.....	2			

* FCZ means the United States 200-mile fishery conservation zone.

C. Atlantic Billfish and Sharks Fishery.

[3510-22-C]

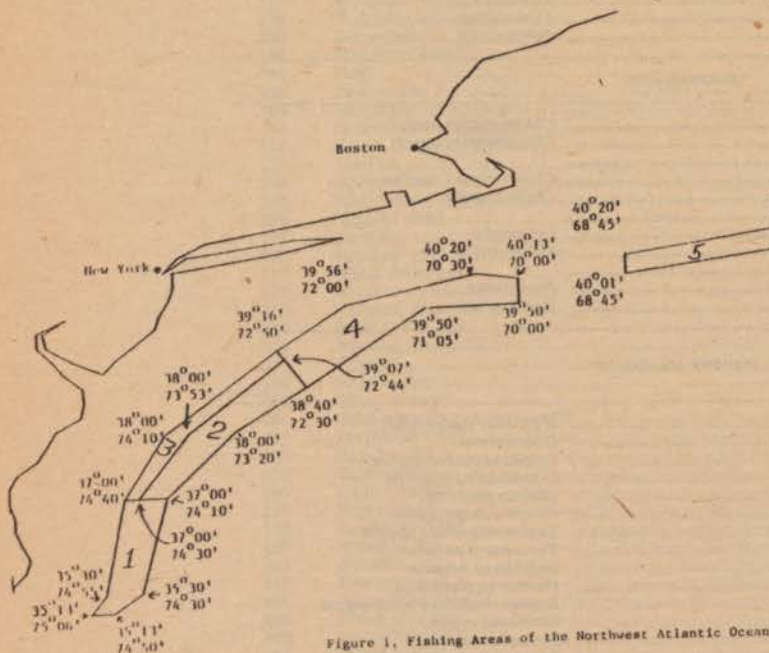


Figure 1. Fishing Areas of the Northwest Atlantic Ocean

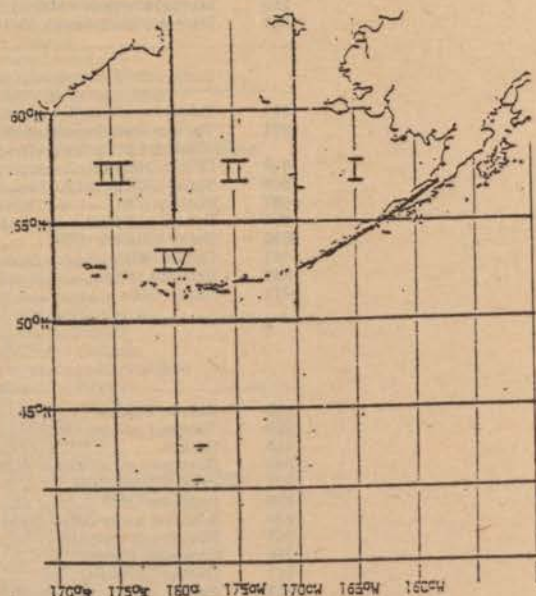


Figure 2. Fishing areas of the Bering Sea and Aleutian Islands.

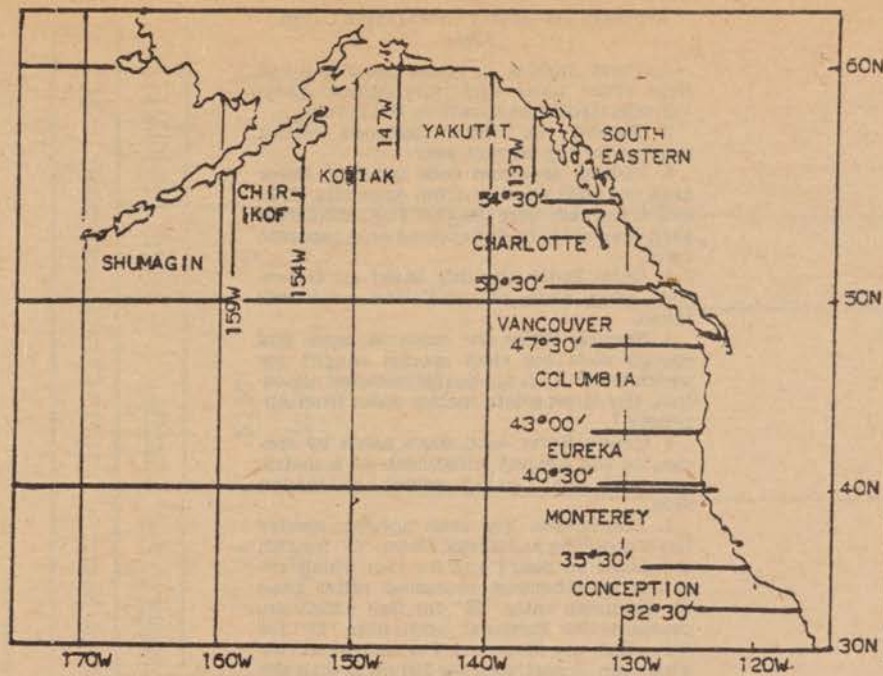


Figure 3. Fishing Areas of the Gulf of Alaska and Northeast Pacific.

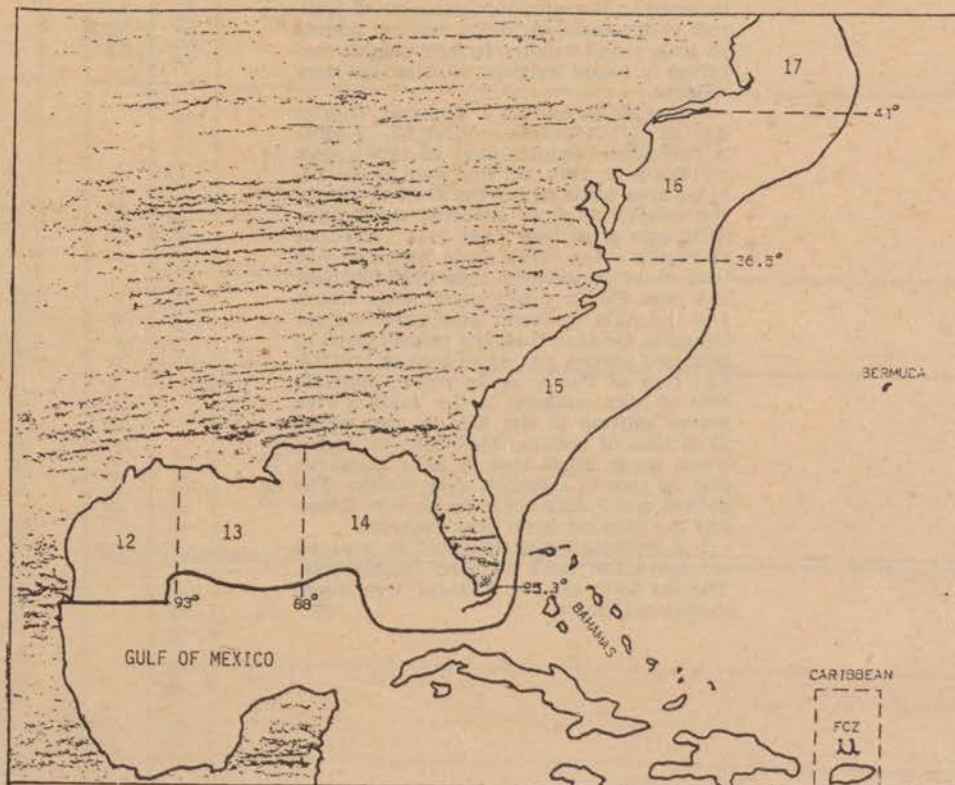


Figure 4. Fishing Areas of the Atlantic Billfish and Sharks Fishery.

RULES AND REGULATIONS

APPENDIX III—DAILY CUMULATIVE CATCH
Log

A. *Form Entries.* 1. Vessel name and call sign: Enter name and international radio call sign (IRCS) as shown on the permit.

2. Permit no.: Enter assigned permit number for the current year.

3. Fishing area and code number: Enter area and code number, from Appendix II, in which the fish were caught. The catch from each area shall be maintained on a separate form.

4. Date: Enter the day based on Greenwich mean time, on which the catch was taken.

5. Species: Enter the common name and species code for each species caught for which there is an applicable national allocation. Use appropriate species codes from Appendix I.

6. Catch: Enter each day's catch by species, to the nearest hundredth of a metric ton (0.01 m.t.), round weight, by fishing area.

7. Disposition: For each species, specify the disposition as follows: Enter "C" for fish consumed on board and for fish which are frozen or otherwise processed other than for fishmeal; enter "M" for fish which are processed for fishmeal; and enter "D" for fish which are discarded. For individual fish which are in part used for fishmeal with the remainder otherwise processed, enter "C".

8. Cumulative: Enter the cumulative total catch, by species, to the nearest hundredth of a metric ton (0.01 m.t.), round weight, by fishing area.

B. *Log maintenance.* The cumulative catch log is to be updated within 12 hours following the end of the day on which the catch was taken. Entries as to weights shall be based on the most accurate method available to the vessel including, but not limited to, scale round weights, factory weights converted to round weights, or estimated deck weights.

C. *Sample log entries.* 1. The stern trawler NAVIS, LTUX, permit number LT-79-0001-A, commenced fishing under its 1979 permit on March 13, 1979. On that date in the Yakutat area (code 64) of the Gulf of Alaska the vessel's catch of allocated species was 80.32 tons of pollock (code 701), 12.24 tons of Pacific ocean perch (code 780), and 6.20 tons of Atka mackerel (code 207). The pollock and Pacific ocean perch were frozen and the Atka mackerel were processed for fishmeal. On March 14, the vessel's catch of allocated species was 41.32 tons of pollock, 5.57 tons of Pacific ocean perch, and 1.80 tons of Atka mackerel in the Yakutat area before shifting to the Kodiak area where 23.44 tons of pollock, 23.68 tons of Pacific ocean perch, 86.36 tons of Atka mackerel, and .36 tons of sablefish were caught. The pollock and Pacific ocean perch were frozen and the Atka mackerel were discarded.

2. A separate log sheet would be required to record the catch in each fishing area. The log form for the Yakutat area would appear as follows:

DAILY CUMULATIVE CATCH LOG

VESSEL NAME AND CALL SIGN: NAVIS LTUX PERMIT NO. LT-79-0001-A

FISHING AREA AND CODE NUMBER: YAKUTAT 64

DATE			SPECIES: Pollock - 701			SPECIES: Pacific ocean perch - 780			SPECIES: Atka mackerel 207		
DAY	MONTH	YEAR	CATCH	DISP	CUMULATIVE	CATCH	DISP.	CUMULATIVE	CATCH	DISP.	CUMULATIVE
13	3	79	80.32	C	80.32	12.24	C	12.24	6.20	M	6.20
14	3	79	41.32	C	121.64	5.57	C	17.81	1.80	D	8.00

APPENDIX IV—WEEKLY CATCH REPORT

A. Report form entries.

1. Page numbering: Sequentially number each page and the total number of pages in each submission. For example, the pages of a submission encompassing the catches of three vessels would be numbered "Page 1 of 3", "Page 2 of 3", and "Page 3 of 3".

