

§ 325.7 Allowable noise levels.

TABLE 1.—MAXIMUM PERMISSIBLE SOUND LEVEL READINGS (Decibel (A))^{1, 2}

	Highway operation test				Stationary tests	
	Soft site		Hard Site		Soft site	Hard site
	35 mi/h or less	Above 35 mi/h	35 mi/h or less	Above 35 mi/h		
If the distance between the microphone location point and the microphone target point is—						
31 ft (9.5m) or more but less than 35 ft (10.7m).....	87	91	89	93	89	91
35 ft (10.7m) or more but less than 39 ft (11.9m).....	86	90	88	92	88	90
39 ft (11.9m) or more but less than 43 ft (13.1m).....	85	89	87	91	87	89
43 ft (13.1m) or more but less than 48 ft (14.6m).....	84	88	86	90	86	88
48 ft (14.6m) or more but less than 58 ft (17.1m).....	83	87	85	89	85	87
58 ft (17.1m) or more but less than 70 ft (21.3m).....	82	86	84	88	84	86
70 ft (21.3m) or more but less than 83 ft (25.3m).....	81	85	83	87	83	85

¹ The speeds shown refer to measurements taken at sites having speed limits as indicated. These speed limits do not necessarily have to be posted.

² This table is based on motor carrier noise emission requirements specified in 40 CFR 202.20 and 40 CFR 202.21.

§ 325.13 [Amended]

3. Section 325.13 is amended by replacing the words "MCS-63" with "MCS-141" throughout the section, and replacing the words "Driver-Equipment Compliance Check" with "Noise Level Compliance Check" throughout the section.

§ 325.33 [Amended]

4. Section 325.33, paragraph (a), is amended by replacing the words "35 feet (10.7m)" with "31 feet (9.5m)."

5. Section 325.53, paragraph (a)(1), is amended by replacing the words "35 feet (10.7m)" with "31 feet (9.5m)."

§ 325.73 [Amended]

6. Section 325.73 is amended by adding to Table 2 the following entry to appear as a new first entry:

§ 325.73 Microphone distance correction factors.¹

* * *

Table 2.—Distance correction factors

If the distance between the microphone location point and the microphone target point is—	The value dB(A) to be applied to the observed sound level reading is—
31 feet (9.5m) or more but less than 35 feet (10.7m).	—4.

* * *

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

[Ex Parte No. 55 (Sub-No. 79)]

Delegation of Authority Where Subsidies Established Under 49 U.S.C. 10905 are Discontinued

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a final rule, at 49 CFR 1011.8(c)(8), that delegates authority to the Director of the Office of Proceedings to issue decisions, after 60 days' notice by any person discontinuing subsidies established under 49 U.S.C. 10905 and at the railroad's request: (1) In application proceedings, immediately issuing certificates of abandonment or discontinuance; and (2) in exemption proceedings, immediately vacating the decision that postponed the effective date of either a notice of exemption or a decision granting an exemption. The amended rule is set forth below.

EFFECTIVE DATE: December 6 1989.

FOR FURTHER INFORMATION CONTACT: Richard L. Gagnon (202) 275-7615 (TDD for hearing impaired: (202) 275-1721.)

SUPPLEMENTARY INFORMATION: Any person may offer to pay a subsidy to the rail carrier proposing to abandon or discontinue all or part of a railroad line. 49 U.S.C. 10905(c). Any subsidy so provided may be discontinued on 60 days' notice. Unless, within such period, another financially responsible person enters into a subsidy agreement at least

as beneficial to the carrier as that which is to be discontinued, the Commission is required, at the carrier's request: (1) In application proceedings, immediately to issue a certificate authorizing the abandonment or discontinuance of service on the line (49 U.S.C. 10905(f)(5)); or (2) in exemption proceedings, to issue a decision vacating the decision that postponed the effective date of either the notice of exemption or the decision granting the exemption (49 CFR 1152.27(j)(2)).