2. Vessel name: Enter the vessel name as shown on the permit, flush left, up to 20 characters, in the space provided.

3. Permit number: Enter the current permit number without hyphens.

4. Month/Day: Enter the month and day on which the weekly reporting period ended. A reporting period begins on Sunday at 0001 hours, G.m.t. (except during the first week of each year when it begins on January 1) and ends on Saturday at 2400 hours, G.m.t. (except during the last week of each year when it ends on December 31).

For example, for the report period ending on Saturday, April 7, 1979, enter: 0407.

5. Area code: Enter the code from Appendix II for each area in which the vessel fished during the reporting period.

6. Days fished: Enter the number of days during which fishing gear was placed in the water in each fishing area during the reporting period.

7. Species: Enter the code from Appendix I for each allocated species caught during the reporting period. In addition, in the Washington, Oregon, California trawl fish-

ery, enter the species code 210 for salmon and the species code 722 for halibut.

8. Catch: Enter the round weight, to the nearest tenth of a metric ton (0.1 m.t.), by species and area, of allocated species caught during the reporting period, regardless of whether retained or discarded. In addition, in the Washington, Oregon, California trawl fishery, for salmon and halibut enter number of fish discarded.

9. Designated representative: Enter the name of the designated representative who is responsible for submitting reports for the foreign nation.

10. Date: Enter the date the report is submitted to the National Marine Fisheries Service by the designated representative.

B. Telex reports.

1. To ensure receipt of the Weekly Catch Report in a timely manner, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be submitted by mail as a confirmation. Designated representatives may include a number of vessel reports in one Telex message providing the information is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex shall contain the message identifier "CATREP" as the first group of the text to indicate that the information which follows constitutes a Weekly Catch Report. Data shall be submitted as follows:

Vessel name/Permit number/Date//
Area/Days fished//

Species/Catch//Species/Catch//etc.//
Area/Days fished//
Species/Catch//Species/Catch//ect.//etc.

C. Example of a Weekly Catch Report.

1. The stern trawler NAVIS, permit number LT-79-0001-A, entered the fishery conservation zone on Sunday, March 11, 1979, began fishing in the Yakutat area (code 64) of the Gulf of Alaska on March 13, and continued fishing in that area the morning of March 14. The afternoon of March 14, the vessel shifted to the Kodiak area (code 63), commenced fishing that evening, and continued fishing through Saturday, March 17, 1979. (Note that March 14 counts as a day fished in both area 64 and area 63). In the Yakutat area the vessel caught 121.6 tons of pollock (code 701), 17.8 tons of Pacific ocean perch (code 780), and 8.0 tons of Atka mackerel (code 207). In the Kodiak area the vessel caught 23.4 tons of pollock, 23.7 tons of Pacific ocean perch, 86.4 tons of Atka mackerel, and .4 tons of sablefish (code 703).

2. The text of the Telex report would appear as follows:

CATREP
NAVIS/LT790001A/0317//
64/2//
701/121.6//780/17.8//207/8.0//
63/4//
701/23.4//780/23.7//207/86.4//703/.4//

3. The completed form would appear as follows:

WEEKLY CATCH REPORT

 $W, A, V, I, S,$

W. A. V. L. S.

PAGE 1 OF

PERMIT NUMBER

MONTH DAY

$[L, T, 7, 9, 0, 0, 0, 1, A]$

1031171

[illegible]

DESIGNATED REPRESENTATIVE: *Smith Shipping Co.* DATE: *3/20/79*

RULES AND REGULATIONS

D. Submission instructions.

1. Weekly reports must be received from designated representatives in the prescribed format by the appropriate

Regional/Center Director of the National Marine Fisheries Service by the times indicated below:

Fishery	Address	Report Received by
Northwest Atlantic Ocean	Director, Northeast Region, National Marine Fisheries Service 14 Elm Street Gloucester, Massachusetts 01930 Telex No.: 940007.	Wednesday, 1900 G.m.t., following reporting period.
Washington, Oregon California Trawl	Director, Northwest Region National Marine Fisheries Service 1700 Westlake Avenue, North Seattle, Washington 98109 Telex No.: 9104442786.	Wednesday, 1900 G.m.t., following reporting period.
Seamount Groundfish	Director, Southwest Region National Marine Fisheries Service 300 South Ferry Street Terminal Island, California 90731.	Wednesday, 1900 G.m.t., following reporting period.
Atlantic Billfish and Sharks	Director, Southeast Fisheries Center National Marine Fisheries Service 75 Virginia Beach Drive Miami, Florida 33149.	Wednesday, 1900 G.m.t., following reporting period.
Bering Sea and Aleutian Islands Gulf of Alaska Groundfish Snails (Bering Sea) Crab (Bering Sea).	Director, Alaska Region National Marine Fisheries Service P.O. Box 1668 Juneau, Alaska 99801 Telex No.: 09945-377.	Second Monday, 1900 G.m.t., following reporting period.

2. By agreement with the appropriate Regional/Center Director, weekly reports may be submitted to some other appropriate representative of the National Marine Fisheries Service.

APPENDIX V—WEEKLY REPORT OF RECEIPT OF U.S. HARVESTED FISH

A. Report form entries.

1. Page numbering, vessel name, permit number, month/day, area code, designated representative, and date shall be entered in accordance with the instructions for the Weekly Catch Report contained in Appendix IV A 1-5, 9 and 10.

2. Species: Enter the code from Appendix I for each species received during the reporting period, including those which are subsequently discarded.

3. Amounts received: Enter the round weight, to the nearest tenth of a metric ton (0.1 m.t.), by species and area, of species received from vessels of the U.S. during the reporting period, regardless of whether retained or discarded.

B. Telex reports.

1. To ensure receipt of the Weekly Report of Receipts of U.S. Harvested Fish in a timely manner, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be submitted by mail as a confirmation. Designated representatives may include a number of vessel reports in one Telex message providing the information is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex shall contain the message identifier "RECREP" as the first group of the text to indicate that the information which follows constitutes a Weekly Report of Receipt of U.S. Harvested Fish. Data shall be submitted as follows:

Vessel name/Permit number/Date//
Area//
Species/Amount received//Species/Amount received//etc.//
Area//
Species/Amount received//Species/Amount received//etc.//etc.

C. Example of a Weekly Report of Receipt of U.S. Harvested Fish.

1. The stern trawler NAVIS, operating under permit number LT-79-0001-A which authorizes the receipt of U.S. harvested Pacific hake and other associated species in the Washington, Oregon, California trawl fishery, received from U.S. vessels in the Columbia area (Code 71) during the week of June 3-9, 1979, the following species and amounts: Pacific hake (code 704), 156.3 tons; rockfishes (code 849), .2 tons; jack mackerel (code 208), 27.0 tons; and other species (code 499), .1 tons.

2. The text of the Telex report would appear as follows:

RECREP
NAVIS/LT790001A/0609//
71//
704/156.3//849/.2//208/27.0//499/.1//

3. The completed form would appear as follows:

510-22-C]

WEEKLY REPORT OF
RECEIPT OF U.S. HARVESTED FISH

PAGE / OF /

$N_1 N_2 \dots N_s$

УДК 62-50

11:00 AM DAY

L	T	7	9	0	0	1	1	7
0	6	0	9	9				

SPECIES RECEIVED (METRIC TONS) BY AREA

[illegible]

DESIGNATED REPRESENTATIVE: Smith Shipping Co

DATE: 6/12/79

RULES AND REGULATIONS

D. *Submission instructions.* The submission instructions for the Weekly Catch Report, as contained in Appendix IV D, are applicable to this report. No report is required, however, for vessels which receive no U.S. harvested fish during the reporting period.

APPENDIX VI—WEEKLY REPORT OF MARINE MAMMAL INCIDENTAL CATCH

A. *Report form entries.*

1. Page numbering, vessel name, permit number, designated representative, and date shall be entered in accordance with the instructions for the Weekly Catch Report contained in Appendix IV A 1-3, 9, and 10.

2. For each mammal caught enter:

a. Date caught. Enter the month and day, e.g., for May 6, 1980, enter: 0506.

b. Latitude and longitude to the nearest degree.

c. Species code from Appendix I.

d. Status code as follows: 1—Killed during capture; 2—Injured during capture; 3—Dead prior to capture; and 4—Uninjured.

B. *Telex reports.*

1. To ensure receipt of the Weekly Report of Marine Mammal Incidental Catch in a timely manner, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be submitted by mail as a confirmation. Designated representatives may include a number of vessel reports in one Telex message providing the

information is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex shall contain the message identified "MAMREP" as the first group of the text to indicate that the information which follows constitutes a Weekly Report of Marine Mammal Incidental Catch. Data shall be submitted as follows:

Vessel name/Permit number//
Date/Latitude/Longitude/Species/
Status//
Date/Latitude/Longitude/Species/
Status//etc.

C. *Example of a Weekly Report of Marine Mammal Incidental Catch.*

1. The stern trawler NAVIS, permit number LT-79-0001-A, commenced fishing in the Bering Sea Area II on April 27, 1979. No marine mammals were taken incidental to fishing activities until May 15 when two harbor seals (code 967) were taken at 56°10' N, 171°25' W. One was killed during retrieval of the trawl and the other was uninjured. On May 17 at 56°35' N, 171°40' W, a northern sea lion (code 955) was injured during capture.

2. The text of the Telex report would appear as follows:

MAMREP
NAVIS/LT790001A//
0515/56N/171W/967/1//
0515/56N/171W/967/4//
0517/57N/172W/955/2//

3. The completed form would appear as follows:

WEEKLY REPORT OF MARINE MAMMAL INCIDENTAL CATCH

PAGE / OF /

N. A. V. 15.

PERMIT NUMBER

L, T, Z, 9, 0, 0, 0, 1, A

RECORD CATCH OF INDIVIDUAL ANIMALS - ONE ANIMAL PER LINE

STATUS CODES

1. KILLED DURING CAPTURE
2. INJURED DURING CAPTURE
3. DEAD PRIOR TO CAPTURE
4. UNINJURED

[illegible]

DESIGNATED REPRESENTATIVE SPIRIT H SHIPPING CO. DATE 5/21/79

D. *Submission instructions.* The submission instructions for the Weekly Catch Report, as contained in Appendix IV D, are applicable to this report. No report is required, however, for vessels which have no incidental catch of marine mammals during the reporting period.

§ 611.10 Fishery support operations.

(a) Fishery support operations are those activities described in § 611.2(r)(3).

(b) Fishery support operations by foreign fishing vessels within the fishery conservation zone are allowed only in those areas and during those times in which the vessel being supported is authorized to conduct directed fisheries, and under such other circumstances as may be designated in these regulations or the permit.

(c) No foreign fishing vessel may conduct fishery support operations in support of a vessel of the United States except as specifically authorized in the supporting vessel's permit.

§ 611.11 Gear conflicts.

(a) Each fishing vessel shall conduct its operations with due regard for the activities of other fishing vessels. Fishing vessels using mobile fishing gear shall take special care to minimize the possibility of conflict with, and damage to, fixed fishing gear.

(b) Each foreign fishing vessel shall maintain on its bridge a current plot of broadcast fixed-gear locations for the area in which it is fishing.

(c) Each foreign fishing vessel which is involved in a gear conflict, or which retrieves the gear of another fishing vessel in its gear, shall immediately notify the appropriate Coast Guard commander as indicated in § 611.4.

(d) Claims against another vessel concerning the loss of or damage to the fishing vessel, fishing gear or catch of a U.S. citizen which may have been caused by a foreign fishing vessel fishing pursuant to the Act may be resolved as follows:

(1) Claims involving loss or damage of property amounting to \$25,000 or less must be submitted to binding arbitration whenever demanded by the U.S. claimant or the owner or operator of the foreign fishing vessel which may have caused the loss or damage. If arbitration is demanded, both the U.S. claimant and the owner or operator of the foreign vessel, or their agents must appear at the arbitration proceedings and be bound by the decision of the arbitrator.

(2) Claims involving loss or damage of property amounting to over \$25,000 must be submitted to binding arbitration whenever demanded by the U.S. claimant. If arbitration is demanded by the U.S. claimant, both the U.S. claimant and the owner or operator of the foreign vessel, or their agents, must appear at the arbitration pro-

ceedings and the parties will be bound by the decision of the arbitrator.

(3) A demand for arbitration must be made in writing to the other party. Any arbitration proceeding under this paragraph shall be conducted according to the Commercial Arbitration rules of the American Arbitration Association, and shall be conducted in the United States. The list from which arbitrators are selected will, whenever possible, include individuals with knowledge in fishery matters or admiralty law.

§ 611.12 Directed fisheries.

(a) No foreign fishing vessel may conduct a directed fishery unless such directed fishery is authorized by, and conducted in accordance with, this Part 611.

(b) It shall be a rebuttable presumption that any haul that contains more than 50 percent by weight or number of fish (as appropriate for the gear in use) of any species or species group (such as "other species") was conducted for the purpose of catching that species or species group and therefore constitutes a directed fishery for that species or species group.

§ 611.13 Incidental catch—prohibited species.

(a) Each foreign fishing vessel shall minimize its catch of prohibited species.

(b) Each foreign fishing vessel shall sort its catch as soon as possible after retrieval of the catch and, after allowing for sampling by an observer (if any), shall return any catch of prohibited species or parts thereof to the sea immediately with a minimum of injury regardless of its condition.

(c) It shall be a rebuttable presumption that any prohibited species or part thereof found on board a foreign fishing vessel was caught and retained in violation of this Part 611.

§ 611.14 Incidental catch—other species.

(a) A fishing vessel may retain its incidental catch of any species for which there is an applicable, unfulfilled national allocation. Regardless of whether or not the catch of such authorized incidental species is retained or discarded it will be counted against the applicable national allocation.

(b) Species of fish which a foreign fishing vessel is not specifically authorized to retain under this Part shall be treated as prohibited species in accordance with § 611.13.

§ 611.15 Fishery closure procedures.

(a) A foreign fishing vessel's authorization to engage in fishing shall be cancelled when the Assistant Administrator finds that:

(1) The optimum yield for the directed fishery species has been reached;

(2) The optimum yield for any species or species group (such as "other species") caught as an incidental catch in the directed fishery has been reached;

(3) The total allowable level of foreign fishing for the directed fishery species has been reached;

(4) The total allowable level of foreign fishing for any species or species group (such as "other species") caught as an incidental catch in the directed fishery has been reached;

(5) Any applicable vessel-day limitation for the fishery or area has been reached;

(6) The applicable national allocation for the directed fishery species involved has been reached; or

(7) The applicable national allocation for any species or species group (such as "other species") caught as an incidental catch during the directed fishery has been reached.

(b) Vessel check-in/check-out information, United States surveillance observations, observer reports, and foreign catch and effort reports will be used to make the determinations listed in § 611.15(a). If the National Marine Fisheries Service (NMFS) estimates of catch or other values made during the season differ from those reported by the foreign fleets, immediate efforts will be initiated by the NMFS through the appropriate foreign authorities to resolve such differences. If, however, differences still persist after such efforts have been made, NMFS estimates shall be the basis for decisions and shall prevail.

(c) When closing a fishery, the Assistant Administrator will notify: (1) The foreign nation(s) involved; and

(2) the designated representative for any affected fishing vessel. If possible, at least 48 hours prior notice of the closing will be given. Failure of the Assistant Administrator to so notify will not relieve the foreign nation of its responsibilities to terminate fishing by its vessels when applicable allocations are reached.

(d) Any cancellation under this section of a foreign fishing vessel's authorization to engage in a fishery shall remain in effect until an applicable new or increased allocation becomes available unless earlier specified by the Assistant Administrator or by the regulations in this Part 611.

§ 611.16 Disposal of fishing gear and other articles.

(a) Except in cases of emergency involving the safety of the ship or crew, or as specifically authorized by communication from the Coast Guard, by an authorized officer, or, in the Northwest Atlantic Ocean fishery, by an em-

barked observer, no fishing vessel may intentionally place into the fishery conservation zone any article, including abandoned fishing gear, which may:

(1) Interfere with fishing or obstruct fishing gear or vessels; or

(2) Cause damage to any fishery resource or marine mammal.

(b) If any such article is encountered, or in the event of accidental or emergency placing of such article into the fishery conservation zone, the operator of the vessel shall immediately report the incident to the appropriate Coast Guard Commander (as provided in § 611.4) giving:

(1) The name of the reporting person and his vessel;

(2) The nature of the article;

(3) The location of the article; and

(4) The time and date of the incident.

(c) All fishing gear which is set or otherwise deployed in a manner in which it may entrap or otherwise catch fish shall be tended as frequently as necessary to ensure that its catch remains suitable for the use intended.

§ 611.17 Scientific research.

(a) The term "scientific research" contained in paragraph (r) of § 611.2 may include certain fishing activities such as the catching, taking, or harvesting of fish in commercial quantities, or the use of gear capable of catching, taking, or harvesting fish in commercial quantities, or fishing in areas, at times, for species, and with gear, any of which may not be otherwise authorized, if such activities are carried out in full cooperation with the United States.

(b) For the purpose of gathering additional management information, the Center Director may authorize limited "scientific research" as described in paragraph (a) of this section under terms and conditions to be specified by the Center Director.

Subpart B—Surpluses

§ 611.20 Total allowable level of foreign fishing.

(a) The total allowable level of foreign fishing (TALFF), if any, with respect to any fishery subject to the exclusive fishery management authority of the United States shall be that portion of the optimum yield (OY) of such fishery which will not be harvested by vessels of the United States.

(b) Each assessment of OY and each assessment of the anticipated U.S. harvest will be reviewed during each fishing season. Adjustments to TALFF's will be made based on updated information relating to status of

stocks, estimated and actual performance of domestic and foreign fleets, and other relevant factors.

(c) The following table lists the

annual TALFF's by species and fisheries. Unless otherwise specified, the annual period corresponds to the calendar year.

TABLE I

Fishery	Species	Species Code	TALFF (metric tons)
Northwest Atlantic Ocean	Butterfish	212	4,000
Do	Hake, red	105	23,400
Do	Hake, silver	104	52,200
Do	Herring, river	309	500
Do	Mackerel, Atlantic	204	1,200
Do	Other finfish	499	46,800
Do	Squid, long-finned	502	30,000
Do	Squid, short-finned	504	20,000
Atlantic Billfish and Sharks	Sharks	469	1,150
Washington, Oregon, California Trawl	Hake, Pacific	704	Reserved
Do	Flounders	129	Do.
Do	Mackerel, jack	208	Do.
Do	Rockfishes, including Pacific ocean perch.	849	Do.
Do	Sablefish	703	Do.
Do	Other species	499	Do.
Seamount Groundfish	Armorhead, alfonsons, and other groundfish.	499	2,000
Crab	Crab, Tanner	676	15,000
Gulf of Alaska Groundfish	Cod, Pacific	702	9,300
Do	Flounders, including yellowfin sole	129	16,600
Do	Mackerel, Atka	207	19,300
Do	Perch, Pacific ocean	780	16,000
Do	Pollock	701	20,800
Do	Rockfishes, other than Pacific ocean perch.	849	2,100
Do	Sablefish	703	4,900
Do	Squid	509	1,000
Do	Other species	499	11,000
Bering Sea & Aleutian Islands	Cod, Pacific	702	56,500
Do	Flounders, other than yellowfin sole	129	139,000
Do	Herring, Pacific	209	8,670
Do	Mackerel, Atka	207	24,800
Do	Perch, Pacific ocean	780	21,500
Do	Pollock	701	950,000
Do	Sablefish	703	3,900
Do	Sole, yellowfin	720	106,000
Do	Squid	509	10,000
Do	Other species	499	93,600
Snail	Snails (meats)	673	3,000

¹ Incidental catch only.

² The TALFF for armorheads, alfonsons, and other groundfish resources is subject to additional restrictions on total effort by foreign fishing vessels: No more than 50 vessel days of trawling and 50 vessel days of bottom longlining will be allowed in this fishery.

³ TALFF period is from January 1, 1979, through October 31, 1979. After October 31, 1979, the annual TALFF period is November 1 to November 1 of the following year.

⁴ TALFF period is from December 1, 1978 through October 31, 1979. After October 31, 1979, the annual TALFF period is November 1 to November 1 of the following year.

⁵ Does not include an amount held in reserve.

§ 611.21 Allocations.

The Secretary of State, in cooperation with the Secretary, determines the allocation among foreign nations of the TALFF. The Secretary of State officially notifies each foreign nation of its allocation by fishery and species. The burden of ascertaining and accurately transmitting current allocations and status of harvest of an applicable allocation to fishing vessels shall be upon the foreign nation and the owner or operator of the foreign fishing vessel.

§ 611.22 Fee schedule for foreign fishing permits.

(a) The fee charges for fishing by foreign flag vessels for fish over which

the United States exercises exclusive fishery management authority required by section 204(b)(10) of the Act and § 611.3(c)(3) of this part are specified as follows:

(1) *Permit fees.* The owners and operators of all foreign vessels engaging in fishing, as defined in § 611.2(r), are required to pay appropriate fees as specified in the following table. In the case of vessels described in more than one category, the highest applicable fee will be charged. Permit fees must be paid in advance and are not refundable. However, on a case-by-case basis, the Assistant Administrator for Fisheries may allow the substitution of like vessels when the original vessel has become disabled or otherwise cannot participate in the fishery.

TABLE I

Vessel Activity	Permit Fee
Catching (activities described in § 611.2(r)(1) or (2)) with an applicable national allocation (per gross registered ton).....	\$1.00
Catching (activities described in § 611.2(r)(1) or (2)) without an applicable national allocation, i.e., a nonretention fishery (per vessel).....	200.00
Processing (activities described in § 611.2(r)(3)(i)) (per gross registered ton) (up to \$2,500).....	.50
Other support (activities described in § 611.2(r)(3)(ii) or (iii)) (per vessel).....	200.00

(2) **Poundage fees.** (i) The poundage fee for each allocated species is calculated at 3.5 percent of the actual landed value per metric ton of the species to U.S. fishermen where U.S. landing data are available in 1977, the most recent year for which such data are available.