The Commission has decided, for administrative efficiency, to delegate authority to the Director of the Office of Proceedings to issue such decisions, which will become the final action of the Commission. If a decision is appealed, however, the matter will be reconsidered by the entire Commission.

This action involves a minor revision to 49 CFR Part 1011, specifically the addition of a new subsection to the delegations of authority to the Office of Proceedings appearing at 49 CFR 1011.8(c). This rule change, however, does not require public notice and opportunity for comment before implementation. Under 5 U.S.C. 553(b)(A), rules of agency procedure or practice are expressly exempted from the notice and comment requirements of the Administrative Procedure Act. The delegation of authority noticed here involves only Commission processing methods and does not adversely affect any party's rights.

Environmental and Energy Considerations

We conclude that the delegation of authority noticed here will not

significantly affect either the quality of the human environment or conservation of energy resources.

Regulatory Flexibility Analysis

We certify that the delegation of authority noticed here will not have a significant effect on a substantial number of small entities. Because the delegation is made for administrative efficiency, our action should indirectly benefit small entities.

List of Subjects in 49 CFR Part 1011

Administrative practice and procedure, Authority delegations.

Authority: 5 U.S.C. 553 and 49 U.S.C. 10305 and 10321.

Decided: November 28, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Lamboley, Phillips, and Emmett. Commissioner Lamboley concurred in the result. Vice Chairman Simmons dissented with a separate expression.

Noreta R. McGee,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1011 of the Code of Federal Regulations is amended as follows:

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

1. The authority citation for 49 CFR part 1011 continues to read as follows:

Authority: 49 U.S.C. 10301, 10302, 10304, 10305, and 10321; 31 U.S.C. 9701; 5 U.S.C. 553.

2. Section 1011.8 is amended by adding a new paragraph (c)(8) to read as follows:

§ 1011.8 Delegations of authority by the Interstate Commerce Commission to specific bureaus and offices of the Commission.

* * * * *

(c) * * *

(8) To issue decisions, after 60 days' notice by any person discontinuing a subsidy established under 49 U.S.C. 10905 and at the railroad's request: (i) in application proceedings, immediately issuing certificates of abandonment or discontinuance; and (ii) in exemption proceedings, immediately vacating the decision that postponed the effective date of either the notice of exemption or the decision granting the exemption.

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[FR Doc. 89-28501 Filed 12-5-89; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 620, 672, and 675

[Docket No. 90899-9253]

RIN 0648-AC72

Foreign Fishing; General Provisions for Domestic Fisheries; Groundfish of the Gulf of Alaska, Groundfish Fishery of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement Amendment 13 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 18 to the FMP for Groundfish of the Gulf of Alaska (GOA). Regulations implement the following measures specific to both Amendments 13 and 18: (1) Specific seasons are deleted from the FMPs and all future seasons changes will be established by regulatory amendment; (2) a comprehensive data collection program is approved, which consists of augmented recordkeeping and reporting requirements and a mandatory observer program; and (3) the Secretary's authority to separate or combine species within the target species category is clarified. Regulations specific to Amendment 13: (1) areas in the vicinity of the Walrus Islands are closed to fishing for groundfish, and (2) fixed percentages of the allowable harvest amount of sablefish are allocated to trawl gear and fixed gear. Regulations specific to Amendment 18: (1) Shelikof Strait is established as a management district for purposes of managing pollock; (2) areas around Kodiak Island are closed to bottom trawl gear; and (3) Pacific halibut prohibited species catch limits for fixed gear and trawl gear are established for one year. This action is necessary to promote management and conservation of groundfish and other fish resources. It is intended to further the goals and objectives contained in both FMPs that govern these fisheries.

EFFECTIVE DATE: January 1, 1990; except § 672.24(c)(1)-(c)(5) which are effective from January 1, 1990, through December 31, 1992; § 672.20(f)(2) is suspended from January 1, 1990, through December 31, 1990; and § 672.20(f)(3)(i) and (f)(3)(ii) which are effective January 1, 1990, through December 31, 1990.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory

flexibility analysis (EA/RIR/FRFA) may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (telephone 907-271-2809). Copies of a publication describing derivations of standard product recovery rates may be obtained from Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT:

Ronald J. Berg or Susan J. Salveson (Fishery Management Biologists, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the GOA and BSAI are managed by the Secretary according to FMPs prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fisheries at 50 CFR parts 611.92 and 611.93 and for the U.S. fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to the U.S. fisheries are implemented at 50 CFR part 620.