(ii) This fee must be paid in advance on the entire national allocation if the nation receiving the allocation chooses to accept it.

(3) **Method of payment.** (i) All payments received must be drawn in U.S. dollars, payable at a bank in the United States, and be made payable to the U.S. Department of Commerce, NOAA. In addition, payments from private firms or individuals should be in the form of a certified check.

(ii) Remittances should be sent to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Attention: F3. To facilitate processing, each remittance should be accompanied by a copy of the applicable bill for collection for identification purposes.

(iii) Refunds of poundage fees will be made only upon written application to the address mentioned in paragraph (a)(3)(ii) of this section. Refund requests must contain the following information:

(A) A statement that the amount involved is more than \$100.

(B) An explanation of the difference between the amount of actual catch and the amount authorized, and the reasons for the difference.

(b) The following ex-vessel prices to be used for computing fees are based on U.S. commercial landings in 1977, except where noted:

AVERAGE EX-VESSEL VALUES PER METRIC TON

Species	Values
Butterfish.....	\$626
Cod, Pacific.....	359
Crab, tanner (snow).....	661
Flounders, Pacific.....	407
Hake, Pacific.....	176
Hake, red.....	199
Hake, silver (whiting).....	205
Herring, Atlantic.....	200
Herring, Pacific—roeless.....	100
Herring, Pacific—with roe.....	991
Herring, river (alewives).....	100
Mackerel, Atka.....	223
Mackerel, Atlantic.....	385
Mackerel, jack.....	110
Other billfish, Pacific.....	664
Other finfish, Atlantic.....	382
Other groundfish, Pacific.....	49
Pacific ocean perch.....	356
Pollock, Alaska.....	176
Rockfishes.....	356
Sablefish—longline caught.....	1,477
Sablefish—trawl caught.....	551
Seamount groundfish.....	397
Sharks, Atlantic (except dogfish).....	210
Sharks, Pacific (except dogfish).....	396
Snails (meat).....	1,657
Squid, Atlantic—Illex.....	472
Squid, Atlantic—Loligo.....	938
Squid, Pacific.....	458
Striped marlin, Pacific.....	2,346
Swordfish.....	5,875

¹Price for *C. opilio* paid in Dutch Harbor in the 1977/78 season. Source: Resource Statistics Division, National Marine Fisheries Service.

²Source: Fishermen's Marketing Association of Washington, Inc. Price list effective as of October 16, 1977 (8 cents/pound).

³Price for mature herring.

⁴Prices based on landings in Japan.

⁵Based on average prices for other rockfishes.

Subpart C—Atlantic Ocean

§ 611.50 Northwest Atlantic Ocean fishery.

(a) **Purpose.** This subpart regulates all foreign fishing conducted under a

Governing International Fishery Agreement within the fishery conservation zone in the Atlantic Ocean north of 35°00'N. latitude, except for the longline fishery which is regulated under § 611.60.

(b) **Authorized fishery.**—(1) **Allocations.** Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) **Permitted fishing.** Vessels subject to this section may fish only during the seasons and with the types of gear specified in Table I of this section. Fishing may be conducted only in the areas specified in Figure 1 of Appendix II to § 611.9.

(3) **TALFF.** The total allowable levels of foreign fishing (TALFFs) for the Northwest Atlantic Ocean fishery are set forth in Table I to § 611.20(c). The TALFFs for red hake and silver hake, as set forth in that Table, are divided between Area 5 and the other four areas as follows:

	Silver hake	Red hake
Areas 1 through 4.....	19,400	8,400
Area 5.....	32,800	15,000
Total.....	52,200	23,400

(4) **Species definitions.** The category "other finfish" used in TALFFs and in allocations includes all species except:

(i) The other allocated species, namely: silver hake, red hake, short-finned squid, long-finned squid, Atlantic mackerel, river herring (includes alewife, blueback herring, and hickory shad), and butterfish; and

(ii) American shad, Atlantic cod, Atlantic herring, Atlantic menhaden, Atlantic redfish, Atlantic salmon, all billfish, black sea bass, bluefish, croaker, haddock, pollock, scup, sea turtles, sharks (except dogfish), spot, striped bass, tilefish, yellowtail flounder, weakfish, Continental Shelf fishery resources, and other invertebrates (except non-allocated squids).

[3510-22-C] Table I. Fishing gear and season restrictions by fishing area.
Northwest Atlantic Ocean Fishery
Off-Bottom Gear Only

Area	January	February	March	April	May	June	July	August	September	October	November	December
1												
2									21			
3												
4												
5												

Area	January	February	March	April	May	June	July	August	September	October	November	December
1												
2												
3												
4												
5												

Unless otherwise noted, seasons open at 0001 hours local time on the first day of the month and terminate at 2400 hours local time on the last day of the month.

- 1/ Coordinates of the various areas are set forth in Figure 1 to Appendix II. of #611.9.
- 2/ Season begins at 0001 hours local time on June 15, and terminates at 2400 hours local time on September 15.

||||| Denotes maximum open fishing season, subject to possible earlier closure for some or all nations in accordance with #611.15

(5) *Closures.* The taking of any species for which a nation has an allocation is permitted, provided that:

(i) The vessels of the foreign nation have not caught the allocation of that nation for any species or species group (e.g., "other finfish"). When vessels of a foreign nation have caught an applicable allocation of any species, all further fishing (as defined in § 611.2(r)(1)) by vessels of that nation must cease, even if other allocations have not been reached. Therefore, it is essential that foreign nations plan their fishing strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species.

(ii) The fishery has not been closed for other reasons under § 611.15

(6) *Allocation utilization.* Foreign fishing vessels may elect to retain or discard allocated species; however, the computation of allocation utilization and fee refunds will be based on the total quantity of that species which was caught. Prohibited species must always be returned to the sea as required under § 611.13.

(7) *Additional authorization.* For the purpose of gathering additional management information, the Regional Director may authorize limited foreign fishing in areas, during seasons, and using gear not otherwise authorized in this Subpart. Special reporting requirements for such fishing may be specified by the Regional Director.

(c) *Gear restrictions.* (1) No foreign fishing vessel may use on the bottom a trawl net having, in any part of the net, meshes of less than 60 millimeters (inside measure when wet after use).

(2) No foreign fishing vessel may use any trawl net having, in any part of the net, meshes of less than 45 millimeters (inside measure when wet after use).

(3) Meshes are to be measured by a flat, wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into meshes under a pressure or pull of 5 kilograms. The mesh size of a net shall be taken to be the average of the measurements of any series of twenty consecutive meshes, at least ten meshes from the lacings, and, when measured in the codend of the net, beginning at the after end and running parallel to the long axis.

(4) No foreign fishing vessel may use any device or method which would have the effect of reducing mesh size, except that:

(i) Chafing gear may be attached to the underside of the codend of bottom

trawl nets. Chafing gear may not be attached to trawl nets having a mesh size of less than 60 millimeters.

(ii) Net strengtheners may be attached to the codend of trawl nets providing such net strengtheners consist of mesh material identical or similar to the material of the codend and have a mesh size of at least twice the minimum authorized mesh size.

(5) To qualify as off-bottom gear, a trawl net must:

(i) Be a truly pelagic trawl net, operated with neither the doors nor the net mouth in contact with the bottom; or

(ii) Be rigged so that the net mouth operates not less than 60 centimeters above the bottom. An otherwise standard bottom trawl net will be considered to meet this requirement if:

(A) It has attached perpendicular to the net mouth "hanging line" chains not shorter than 60 centimeters;

(B) Each chain hangs loose or is attached to steel bobbins; and

(C) No weights or other attachments are directly secured to the "hanging line" other than the chains specified in (A) above, or flotation devices.

(d) *Fixed gear avoidance.* (1) No foreign fishing vessel may trawl:

(i) In any fixed-gear area (as broadcast by the Coast Guard; see § 611.11 and paragraph (d)(2) of this section);

(ii) Between the 100 and 200 fathom bottom contours in fishing areas 1-4.

(2) The locations (latitude and longitude) of fixed-gear areas are broadcast at 1350 G.m.t. on the first day of each month by Coast Guard Communications Station Boston (NMF) on 472 kHz radiotelegraphy. Broadcast is also made on 8502 kHz via simultaneous keying when necessary.

Voice broadcasts of the locations (LORAN A lines) of fixed-gear areas are made in English each day: Coast Guard Communications Station Boston (NMF) broadcasts at 1405 G.m.t. on 2670 kHz; Coast Guard Communications Station Portsmouth (NMN) broadcasts at 1905 G.m.t. on 2670 kHz; and the Boston and Norfolk marine operators broadcast after their scheduled marine information broadcasts.

The list of areas is updated each day at 1350 G.m.t. All broadcasts are numbered sequentially by month, day and year. A printed monthly summary of fixed-gear information is available from Commander (Ao 1), Coast Guard Atlantic Area, Governors Island, New York, N.Y. 10004 (Telephone: 212-264-0645; Telex 126831).

(e) *Collection, maintenance, and reporting of data.* In addition to the requirements of § 611.9, each foreign

nation or foreign fishing vessel shall collect, maintain or report on a timely basis accurate data relating to fishing operations as specified below. The following logs or reports are required:

(1) *Fishing log.* Each vessel which engages in fishing, as defined in § 611.2(r)(1), shall maintain a record of all catches during the permit period. While no form is specified, this fishing log shall contain the following information on a set-by-set basis:

(i) Date;

(ii) Trawl number (number sets consecutively each day);

(iii) Times of commencement and completion of each set;

(iv) Vessel's positions in degrees and minutes of latitude and longitude at the times of commencement and completion of each set;

(v) Type of gear used;

(vi) Mesh size (inside measure when wet after use);

(vii) Quantity of total catch to the nearest hundredth of a metric ton (0.01 m.t.);

(viii) Quantity of each species to the nearest hundredth of a metric ton (0.01 m.t.) (use species codes from Appendix I to § 611.9);

(ix) Disposition of the catch, by species (human consumption (including fish consumed on board), fishmeal, or discarded).

(2) *Quarterly scientific report.* (i) Each foreign nation whose vessels engage in fishing in the Northwest Atlantic Ocean fishery shall submit not later than three months after the close of each quarter a quarterly scientific report (QSR) of the catch and effort of each such vessel to:

Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts 02543.

Quarterly scientific reports shall be submitted for each vessel for each 30 minute latitude by 30 minute longitude area in which the vessel engaged in fishing, and for each gear type used by the vessel in a given 30 minute latitude by 30 minute longitude area, by semimonthly periods. Effort data must be submitted whether or not any catch was taken. The catch of each species taken, even if discarded, must be shown in hundredths of a metric ton (0.01 m.t.) (live round weight).

(ii) Quarterly scientific reports should be completed in accordance with the instructions in Appendix I to this section and may be submitted in the format shown in Figure 1 to Appendix I or by magnetic tape, computer cards, or printouts. Data may also be reported using the 1977 version of the STATLANT 21-B for and the procedures established form that form.

APPENDIX I—QUARTERLY SCIENTIFIC REPORT (QSR)

A. Report form entries. See Figure 1 for report form.

1. Year/Quarter: Enter the year and quarter for which the report is prepared. For example: 1979/2 designates April, May, and June of 1979.