The Council approved for review by the Secretary of Commerce (Secretary) under Section 304(b) of the Magnuson Act the parts of Amendments 13 and 18 that are listed in the above summary. The official receipt date for Secretarial review of these amendments was July 29, 1989. The Magnuson Act requires the Secretary, or his designee, to approve, disapprove, or partially disapprove FMPs or FMP amendments before the close of the 95th day following the receipt date. Following receipt of Amendments 13 and 18, the Secretary immediately commenced a review of the amendments to determine whether they were consistent with the provisions of the Magnuson Act and any other applicable law. A Notice of Availability of the amendments was published in the Federal Register (54 FR 31861, August 2, 1989). It invited review of, and comment on, the amendments until September 27, 1989. A proposed rule was filed with the Office of the Federal Register on August 28, 1989, and published on September 1, 1989 (54 FR 36333). It invited comments until October 12, 1989. The final rule implementing Amendments 13 and 18 takes comments received into account. Comments received are summarized and responded to below (see Public Comments Received).

The preamble to the proposed rule described and presented the reasons for each measure contained in the amendments. The Secretary has reviewed each measure and the reasons for it. During his review, the Secretary has considered comments received from the public, fishing associations, and interested agencies. He has determined that each measure is consistent with the Magnuson Act and other applicable law. He has approved Amendments 13 and 18 as authorized under Section 304 of the Magnuson Act.

The following is a summary from the proposed rule of what each measure requires or accomplishes:

(1) Fishing seasons are deleted from the FMPs but are retained in regulations implementing the FMPs. Future season changes will be proposed as a regulatory amendment and implemented by the Secretary in consultation with the Council. Since the Secretary must consider whether a regulatory amendment is consistent with the Magnuson Act and other applicable law, appropriate analyses will accompany future regulatory amendments.

(2) New recordkeeping and reporting requirements are established to allow the collection of adequate and reliable fishery data. Under the recordkeeping requirements, each catcher/processor, mothership processor, and shoreside processor utilizing groundfish harvested off Alaska must maintain a daily cumulative production log (DCPL); each vessel 5 net tons and larger that harvests groundfish off Alaska must maintain a daily fishing log (DFL); and each shoreside processor is required to maintain a product transfer log similar to that currently required of at-sea processors.

Under the reporting requirements, each processor that is required to maintain a product transfer log must submit to NMFS on a weekly basis copies of the transfer log entries for each week in which transfers occurred. Each catcher/processor vessel, mothership processor vessel, and shoreside processing facility must submit a weekly production report in product weight. Each processor and catcher vessel required to maintain a DCPL and/or DFL must submit on a quarterly basis to NMFS a copy of the DCPL and/or DFL records. Each processor (i.e., at-sea and shoreside) or its parent company is required to submit annually a monthly product value report that summarizes sales in quantity and value by species and product form.

(3) A mandatory observer program is authorized. This program requires vessels and shoreside processing facilities to accommodate an observer

under provisions set forth under an Observer Plan. At the time the regulations were proposed, the Observer Plan, which provided details of the observer program was still being developed. NMFS has now prepared the Observer Plan. It describes the responsibilities that will be imposed on NMFS, vessel operators, managers of shoreside processing facilities, and NMFS contractors who will provide observers. Minimal qualifications of observers are also stated in the Observer Plan. Specific provisions of the Observer Plan will be published in the Federal Register as a separate rulemaking.

(4) Current authority in the BSAI and COA FMPs and implementing regulations is clarified to indicate that the Secretary is able to split or combine species within the target species category for purposes of managing larger or smaller stock components.