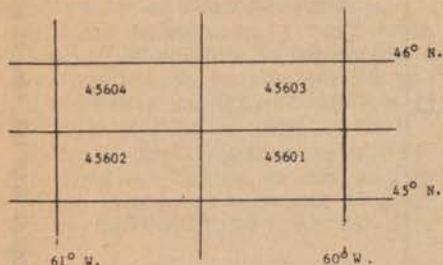
2. Vessel name: Enter the vessel name as shown on the vessel's permit.

3. Permit number: Enter the current permit number without hyphens.

4. Vessel size code: Enter the code number which indicates the vessel's tonnage (GRT) from the following list:

Tonnage (GRT)	Code number
0-24.9	1
25-49.9	2
50-149.9	3
150-499.9	4
500-999.9	5
1000-1999.9	6
2000 and over	7

5. Area designation: Enter the five digit code which indicates the latitude, longitude and quadrant of the 30 minute latitude by 30 minute longitude area for which the report is submitted. The first two digits of the code are determined from the latitude in degrees (disregarding minutes); the second two digits are determined by the longitude in degrees (disregarding minutes); and the fifth digit is determined from the quadrant within the one degree latitude by one degree longitude area as follows: southeast-1, southwest-2, northeast-3, and northwest-4. For example, the 30 minute latitude by 30 minute longitude areas 45601, 45602, 45603, and 45604 are shown in the following diagram:



A separate report is required for each area designation in which each vessel fishes.

6. Fishing gear: Enter the standard abbreviations from the following list for the fishing gear used in the area designated in item 5. A separate report is required for each fishing gear used in the area.

Gear category	Standard abbreviation
Bottom otter trawl (side)	OTB-1
Bottom otter trawl (stern)	OTB-2
Off-bottom otter trawl (see § 611.50(c)(5) for definition of this gear)	OTB-3
Midwater otter trawl (side)	OTM-1
Midwater otter trawl (stern)	OTM-2
Bottom pair trawl	PTB
Midwater pair trawl	PTM
Purse seine	PS
Gillnets (set)	GNS
Gillnets (drift)	GND
Gillnets (fixed)	GNF

Gear category

Standard abbreviation

Longlines (set)	LLS
Longlines (drift)	LLD
Traps	FIX
Miscellaneous gears (other than above)	MLS

7. Target species/codes: Enter the common names and species codes (as listed in Appendix I to § 611.9) of the main species sought in the area designated during the period of the report.

8. Page numbering: Sequentially number each page and the total number of pages in the submission for each vessel. For example, if a stern trawler fished during the period of the report by bottom trawl in three different 30 minute latitude by 30 minute longitude areas and by off-bottom trawl in two of those same areas, the pages of that vessel's

report would be numbered "page 1 of 5" through "page 5 of 5".

9. Semimonthly periods: Enter the designation for each semimonthly period of the quarter during which fishing effort was expended in the area designated and using the gear indicated. The designation is a three digit number consisting of the numerical equivalent of the month (01 for January through 12 for December) followed by the numeral 1 for days 1-15 of each month or the number 2 for days 16 through the end of the month. Thus, the semimonthly period June 16-30 would be designated 062 and the semimonthly period July 1-15 would be designated 071.

10. Effort by standard units: Whenever possible, enter the effort expended during each semimonthly period in the standard units shown below for the fishing gear indicated on the report.

Fishing gear	Standard effort units	Computation
Purse seines	No. of sets	Number of times the gear has been set or shot, whether or not a catch was made.
Trawls	No. of hours fished	Number of hours during which the trawl was in the water fishing.
Gillnets (set or drift)	No. of 100 meter net sets	Length of nets in meters divided by 100 multiplied by the number of sets made.
Gillnets (fixed)	No. of 100 meter net clearings	Length of nets in meters divided by 100 multiplied by the number of times the net was cleared.
Traps	Pot-days	Number of days pots are in the water and fishing multiplied by the number of pots hauled.
Longlines (set or drift)	Hook-days per thousand hooks	Number of hooks fished divided by 1000 multiplied by number of days fished.

11. Days on grounds: Enter the number of days the vessel was on the fishing grounds. Any portion of a day on the grounds shall be counted as one day on the grounds.

12. Days fished: Enter the number of days the vessel fished. Any portion of a day fished shall be counted as one day fished.

13. Hours fished: Enter the number of hours fished to the nearest hour.

14. Species name: Enter the common names of each species caught in the area designated during the period of the report by the gear indicated. Attach additional sheets as necessary to include all species caught.

15. Species code: Enter the species code (as listed in Appendix I to § 611.9) corresponding to each species named.

16. Catch data: For each species, enter the live round weight to the nearest hundredth of a metric ton (0.01 m.t.) of fish caught, by semimonthly period. For quantities which are not retained, add the suffix "D" (for discarded) following the specific semimonthly catch figure for such discarded quantities.

17. Total during the semimonthly period: Enter the total of all species caught in the area and by the gear indicated during the semimonthly period.

18. Total by species: Enter the total for each species caught in the area and by the gear indicated.

19. Grand total: Enter the total fish caught in the area and by the gear indicated during the period of the report.

B. Submission instructions. Submission of the QSR by magnetic tape, computer cards, or printouts will be accepted in lieu of the report form shown in Figure 1. Data may

also be reported using the 1977 version of the STATLANT 21-B form and the procedures established for that form. Questions regarding submission should be directed to:

Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts 02543.

Subpart D—Atlantic, Caribbean, and Gulf of Mexico

§ 611.60 Atlantic billfish and sharks fishery.

(a) Purpose. This section regulates all foreign longline fishing conducted under a Governing International Fishery Agreement which involves the catching of any species of billfishes, sharks, or other fish in the fishery conservation zone (FCZ) of the United States in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

(b) Authorized fishery.—(1) Allocations. Foreign vessels may engage in fishing for sharks only in accordance with applicable national allocations.

(2) TALFF. The total allowable level of foreign fishing (TALFF) for sharks is set forth in Table I to § 611.20(c).

(3) Open season and closures. Foreign fishing authorized under this subpart may be conducted throughout the year, except that any retention of shark shall terminate when the applicable national allocation has been

reached. The fishery closure provisions of § 611.15(a) do not apply to this section.

(c) *Prohibited species.* (1) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no applicable national allocation are prohibited species and shall be treated in accordance with § 611.13. Sharks caught in excess of an applicable national allocation are prohibited species.

(2) Unless otherwise specifically instructed by a U.S. observer or authorized officer:

(i) All prohibited species must be released with a minimum of injury regardless of the condition of the fish.

(ii) All billfish and all prohibited sharks must be released by cutting the line (or by other appropriate means) without removing the fish from the water.

(3) As a means of rebutting the presumption of § 611.13(c), a vessel may store all prohibited species caught outside the FCZ in a separate part of the hold that can be sealed, and may have its holds inspected and sealed before commencing fishing in the FCZ. Seals affixed during such inspection shall be maintained in an unbroken condition during the time the fishing vessel is in the FCZ. Such inspections may be obtained at Venice or New Orleans, La., Key West, Fla., Mayaguez, P.R., or Norfolk, Va., upon 48 hours advance notification to the: Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702. Telephone: 813-893-3145.

(4) Additional ports for hold inspection may be arranged with the Regional Director.

(5) The designation of ports for hold inspections does not modify the port entry arrangements or requirements (if any) of Governing International Fishery Agreements or the notification requirements or other requirements of any other laws or regulations of the United States.

(d) *Open area.* Except for the closed area set forth in paragraph (e) of this section, foreign fishing authorized under this subpart may be conducted in that portion of the FCZ in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea.

(e) *Closed area.* The area known as East and West Flower Garden Banks, a proposed marine sanctuary, is closed to directed foreign fishing for sharks. Flower Garden Banks is the ocean space including the water column and the surface waters within two intersecting circles 9 nautical miles in radius from the center of each bank.

The area of this proposed sanctuary is 432 square nautical miles.

The geographical centers of the banks are as follows. For the West Flower Garden Bank, the center point, is located at 27°52'14.21" N. lat., 93°48'54.79" W. long. For the East Flower Garden Bank, the center point, P2, is located at 27°55'07.44" N. lat., 93°36'08.49" W. long.

(f) *Gear restrictions.* Foreign vessels participating in a directed fishery for sharks must use a minimum sized hook of 7 inches shank length and 2.5 inches gap (distance between tip and shank) when fishing inside the 100-fathom depth contour. There is no hook size restriction seaward of the 100-fathom depth contour.

(g) *Statistical reporting.* (1) In addition to the requirements of § 611.9, a vessel of a nation with an applicable allocation shall submit the following additional quarterly reports:

(i) Catch and effort data, summarized weekly by one degree squares, containing the following information:

(A) Number of hooks set,

(B) Number of sharks caught under allocation,

(C) Number of prohibited species (by species code from Appendix I to § 611.9) caught and released,

(D) Number of prohibited species (by species code) released alive.

(ii) Summary of vessel activities containing the following information:

(A) Permit number of each vessel fishing,

(B) For each successive day of the reporting period, the noon-day location (within 0.1 degree of latitude and longitude) of each vessel in the fishery.

(2) A vessel of a nation with no applicable allocation is exempt from the requirements of § 611.9 (d) and (e) but shall provide the reports required by § 611.9 (f) and (g), when applicable. In addition, a vessel of a nation with no applicable allocation shall submit the quarterly reports described in paragraph (g)(1)(i) ((A), (C), and (D), only) and (ii) of this section.

(3) The quarterly reports required by paragraphs (g) (1) and (2) of this section shall be submitted, not later than 60 days from the end of the quarter for which the report is being made, to: Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149. Telephone: 305-361-5761.

Subpart E—Northwest Pacific

§ 611.70 Washington, Oregon, California Trawl fishery. [Reserved]

Subpart F—Western Pacific Ocean

§ 611.80 Seamount groundfish fishery.

(a) *Purpose.* This subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement in the fishery conservation zone of the western Pacific Ocean.

(b) *Authorized fishery.*

(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations and vessel day limitations.

(2) *TALFF.* The total allowable levels of foreign fishing (TALFFs) for the seamount groundfish fishery are set forth in Table I to § 611.20(c).

(3) *Species definitions.* The category "other groundfish" used in TALFFs and in allocations includes all species of finfish caught incidental to directed fishing for pelagic armorheads and alfonsons.

(4) *Effort restrictions.* The annual vessel day limit for total foreign fishing effort is 50 vessel days each of trawling and bottom longlining.

(5) *Open Season.* Foreign fishing authorized under this subpart may begin at 0800 G.m.t. on May 1 and will terminate not later than 0800 G.m.t. on October 1. This fishery may also be closed in accordance with § 611.15.

(c) *Prohibited species.* All Continental Shelf fishery resources, and all other species of fish except for alfonsons, armorheads and other groundfish, are prohibited species and shall be treated in accordance with § 611.13.

(d) *Open area.* Foreign vessels may engage in fishing for pelagic armorheads, alfonsons, and other groundfish only in those portions of the fishery conservation zone west of the 180° meridian and north of 28° N. latitude.

(e) *Gear restrictions.* No gear other than trawl or bottom longline gear may be used.