(5) Portions of the Bering Sea subarea between three and twelve miles from islands named "The Twins" and "Round Island," and from Cape Pierce, are closed to fishing for groundfish from April 1 through September 30 of 1990 and 1991 for purposes of protecting walrus haulout areas.

(6) Respective sablefish total allowable catches (TACs) in the Bering Sea and Aleutian Island subareas are allocated to users of trawl gear and fixed gear in the following proportions:

Bering Sea subarea: trawl gear—50 percent and fixed gear—50 percent; and

Aleutian Islands subarea: trawl gear—25 percent and fixed gear—75 percent.

TACs for each gear type will be monitored independently of the other. Fisheries conducted by the two gear types will then be closed separately, which will prevent one gear type from harvesting amounts of sablefish that the other gear type might have depended upon.

(7) An area known as Shelikof Strait in the Gulf of Alaska and presently part of the Central Regulatory Area is established as a regulatory district for purposes of managing harvests of pollock. Coordinates defining the new Shelikof Strait district are listed at § 672.2 of this rulemaking.

(8) For purposes of protecting king crab, closures affecting Type I and Type II areas of the EEZ around Kodiak Island are in effect from January 1, 1990 through December 31, 1992. Type I areas are closed to bottom trawling year-round. Type II areas are closed to bottom trawling from February 15 through June 15. Either of these two types of areas could be expanded by a

third type of closed area, referred to as a "Type III" area, to accommodate positive changes in king crab stocks. Implementation of a Type III area would be accomplished by proposed and final rulemaking.

(9) Regulations are promulgated to provide the Secretary authority to establish separate halibut prohibited species catch (PSC) limits in the Gulf of Alaska for fixed gear and trawl gear. For the 1990 fishing year only, PSC limits for fixed and trawl gear are 750 metric tons and 2,000 metric tons, respectively.

The preamble of the proposed rule indicated that the availability of the product recovery rates would be announced by a notice in the Federal Register. Those rates are now available and such a notice is not necessary. The product recovery rates are available from the address indicated above.

Changes From the Proposed Rule in the Final Rule

1. Recordkeeping and Reporting Requirements. The final rule reflects numerous editorial changes that resolve minor ambiguities within the proposed rule. More substantive changes are discussed below.

(a) The final rule reflects the following additions and revisions to the definitions set forth in §§ 672.2 and 675.2. These changes help resolve unclear language within the proposed rule and facilitate compliance with recordkeeping and reporting requirements under §§ 672.5 and 675.5:

(i) The definition of "reporting area" is revised in the final rule. A reporting area differs from a statistical area in two respects. First, it includes state waters and second, unlike some statistical areas, each reporting area is distinct without any overlapping reporting areas. The final rule adds language to make sure each reporting area is distinct. The only other change notes that the statistical area number or numbers may be used to describe a reporting area.

(ii) A definition for "fish product weight" is included in the final rule, and replaces related language in the proposed rule. "Fish product weight" is the weight of a fish product based on the number of production units, such as cartons, and the weight of those units. "Fish product weight" does not include packaging but may include water and other additives reported to NMFS; NMFS may use these weights to calculate net weight, allowing up to 5 percent for water, and to calculate round weight equivalents. The standard product recovery rates that will be used by NMFS to calculate round weight

equivalents may be obtained from the Regional Director at the address above.

(iii) Definitions are added for "day," "quarter," and "weekly reporting period" and for "vessel" and "processor vessel."

(b) In §§ 672.5(a) and 675.5(a) of the final rule, the general requirements, applicability, and related provisions are reorganized and revised to clarify that requirements for timeliness, accuracy, use of the English language, and availability for inspection apply to all records and reports and not only to logbooks. A requirement that these records, reports, and logbooks be maintained in a legible manner is added.

(c) Sections 672.5(b)(2)(iii) and 675.5(b)(2)(iii) of the proposed rule required that most daily catch information be recorded by noon of the day following the catch although some information must be recorded within two hours. Sections 672.5(b)(2)(iv) and 675.5(b)(2)(iv) of the final rule are revised to specify that these entries must be recorded prior to a delivery even if the delivery or off-loading occurs prior to the expiration of these time limits.