(f) *Collection, maintenance and, reporting of data.* In addition to the requirements of § 611.9, each foreign nation or foreign fishing vessel shall collect, maintain, or report on a timely basis, accurate data relating to fishing operations as specified in this section. All submissions required by this section shall be sent to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 or, in the case of logbook data, hand delivered to the National Marine Fisheries Service observer on board the vessel upon his request. The following logs and reports are required:

(1) *Fishing log.* (i) Each fishing vessel which conducts trawling operations shall maintain and submit a

fishing log which contains data for each haul as follows:

- (A) Vessel and name permit number;
- (B) Date;
- (C) Codend mesh size to the nearest millimeter;

(D) Length of the footrope to the nearest tenth of a meter (0.1 m.) and average distance between footrope and headrope to the nearest tenth of a meter (0.1 m.);

(E) Time at the beginning of the haul and the total duration of the haul to the nearest five (5) minutes;

(F) Location at the midpoint of each haul to the nearest tenth (0.1) minute of latitude and longitude;

(G) Average depth of the seabottom to the nearest meter;

(H) Average fishing depth of the footrope to the nearest meter;

(I) Average fishing speed of the vessel (towing speed) to the nearest tenth of a knot (0.1 kt);

(J) Catch, by individual species, to the nearest tenth of a metric ton (0.1 m.t.); and

(K) Approximate weight (kilograms, by genus, of the incidental catch of the corals designated in § 611.2(h) of this Part.

(ii) Each fishing vessel which conducts longlining operations shall maintain and submit a fishing log which contains data for each fishing day as follows:

- (A) Vessel name and permit number;
- (B) date;
- (C) Midday location of fishing, to the nearest tenth (0.1) minute of latitude and longitude;
- (D) Average depth of hooks set, in meters;

(E) Number of hooks set and average soak time;

(F) Number of fish caught, by species, for pelagic armorhead, alfonsoin, and other groundfish species.

(iii) If the fishing log is not delivered to a National Marine Fisheries Service observer on board the vessel, it shall be mailed to the Regional Director not later than 30 days following completion of fishing.

(2) *Annual report.* Each nation whose vessels engage in the seamount groundfish fishery shall submit by February 28 of the following year, annual catch and effort statistics as follows: (i) Catch in metric tons by gear type by month by area to the nearest one-half degree (0.5°) latitude and by one degree (1°) longitude, by the following species groupings; pelagic armorhead, alfonsoin, other groundfish; (ii) Catch in kilograms of corals taken incidental to fishing operations by month by area to the nearest one-tenth degree (0.1°) latitude and longitude by the following species groupings: pink coral, gold coral, bamboo coral, other corals; and (iii) Effort, in hours trawled or average number of

hooks soaked per 24-hour period, by month by area to the nearest one-half degree (0.5°) latitude and one degree (1°) longitude.

Subpart G—North Pacific Ocean and Bering Sea

§ 611.90 General provisions.

(a) *Purpose.* This Subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement in the fishery conservation zone seaward of the State of Alaska.

(b) *Open season.* Except as otherwise specified in the following sections, fishing by foreign vessels may be conducted throughout the year. The specific times for opening and closing seasons and areas in this Subpart shall be 0800 G.m.t. on the dates indicated. The fisheries regulated under this Subpart may also be closed in accordance with § 611.15.

(c) *Fishing areas—(1) General.* Unless specifically authorized, no foreign vessel may engage in fishing within twelve nautical miles of the baseline used to measure the territorial sea.

(2) *Support operations.* Loading and other support operations by foreign vessels are permitted only in areas where the vessel being supported is authorized to fish, and in the following areas between three and twelve nautical miles from the baseline used to measure the territorial sea:

(i) Near Forrester Island, Alaska, bounded on the north by 54°54' N. latitude, on the east by 133°16' W. longitude, and on the south by 54°44' N. latitude;

(ii) On the east side of Kayak Island, Alaska, between 59°48' N. latitude and 59°56' N. latitude west of 143°53' W. longitude, and on the west side by Kayak Island between 59°52' N. latitude and 60°07' N. latitude east of 145° W. longitude;

(iii) North of Tonki Cape on Afognak Island, Alaska, bounded on the north by 58°35' N. latitude, on the south by 58°25' N. latitude, on the west by 152°02' W. longitude and on the east by 151°52' W. longitude;

(iv) North and west of Sanak Island, Alaska, bounded on the north by 54°36' N. latitude, on the south by 54°26' N. latitude, on the west by 163°05' W. longitude and on the east by 162°40' W. longitude;

(v) On the south side of Unalaska Island, Alaska, between 167°18' W. longitude and 167°40' W. longitude (from January 1 to October 15, only);

(vi) On the north side of Unalaska Island, Alaska, between 167°15' W. longitude and 167°35' W. longitude (from January 1 to October 15, only);

(vii) On the south side of Umnak Island, Alaska, between 168°15' W. lon-

gitude and 168°30' W. longitude (from October 15 to January 1, only);

(viii) On the north side of Umnak Island, Alaska, between 168°25' W. longitude and 168°40' W. longitude and between 168°50' W. longitude and 169°00' W. longitude (from October 15 to January 1, only);

(ix) Off St. George Island of the Pribilof Islands, Alaska (from November 1 to May 1, only);

(x) On the north side of St. Matthew Island, Alaska, between 172°29' W. longitude, and 172°46' W. longitude, and on the south side of St. Matthew Island, between 172°17' W. longitude, and 172°35' W. longitude, and between 172°54' W. longitude, and 173°04' W. longitude.

(d) *Gear restriction.* No foreign vessel may possess crab pots in the FCZ while engaging in any fishery other than the Tanner crab fishery.

(e) *Statistical reporting.* (1) In addition to the requirements of § 611.9, the owner or operator of any foreign fishing vessel shall maintain catch and effort statistics as required by this Subpart and shall report the information, through the designated representative, to the Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A. 99801.

(2) *Cumulative catch log, weekly catch report, and weekly report of marine mammal incidental catch.* The requirements of § 611.9(d) that each vessel maintain a daily cumulative catch log, of § 611.9(e) that the weekly catch report be on a vessel-by-vessel basis, and of § 611.9(g) that the weekly report of marine mammal incidental catch be on a vessel-by-vessel basis are waived for fishing vessels that are not equipped with processing facilities and deliver all catches to a factory ship, provided that a consolidated cumulative catch log is maintained by the factory ship which accounts for all such fish received, and provided that the required data for the fishing vessels are consolidated and reported by the factory ship in the manner specified in § 611.9(d), (e), and (g).

§ 611.91 Tanner crab fishery.

(a) *Purpose.* This section regulates foreign fishing for Tanner crab (all species of the genus *Chionoecetes*, including *C. bairdi*, *C. opilio*, and hybrids) in the Bering Sea.

(b) *Authorized fishery.—(1) Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF.* The total allowable level of foreign fishing (TALFF) for Tanner crab is listed in Table I to § 611.20(c).

(3) *Closures.* The taking of Tanner crab for which a nation has an allocation is permitted, provided that the fishery has not been closed under § 611.15.

(4) *Directed fishery.* The Tanner crab fishery may be conducted only as a directed fishery. Notwithstanding the fact that there may be an applicable national allocation of Tanner crab and the fact that a vessel may be permitted in the Tanner crab fishery in addition to the snail fishery and/or the Bering Sea and Aleutian Islands fishery, Tanner crab caught while engaged in another fishery may not be retained.

(c) *Open areas.* Except for the closed areas set forth in paragraph (d) of this section, foreign fishing vessels may fish for Tanner crab in the entire Bering Sea.

(d) *Closed areas.* No foreign vessel may fish for Tanner crab:

(1) Within twelve nautical miles of the baseline used to measure the U.S. territorial sea; (2) South of 58° N. latitude; or (3) East of 164° W. longitude.

(e) *Gear restrictions.* (1) No foreign vessel fishing for Tanner crab may use gear other than crab pots. A crab pot is defined as a portable structure designed and constructed to capture and retain crabs alive in the water.

(2) No foreign fishing vessel may possess crab pots in the FCZ while engaging in any other fishery.

(f) *Other restrictions.*—(1) *Non-retention.* No foreign vessel may retain any female or soft shell Tanner crab or any species of crab other than the genus *Chionoecetes*. All female or soft shell Tanner crabs and all crabs other than the genus *Chionoecetes* shall be immediately returned to the sea in a manner which minimizes handling mortality, and in accordance with § 611.13.

(2) *Processing.* No foreign fishing vessel operating with a factory ship may process Tanner crabs. All crabs

taken by such vessels must be processed solely by a factory ship permitted in the Tanner crab fishery.

(3) *Loading and off-loading.* Tanner crabs must be taken aboard factory ships in a manner in which an observer can verify the total weight of crabs taken aboard. Tanner crabs off-loaded within the fishery conservation zone from fishing vessels not operating with a factory ship must be transferred in a manner in which an observer can verify the total weight of crabs off-loaded.

(4) *Pre-departure inspection.* No foreign vessel which engages in fishing, as defined in § 611.2(r)(1), in the Tanner crab fishery, other than a vessel operating with a factory ship, may depart the fishery conservation zone until its catch of crabs on board is inspected by an observer or an authorized officer. Fishing, as defined in § 611.2(r)(1), by such vessel after the pre-departure inspection is prohibited.

(g) *Additional reports.*—(1) *Daily report.* Each foreign vessel which engages in fishing, as defined in section 611.2(r)(1), in the Tanner crab fishery, other than a vessel operating with a factory ship, shall report daily to the Regional Director, NMFS, Juneau, Alaska:

(i) The vessel's 12 noon (G.m.t.) position;

(ii) The vessel's catch for the preceding day by the following categories: *C. bairdi*, *C. opilio*, and hybrids; and

(iii) The vessel's cumulative catch.

(2) *Weekly catch report.* The weekly catch report required by section 611.9(e) shall be submitted to the Regional Director within 6 days following each 7-day period, and shall contain the following information in addition to that required by section 611.9(e):

(i) Effort in total pots lifted during the 7-day period, and

(ii) Catch during the 7-day period, in metric tons and number of crabs, by the following categories: *C. opilio*, *C. bairdi*, and hybrids.

(3) *Annual report.* Each nation whose vessels engage in this fishery shall report by May 30 of the following year annual catch and effort statistics as follows: *Effort* in number of pots hauled and hours pots soaked; *catch* in metric tons and the number of Tanner crabs by the following categories: *C. opilio*, *C. bairdi*, and hybrids. Each of these requirements is to be supplied by vessel class, by month, by 1/2° (lat.) by 1° (long.) statistical area.

§ 611.92 Gulf of Alaska groundfish fishery.

(a) *Purpose and scope.* (1) This section regulates foreign fishing for groundfish in the Gulf of Alaska, which includes that portion of the North Pacific Ocean, exclusive of the Bering Sea, between 132°40' W. longitude and 170°00' W. longitude.

(2) For regulations governing fishing for groundfish in the Gulf of Alaska by vessels of the United States, see 50 CFR Part 672.

(3) The specifications of total allowable levels of foreign fishing (TALFFs) and reserves are effective from December 1, 1978, through October 31, 1979, unless amended. After October 31, 1979 the annual specifications of TALFFs and reserves shall be effective from November 1 to November 1 of the following year, unless amended.

(b) *Authorized fishery.*—(1) *TALFFs and reserves.* The total allowable levels of foreign fishing (TALFFs) and the amounts of fish set aside as a reserve in each fishing area are set forth in Table I of this section.

TABLE I.—Gulf of Alaska Groundfish Fishery: TALFF and Reserve ¹ by Species and Fishing Area for 1978/1979

		[Metric Tons]					
		FISHING AREAS ²					
Species		Shumagin	Chirikof	Kodiak	Yakutat	Southeast	Total
Pollock	TALFF	7,000	6,700	5,000	1,500	600	20,800
	Reserve	45,200	43,100	32,400	9,900	3,200	133,800
Pacific Cod ³	TALFF	2,570	1,150	4,080	1,130	370	9,300
	Reserve	2,730	1,150	4,420	1,270	430	10,000
Flounders	TALFF	5,200	1,300	5,900	3,200	1,000	16,600
	Reserve	3,000	800	3,500	1,800	600	9,700
Pacific Ocean Perch	TALFF	1,700	1,700	3,400	5,000	4,200	16,000
	Reserve	900	900	1,600	2,500	2,000	7,900
Other Rockfishes ⁴	TALFF	100	100	100	900	900	2,100
	Reserve	100	100	300	1,600	1,400	3,500
Sablefish	TALFF	1,300	800	1,400	1,400	0	4,900
	Reserve	700	600	900	1,200	700	4,100
Atka Mackerel	TALFF	3,400	2,800	12,300	800	0	19,300
	Reserve	1,000	800	3,500	200	0	5,500
Squid	TALFF	200	200	200	200	200	1,000
	Reserve	200	200	200	200	200	1,000
Other Species ⁵	TALFF	3,000	2,500	3,300	1,400	800	11,000
	Reserve	1,300	1,000	1,500	600	300	4,700

¹ The TALFFs specified in this table may be modified during the year if reserves are apportioned to TALFF.

² See Figure 3 of Appendix II to Section 611.9 for description of fishing areas.

³ Of the total Pacific Cod TALFF, only 3,720 metric tons may be caught West of 157° W. longitude.

⁴ The category "other rockfishes" includes all rockfishes other than Pacific ocean perch.

⁵ The category "other species" includes all species of fish except (A) the other fish listed in the table; and (B) shrimp, scallops, salmon, steelhead trout, Pacific halibut, herring, and Continental Shelf fishery resources.

(i) In any fishing area where the TALFF for any species listed in Table I of this section is "0" (zero), any catch of that species in that fishing area shall be considered catch of a "prohibited species" and treated in accordance with the provisions of § 611.13.

(ii) Reserves.

(A) *Apportionment of reserve amounts.* As soon as practicable after each of the following dates, the Regional Director shall apportion to the TALFFs twenty-five (25) percent of the reserve amount set out in Table I of this section for each species in each fishing area: January 2, March 2, May 2, and July 2.

(B) *Determination—(1) General.* Before making the apportionment described in paragraph (b)(1)(ii)(A) of this section, the Regional Director shall determine whether or not to apportion to the TALFFs all or part of the amounts described in paragraph (b)(1)(ii)(A) of this section. The Regional Director may withhold all or part of the 25 percent reserve amount if determined that the amount concerned, when added to unapportioned reserve amounts, will be harvested by vessels of the United States during the remainder of the fishing year.

(2) *Factors.* The determination whether or not to withhold all or part of the reserve amounts shall be based upon consideration of the following factors:

(i) Reported U.S. catch and effort by species and area, compared to previously projected U.S. harvesting capacity;

(ii) Projected U.S. catch and effort by species and area for the remainder of the fishing year;

(iii) Amounts of fish already purchased or processed by U.S. processors during the fishing year, compared to previously projected processing capacity of U.S. processors; and

(iv) Projected processing capacity and utilization of capacity by U.S. processors for the remainder of the fishing year.

(3) *Public comment.* (i) Comments may be submitted to the Regional Director concerning whether or not, and the extent to which, vessels of the United States will harvest reserve amounts during the remainder of the fishing year. (Address: NMFS, P.O. Box 1668, Juneau, Alaska 99802.)

(ii) Comments must be submitted no later than 15 days prior to the dates specified in paragraph (b)(1)(ii)(A) of this section.

(iii) The Regional Director shall consider any timely comments filed in accordance with this section in making the determination specific in paragraph (b)(1)(ii)(B)(1) of this section.

(iv) The Regional Director shall compile, in aggregate form, the most recent available reports on: (1) Level of catch and effort by vessels of the United States fishing in the Alaska groundfish fishery; and (2) amounts of fish processed by U.S. fish processors. This data shall be available for public inspection during business hours at the National Marine Fisheries Service, Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(4) *Procedure.* As soon as practicable after each of the dates specified in paragraph (b)(1)(ii)(A) of this section, the Regional Director shall publish in the FEDERAL REGISTER: (i) the final amounts of reserves to be apportioned to the TALFFs; (ii) the reasons for the determination that vessels of the United States will, or will not, harvest the amounts available for apportionment to the TALFFs; and (iii) responses to comments received.

(5) *Add-on.* If vessels of the United States fail to harvest any part of a 25 percent apportionment which has been withheld by the Regional Director pursuant to paragraph (b)(1)(ii)(B) of this section, the unharvested amount shall be added to the amount of reserves available for apportionment to the TALFFs on the next apportionment date.

(2) *Fishing permitted.* (i) The catching and retention of any groundfish for which a nation has an allocation is permitted, except in the following circumstances:

(A) When vessels of a nation have caught the amount of the allocation of that nation for any groundfish species (or species group, e.g., "other rockfish") in any fishing area, fishing for groundfish in that fishing area by vessels of that nation is prohibited, even if (1) allocations of other species for that nation in that fishing area have not been reached, or (2) the nation has not received a notice issued pursuant to § 611.15(c) prohibiting fishing by vessels of that nation in that fishing area; or

(B) On the effective date of a notice of closure issued by the Regional Director pursuant to the procedures of § 611.15(c), fishing by vessels of that nation is prohibited for the groundfish

species (or species groups), in the fishing areas and during the periods stated in the notice; or

(C) As otherwise prohibited by this section.

(ii) The Regional Director shall issue a notice of closure, pursuant to the procedures of § 611.15(c), prohibiting fishing for the applicable species of groundfish, in the applicable fishing area during the applicable periods, as listed in paragraphs (A) through (E) below, when it is determined that one or more of the following catch limitations will be reached:

(A) Optimum yield (OY) for any groundfish species, or species group, in a fishing area: The Regional Director shall issue a notice prohibiting fishing using trawl gear for groundfish in that fishing area by vessels subject to this section, until November 1, *except* that if the optimum yield for sablefish or Pacific cod in a fishing area will be reached, the Regional Director shall prohibit fishing for groundfish in that fishing area by all vessels subject to this section until November 1 (see Table I of 50 CFR Part 672 for OY amounts by fishing area);

(B) Total allowable level of foreign fishing (TALFF) for any groundfish species, or species group, in a fishing area: the Regional Director shall issue a notice prohibiting fishing using trawl gear for groundfish in that fishing area, *except* that if the TALFF for sablefish or Pacific Cod in a fishing area will be reached, the Regional Director shall prohibit fishing for groundfish in that fishing area by all vessels subject to this section until November 1.

(C) The allocation of a nation for any groundfish species, or species group, in a fishing area: the Regional Director shall issue a notice prohibiting fishing for groundfish in that fishing area by all vessels of that nation until November 1.

(D) The amount of Pacific cod stated in footnote three of Table I (§ 611.92(b)(1)) caught west of 157° W. longitude by vessels subject to this section: the Regional Director shall issue a notice prohibiting fishing for groundfish in the area west of 157° W. longitude, by all vessels subject to this section until November 1.

(E) 25 (twenty-five) percent of the total allocation (all groundfish species) of a nation caught during the period between December 1 and June 1: The Regional Director shall issue a notice prohibiting fishing for ground-

fish in the Gulf of Alaska by all vessels of that nation until June 1.

(iii) When a notice has been issued pursuant to this subsection prohibiting fishing, vessels of a nation subject to this section may resume fishing in a fishing area: (A) On the effective date of a notice issued pursuant to § 611.15(c) rescinding the notice of closure previously issued; or (B) when the time period stated in the notice of closure expires.

(c) *Open areas.* Except as prohibited in paragraph (d) of this section, foreign fishing for groundfish is permitted in the Gulf of Alaska beyond twelve nautical miles from the baseline used to measure the U.S. territorial sea.

(d) *Closed areas.*—(1) *All fishing.* Foreign fishing for groundfish is prohibited in the following areas:

(i) *Cape Edgecumbe-Salisbury Sound:* between 56°53' N. latitude and 57°24' N. latitude east of 137°00' W. longitude.

(ii) *Cross Sound Gully:* between 57°50' N. latitude and 58°12' N. latitude east of 137°25' W. longitude.

(iii) *Fairweather Gully:* the area bounded by rhumb lines connecting the following coordinates in the order listed:

North latitude	West longitude
58°28'	140°00'
58°48'	138°50'
58°10'	139°11'
58°28'	140°00'

(iv) *"Davidson Bank":* between 163°04' W. longitude and 166°00' W. longitude north of 53°00' N. latitude.

(2) *Fishing with trawl gear.* Trawling for groundfish by vessels subject to this section is prohibited in the following areas during the periods specified:

(i) 140° W. longitude to 147° W. longitude, from November 1 to February 16.

(ii) 147° W. longitude to 157° W. longitude, from February 16 to June 1.

(iii) *Six "Kodiak gear areas",* from August 10 to June 1. These areas, bounded respectively by rhumb lines connecting in each of the following groups the coordinates in the order listed, are described as follows:

(A)	
North Latitude	West Longitude
57°15'	154°51'
56°57'	154°34'
56°21'	155°40'
56°28'	155°55'
57°15'	154°51'
(B)	
North Latitude	West Longitude
56°27'	154°06'
55°46'	155°27'
55°40'	155°17'
55°48'	155°00'
55°54'	154°55'
56°03'	154°36'
56°03'	153°45'
56°30'	153°45'
56°30'	153°49'
56°27'	154°06'

(C)	
North Latitude	West Longitude
56°30'	153°49'
56°30'	153°00'
56°44'	153°00'
56°57'	153°15'
56°45'	153°45'
56°30'	153°49'

(D)	
North Latitude	West Longitude
57°05'	152°52'
56°54'	152°52'
56°46'	152°37'
56°46'	152°20'
57°19'	152°20'
57°05'	152°52'

(E)	
North Latitude	West Longitude
57°35'	152°03'
57°11'	151°14'
57°19'	150°57'
57°48'	152°00'
57°35'	152°03'

(F)	
North Latitude	West Longitude
58°00'	152°00'
58°00'	150°00'
58°12'	150°00'
58°19'	151°29'
58°00'	152°00'

(iv) *Three "Kodiak halibut areas",* from 5 days prior to 5 days after the first opening of the U.S. halibut fishing season, if the first opening of that fishing season occurs after May 26 (as established by regulations of the International Pacific Halibut Commission).