(d) Sections 672.5(b)(3)(ii)(A)(7) and 675.5(b)(3)(ii)(A)(7) of the proposed rule required information on crew size or employee number to be reported on the daily cumulative production logbook. The forms and the preamble of the proposed rule suggested that additional information about the number of the crew involved in processing, fishing, and other activities could be required. The material submitted under the Paperwork Reduction Act (PRA) for the proposed rule assumed this additional information was required. Sections 672.5(b)(3)(ii)(A)(8) and 675.5(b)(3)(ii)(A)(8) of the final rule add these requirements.

(e) Sections 672.5(b)(2)(ii)(B)(11), 672.5(b)(3)(ii)(B)(1)(vii), 675.5(b)(2)(ii)(B)(11), and 675.5(b)(3)(ii)(B)(1)(vii) of the proposed rule attempted to consolidate recordkeeping requirements under a proposed marine mammal logbook program and the Alaska groundfish logbook program to relieve the recordkeeping burden on operators of fishing and processing vessels. The final rule eliminates reference to the marine mammal logbook program and associated recordkeeping requirements, because the final rule for the marine mammal logbook program would necessitate redundant recordkeeping in the groundfish logbook program, and the recordkeeping burden on vessel operators would not be reduced. The NMFS intends to pursue the consolidation of recordkeeping

requirements under the Marine Mammal Protection Act and the Magnuson Act in the future with the aim of reducing recordkeeping and reporting burdens on the Alaska groundfish industry.

(f) Sections 672.5(c)(3)(iii) and 675.5(c)(3)(iii) of the final rule revise the annual submission date of the Alaska Groundfish Processor Monthly Product Value Report from March 1 to February 1. This change was made to obtain more timely submission of product value information recorded during the previous year.

(g) Sections 672.5(c)(1)(ii) and 675.5(c)(1)(ii) of the proposed rule made some minor changes to processor vessel requirements to submit check-in reports. Sections 672.5(c)(1) and 675.5(c)(1) of the final rule provide more detail on the check-in/check-out notices although changes are not substantive.

(h) Sections 672.5(c)(1)(i) and 675.5(c)(1)(i) of the proposed rule addressed requirements for the submission of Alaska State fish tickets. The final rule eliminates this requirement, although vessels and groundfish processors registered under the laws of the State of Alaska will need to comply with State fish ticket requirements under Alaska State statutes. Federal groundfish managers have full access to information collected on Alaska State fish tickets without accompanying Federal regulations requiring that fish tickets be submitted. Therefore, Federal regulations for submission of Alaska State fish tickets are viewed as redundant to similar Alaska State regulations and are removed from Sections 672.5 and 675.5 of the final rule. The NOAA does not intend by this action to preempt application of Alaska State fish ticket regulations and statutes to groundfish fisheries in the EEZ off Alaska.

2. *Pacific Halibut Prohibited Species Catch Limits.* Paragraph (f) in § 672.20 is changed by revising paragraph (f)(1) to indicate the apportionment of halibut PSC between trawl and longline gear. The proposed rule had used paragraph (f)(3) to accomplish this, which resulted in language that was redundant to paragraph (f)(1).

The Regional Director has determined that continuing the apportionment of halibut PSC between trawl and longline gear is superior to letting it lapse on December 31, 1990, and is consistent with the Magnuson Act and other applicable law. The Regional Director made this determination because (1) the GOA FMP authorizes halibut PSC limits to be apportioned among gear types, (2) the Council has requested that a regulatory amendment be implemented to accomplish this apportionment, and

(3) this measure is analyzed in the draft EA/RIR prepared for the draft Amendment 18.

3. *Trawl closures in the Gulf of Alaska.* In section 672.24 of the proposed rule, paragraph (c)(3) is deleted. This paragraph described trawl closures (Type III areas) in the Kodiak Island area that may be implemented by regulatory amendment, pending a "significant recruitment event" within the local red king crab population. A description of the Type III areas is found in the GOA FMP, as are the criteria that will be used to define a recruitment event. Under provisions set forth in the FMP, the Type III trawl closures will be specified in section 672.24 by regulatory amendment when the occurrence of a recruitment event necessitates the implementation of Type III area trawl closures to further protect red king crab.