(A) The three "Kodiak halibut areas", bounded respectively by rhumb lines, are described as follows:

(1) 58°30' N. lat. to 59°30' N. lat., between 147°40' W. long. and 150°20' W. long.

(2) 57°40' N. lat. to 58°05' N. lat., between 148°50' W. long. and 150°30' W. long.

(3) 55°30' N. lat. to 56°25' N. lat., between 155°45' W. long. and 156°30' W. long.

(B) The Regional Director shall give notification of the first opening date of the U.S. halibut fishing season to the designated representative of each foreign nation at least 48 hours before the U.S. halibut fishing season first opens.

(3) *Fishing with longline gear.* Longline fishing for groundfish by vessels subject to this section is prohibited in the following areas during the periods specified (for the purpose of this section 611.92, longline means a stationary, buoyed and anchored line with hooks or pots attached, or the taking of fish by means of such a device):

(i) East of 140° W. longitude, at all times;

(ii) The area which is both landward of the 500 meter depth contour and between 140° W. longitude and 157° W. longitude, at all times;

(iii) The area which is both landward of the 500 meter depth contour and west of 157° W. longitude, at all times, except for longline fishing for Pacific cod; and

(iv) The area which is both landward of the 500 meter depth contour and west of 157° W. longitude, during the

halibut fishing seasons as established by regulations of the International Pacific Halibut Commission. The Regional Director shall give notification of the opening and closing dates of the U.S. halibut fishing seasons to the designated representative of each foreign nation, at least 48 hours before the opening and closing dates of the U.S. halibut fishing seasons.

(e) *Gear restrictions.*—(1) *Vessels using trawl gear.* During the period from December 1 to June 1, vessels subject to this section shall not use trawls other than pelagic trawls (trawls in which neither the net nor the otter boards operate in contact with the seabed) equipped with recording net-sonde devices functioning properly during each tow.

(A) The footrope of the net shall not be in contact with the seabed for more than 10 percent of any tow, as indicated by the net-sonde readout.

(B) Vessels subject to this section shall not attach to a pelagic trawl any protective device (such as chafing gear, rollers or bobbins) which would make it possible to fish on the seabed.

(2) *Vessels using longline gear.* Vessels subject to this section shall not use gear other than longline gear when conducting a directed fishery for:

(A) Sablefish; or

(B) Pacific cod in the area which is both west of 157° west longitude and landward of the 500 meter depth contour.

(f) *Additional statistical report—Annual.* In addition to the requirements of § 611.9, each nation whose fishing vessels fish subject to this section shall submit a written annual report to the Regional Director setting forth catch and effort statistics regarding fishing activities conducted under this section during the annual period from November 1 to November 1 of the following year, by March 31 of the following year (e.g., statistics gathered for the period November 1, 1978 to November 1, 1979 must be submitted by March 31, 1980.)

(1) Foreign vessels fishing with trawl gear shall report:

(i) *Effort* in hours trawled and number of days fished, by vessel class, by gear type, by month, by $\frac{1}{2}^\circ$ (lat.) $\times$ 1° (long.) fishing area;

(ii) *Catch* in metric tons, by vessel class, by gear type, by month, by $\frac{1}{2}^\circ$ (lat.) $\times$ 1° (long.) fishing area, by the following species categories: yellowfin sole, rock sole, flathead sole, arrowtooth flounder, other flounders, Pacific ocean perch, other rockfish, Pacific cod, sablefish (blackcod) walleye (Alaska) pollock, Atka mackerel, squid, any other species taken in excess of 1,000 metric tons, and other fishes.

(2) Foreign vessels fishing with longline gear shall report:

(i) *Effort*, in number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) fishing areas; and

(ii) *Catch* in metric tons, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) fishing area, by the species categories listed in paragraph (f)(1)(ii) of this section.

§ 611.93 Bering Sea and Aleutian Islands fishery.

(a) *Purpose*. This section regulates foreign fishing for all species of fish, except Tanner crab and snails, in the Bering Sea and that portion of the North Pacific Ocean south of the Aleutian Islands chain west of 170° W. longitude.

(b) *Authorized fishery*—(1) *Allocations*. Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF*. The total allowable levels of foreign fishing (TALFFs) for the Bering Sea and Aleutian Islands fishery are set forth in Table I to § 611.20(c). The TALFFs for Pacific ocean perch, sablefish, and "other species" are divided between Area IV and the other three areas as follows:

	Pacific ocean perch	Other Sablefish species	Other species
Areas I through III	6,500	2,400	59,600
Area IV	15,000	1,500	34,000
Total	21,500	3,900	93,600

(3) *Species definitions*. The category "other species" used in TALFFs and in allocations includes all species except:

(i) The other allocated species, namely: pollock, yellowfin sole, other flounders, Pacific ocean perch, sablefish, Pacific cod, herring, Atka mackerel, and squid; and

(ii) Shrimp, scallops, salmon, steelhead, Pacific halibut, and Continental Shelf fishery resources.

(4) *Closures*. The taking of any species for which a nation has an allocation is permitted, provided that:

(i) The vessels of the foreign nation have not caught the allocation of that nation for any species or species group (e.g., "other species"). When vessels of a foreign nation have caught an applicable allocation of any species, all further fishing as defined in § 611.2(r)(1) by vessels of that nation must cease, even if other allocations have not been reached. Therefore, it is essential that foreign nations plan their fishing

strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species.

(ii) The fishery has not been closed for other reasons under § 611.15.

(c) *Open areas*. Except for the closed areas set forth in paragraph (d) of this section, foreign fishing may be conducted in the following portions of the fishery conservation zone:

(1) The entire Bering Sea and that portion of the North Pacific Ocean south of the Aleutian Islands chain west of 170° W. longitude beyond 12 nautical miles from the baseline used to measure the territorial sea;

(2) The area between three and twelve nautical miles from the baseline used to measure the territorial sea north of the Aleutian Islands chain as follows:

(i) Between 169° and 170° W. longitude, trawl fishing from June 1 to December 1, and longline fishing at all times.

(ii) Between 170° and 172° W. longitude, trawl and longline fishing at all times.

(iii) Between 172° and 176° W. longitude, longline fishing from April 1 to November 1.

(iv) West of 176° W. longitude, trawl fishing from May 1 to January 1, and longline fishing at all times.

(3)* The area between three and twelve nautical miles from the baseline used to measure the territorial sea south of the Aleutian Islands chain as follows:

(i) Between 170° and 172° W. longitude, trawl and longline fishing at all times.

(ii) Between 172° and 176° W. longitude, longline fishing from April 1 to November 1.

(iii) Between $176^{\circ}00'$ and $178^{\circ}30'$ W. longitude, longline fishing from April 1 to November 1, and trawl fishing from July 1 to November 1.

(iv) West of $178^{\circ}30'$ W. longitude, trawl fishing from May 1 to January 1, and longline fishing at all times.

(d) *Closed areas*—(1) *Trawling*. Trawling by foreign vessels is prohibited in the areas and during the periods which follow:

(i) At all times in the Bristol Bay "Pot Sanctuary" which is the area enclosed by straight lines from Cape Sarichef light at $54^{\circ}36'$ N. lat., $164^{\circ}55'42''$ W. long.; to $55^{\circ}18'$ N. lat., $166^{\circ}10'$ W. long.; to $56^{\circ}20'$ N. lat., $163^{\circ}00'$ W. long.; to $57^{\circ}10'$ N. lat., $163^{\circ}00'$ W. long.; to $58^{\circ}10'$ N. lat., $160^{\circ}00'$ W. long.; then due south along $160^{\circ}00'$ W. long. to the Alaska Peninsula.

(ii) From December 1 to June 1, in the following two areas:

(A) The area bounded by straight lines connecting the following coordinates in the order listed: $54^{\circ}36'$ N. lat.,

$164^{\circ}54'42''$ W. long. (Cape Sarichef light); $52^{\circ}48'$ N. lat., $170^{\circ}00'$ W. long.; $55^{\circ}30'$ N. lat., $170^{\circ}00'$ W. long.; $55^{\circ}30'$ N. lat., $166^{\circ}47'$ W. long.; $56^{\circ}00'$ N. lat., $167^{\circ}45'$ W. long.; $56^{\circ}00'$ N. lat., $166^{\circ}00'$ W. long.; $56^{\circ}30'$ N. lat., $166^{\circ}00'$ W. long.; $56^{\circ}30'$ N. lat., $163^{\circ}00'$ W. long.; $56^{\circ}20'$ N. lat., $163^{\circ}00'$ W. long.; $55^{\circ}18'$ N. lat., $166^{\circ}10'$ W. long.; $54^{\circ}36'$ N. lat., $164^{\circ}55'42''$ W. long. (Cape Sarichef light).

(B) The area bounded by straight lines connecting the following coordinates in the order listed: $56^{\circ}18'$ N. lat., $170^{\circ}24'$ W. long.; $56^{\circ}20'$ N. lat., $169^{\circ}03'$ W. long.; $56^{\circ}12'$ N. lat., $168^{\circ}46'$ W. long.; $55^{\circ}56'$ N. lat., $169^{\circ}10'$ W. long.; $55^{\circ}56'$ N. lat., $170^{\circ}24'$ W. long.; $56^{\circ}18'$ N. lat., $170^{\circ}24'$ W. long.

(2) *HERRING*. No foreign vessel may fish for herring east of 168° W. longitude.

(e) *Additional statistical report*. Each nation whose vessels engage in this fishery shall report, by May 30 of the following year, annual catch and effort statistics as follows:

(1) *Effort* in hours trawled, number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) statistical area; and

(2) *Catch* in metric tons, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) statistical area, by the following species categories: yellowfin sole; rock sole; flathead sole; arrowtooth flounder; Greenland turbot; other flounders; Pacific ocean perch; Pacific cod; sablefish (blackcod); walleye (Alaska) pollock; Atka mackerel; Pacific herring; any other species taken in excess of 1,000 mt; and other fishes.

§ 611.94 Snail fishery.

(a) *Purpose*. This section regulates foreign fishing for snails (all species of the genera *Neptunea*, *Fusitriton*, *Buccinum*, *Beringius*, *Volutopsis*, *Clinopogma*, *Plicifusus*, and *Pyrulofusus*) in the Bering Sea.

(b) *Authorized fishery*—(1) *Allocations*. Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF*. The total allowable level of foreign fishing (TALFF) for snails is listed in Table I to § 611.20(c).

(3) *Closures*. The taking of snails for which nation has an allocation is permitted provided that the fishery has not been closed pursuant to § 611.15.

(c) *Area, gear, and other restrictions*. No foreign fishing vessel may:

(1) Fish for snails east of 164° W. long., or within twelve miles of the baseline used to measure the territorial sea;

(2) Fish for snails using gear other than pots; or

(3) Retain in the snail fishery any species other than snails.

(d) *Additional statistical report.* Each nation whose vessels engage in this fishery shall report, by May 30 of the following year, annual catch and effort statistics as follows: *Effort* in number of pots hauled and hours pots soaked, by month, by $\frac{1}{2}^{\circ}$ (lat.) X 1° (long.) statistical area; *Catch* in metric tons of edible meat, by month, by $\frac{1}{2}^{\circ}$ (lat.) X 1° (long.) statistical area.

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