4. *Sablefish allocation.* Paragraph (c) in § 675.24 is added to authorize the Regional Director to close directed sablefish fishing by an authorized gear type prior to its harvesting its full share of the sablefish TAC. This change is necessary to provide retainable bycatch amounts of sablefish to support other target fisheries by the affected gear types.

Public Comments Received

Twenty-eight letters of comments were received from fishing associations, individual fishermen, and State and Federal agencies by the end of the comment period. One letter commented generally about the adequacy of procedures followed during the rulemaking process with respect to the Magnuson Act. With respect to the measure allocating sablefish between trawl gear and fixed gear in the Bering Sea and Aleutian Islands management area, twenty letters, including those from five associations that represent fixed gear interests, commented favorably on the measure. One letter from an association representing trawl interests commented that the proposed allocation of sablefish between fixed gear and trawl gear violates national standards 1, 4, 5, and 6, and that the status quo should be maintained. With respect to the measure that would establish an area closure to protect walrus, one letter commented favorably on the measure, and one letter from an association representing trawl interests commented that the status quo should be maintained. With respect to the measure for recordkeeping and reporting requirements, four letters commented favorably on the measure. With respect to the measure that would establish fixed prohibited species catch limits for

Pacific halibut in the Gulf of Alaska, one letter commented that the status quo should be maintained.

Although further comments will be invited in separate rulemaking on provisions pertaining to the Observer Plan, proposed rulemaking for Amendments 13 and 18 had requested comments on the observer program. With respect to the observer program, seven letters commented favorably on the measure, albeit one letter stated that the level of observer coverage should be less than that adopted by the Council, and also questioned whether any domestic program is authorized under the Magnuson Act.

Issues and concerns raised by these comments are summarized and responded to below.

Comment 1: The procedure used for rulemaking is inappropriate and not in compliance with the Magnuson Act, because the Council did not provide to the public any draft fishery management plan language or regulations for public review.

Response: Although provision for public review of draft FMP language and regulations for each alternative considered by the Council would be desirable, such provision usually is not practicable, given the many alternatives that are often proposed to solve a fishery management problem. Once the Council determines tentatively a preferred alternative for a particular measure, it directs Council staff to prepare FMP language and regulations, which then are before the Council when it makes its final recommendation.

Comment 2: The measure to allocate sablefish between trawl and fixed gear in the Bering Sea and Aleutian Islands management area is necessary to promote stability in the sablefish fishery.

Response: The Regional Director concurs and has approved this measure.

Comment 3: Allocating sablefish between trawl and fixed gear for both the Bering Sea and Aleutian Islands management subareas violates national standard 1, because allocating available amounts of sablefish between gear types might result in insufficient amounts of bycatch to support trawl fisheries, which might cause premature closure of target fisheries or treatment of sablefish as prohibited species. These respective options would cause underharvesting of other species or overfishing of sablefish.

Response: The Regional Director finds that this measure would not necessarily result in premature closure of the sablefish target fishery nor treatment of sablefish as a prohibited species by fixed or trawl gear. As a result of this final rulemaking, the Regional Director

may prohibit directed fishing for sablefish by either fixed or trawl gear before the sablefish allocation to that gear share is reached in order to provide retainable bycatch amounts to support other target fisheries. This action would minimize treatment of sablefish as a prohibited species, and reduce the possibility of overharvesting sablefish.

On the other hand, if either or both gear shares were reached, further catches of sablefish by either or both gear types would be treated as a prohibited species and discarded at sea. Additional fishing mortality resulting from such treatment would not be expected to cause overfishing, because in most other groundfish target fisheries sablefish bycatches are very small. For example, in the Bering Sea subarea, sablefish bycatches are only one percent or less of the catch of the pollock, flatfish, and Pacific cod, in the aggregate. In 1989 to date, trawl gear caught about 480 metric tons of sablefish in the Bering Subarea while catching about 853,000 metric tons of other groundfish species, which represents a very small bycatch rate. In the Aleutian Islands subarea, sablefish bycatches are also small. Again in 1989 to date, trawl gear caught about 670 metric tons of sablefish while catching about 19,000 metric tons of other groundfish species, which represents only a 4 percent bycatch rate.

Sablefish bycatches are small, because sablefish occur mostly in deep water and are not caught except in small amounts during operations that harvest shallow water groundfish species such as flounder, Pacific cod, and pollock. Only in the deep water fisheries for rockfish species and Greenland turbot are larger bycatches of sablefish likely. Sablefish bycatches may approach 10 percent of the aggregate catch of rockfish and turbot, although actual bycatch rates are often smaller. If sablefish were a prohibited species when taken incidentally in rockfish and Greenland turbot fisheries, discard mortality could be further minimized. For example, fishermen are able to shift fishing areas to reduce sablefish bycatches while fishing for rockfish and Greenland turbot. Also, regulatory authority exists to implement time and area closures to reduce the sablefish bycatches, while still allowing for harvests of rockfish and Greenland turbot.

In some years sablefish stocks could decline to a level that would halt a directed fishery by a gear type early in the fishing year. The Regional Director would respond to such a decline, as necessary, to protect sablefish stocks. Because regulatory mechanisms exist to

minimize sablefish bycatches while allowing for full harvests of other groundfish species, this measure should not result in overfishing sablefish stocks or cause underharvesting of other groundfish species. This measure, therefore, is consistent with National Standard 1.

Comment 4: Allocating sablefish between trawl and fixed gear in the Bering Sea and Aleutian Islands management area violates National Standard 4, because the measure to allocate sablefish between gear types (e.g., 75 percent and 25 percent to fixed and trawl gear, respectively, in the Aleutian Islands subarea) (1) is not fair or equitable, and (2) does not suggest any furthering of conservation objectives. It may, in fact, increase the likelihood of overfishing, particularly if sablefish allocations for bycatch are not adequate to prevent wastage of the sablefish resource, and if the mortality of sablefish from killer whale predation in the directed hook-and-line fishery continues not to be counted against the sablefish quota.

Response: The Regional Director finds that this measure is fair and equitable. As stated in the EA/RIR, by public testimony to the Council and, as indicated by NMFS catch data, this measure maintains the trend in sablefish catches that has developed in recent years. Fixed gear harvested most (about 90 percent) of the sablefish in the Aleutian Islands subarea and about half of the sablefish in the Bering Sea subarea during the years 1985 through 1988. Based on public testimony at its June 20-23, 1989 meeting, the Council accommodated additional trawl sablefish bycatch needs by increasing the trawl share of the sablefish quota from 10 percent to 25 percent. This difference was subtracted from the fixed gear share.

Nothing in this measure is designed to allocate excessive shares to any one entity. Although the share allocated to fixed gear in the Aleutian Islands subarea is larger than the trawl share, it is not excessive. On the contrary, the share allocated to fixed gear is less than amounts harvested by that gear in each of the last four years. In the Bering Sea subarea, the fifty percent split is roughly equivalent to amounts harvested by fixed gear during the last four years. Nor does the gear share allocation itself prohibit any future participant from fishing for sablefish with either gear type.

The Regional Director also finds that this measure is reasonably calculated to promote conservation. The Guidelines for Fishery Management Plans at 50 CFR

602.14 state that numerous methods for allocating fishing privileges are based on conservation measures, as well as management measures. An allocation measure may promote conservation by encouraging a more easily managed use of the fishery resource. Fixed gear includes hook-and-line gear and pot gear. Both types utilize determinable numbers of hooks or pots per set, which makes calculation of catches per units of effort more exact than when trawl gear is used. Better estimates of harvest rates promote more accurate projections of when quotas may be achieved. Better estimates of sablefish bycatch rates needed to support target fisheries by fixed and trawl gear for other groundfish species will also promote "single species management"; under this management system the Regional Director is able to curtail directed fishing by either gear type to retain enough of the respective gear share to support other target fisheries. For these reasons, this allocation measure promotes a more easily managed sablefish fishery, which is especially important when quotas are small. When multiple gear types target on a single, small quota, projecting when the quota might be reached is more difficult, increasing the risk of overharvesting a stock, which in turn could lead to overfishing. Thus, this measure will promote conservation by allowing management of total fishing mortality by year's end to equal directed and bycatch mortality by both gear types. Such enhanced management will reduce the risk of overfishing sablefish stocks.

Other factors to be considered are the social consequences of allocation, and the dependency on the fishery by present participants. Fixed gear fishermen have shown a high degree of dependence on the sablefish resource in the Aleutian Islands subarea, where sablefish constitutes most of the fixed gear catch. For example, through September 1989, fixed gear fishermen harvested a total of 3,100 metric tons of groundfish, of which 2,037 metric tons, or 66 percent, was sablefish. In contrast, trawl gear fishermen harvested a total of 19,182 metric tons of groundfish, of which 675 metric tons, or 4 percent, was sablefish.

Fixed gear fishermen are not able to fish in many areas in the Bering Sea/Aleutian Islands management area unless they compete with trawl gear. Fixed gear fishermen can deploy their gear in the Aleutian Islands subarea with less fear of ground preemptions by trawl gear. Although trawling is conducted in this area, it is not especially suitable for trawl gear,

because the slopes are steeper and rockier compared to the smoother and flatter areas of the Bering Sea subarea. By securing fishing rights to sablefish in the Aleutian Islands subarea, fixed gear fishermen also achieve a more stable opportunity on which they can depend over the long term. This achievement promotes stability in the fixed gear fishery. As a result, those segments of the industry that depend on the fixed gear fishery, including vessel operators and crew, and the community/processor infrastructure that has developed to support the vessels, will continue to receive benefits that have resulted from the fixed gear fishery. Retaining the status quo would have imposed adverse social consequences on fixed gear fishermen if trawl gear were to dominate the sablefish fishery.

With respect to the comment referring to killer whale mortality in the hook-and-line fishery, the extent of that mortality is not known. The Secretary anticipates that domestic observer information will be collected on the wastage associated with this mortality and that this information will be considered during the annual establishment of sablefish TACs.

The Regional Director finds that this measure is fair and equitable, reasonably calculated to promote conservation, and carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of the allocation privileges. He concludes that this measure is consistent with national standard 4.

Comment 5: Allocating sablefish between trawl and fixed gear in the Bering Sea and Aleutian Islands management area violates national standard 5, because the sablefish allocation measure fails to promote efficiency in the utilization of the sablefish resource, and because it has economic allocation as its sole purpose.

Response: As discussed in the response to comment #4, the sablefish allocation measure will promote conservation. Another purpose, however, is maintenance of the socioeconomic stability of the sablefish fixed gear users who have depended on sablefish during the past four years. Sablefish constituted 66 percent of the total groundfish catch in 1989 by fishermen using fixed gear, compared to trawl fishermen whose sablefish catch amounted to just 4 percent of their total groundfish catch in the Aleutian Islands subarea. Written and oral testimony to the Council from fixed gear fishermen and their representatives focused on the likelihood of trawl vessels preempting

sablefish harvests that would have been caught by fixed gear. The catching capacity of trawl vessels is so large that the sablefish quota in both the Bering Sea and Aleutian Islands subareas could be fully harvested. As quotas for other groundfish species that are largely harvested only by trawl gear become exhausted earlier in the fishing year, operators of trawl vessels may be tempted to fish for sablefish in areas currently utilized by fixed gear vessels.

Fixed gear fishermen would have only limited options for fishing in the Bering Sea and Aleutian Islands subareas if they do not have sablefish as a target species. Those options include fishing for Pacific cod. But, because fisherman operating trawl vessels that have huge harvesting capacity also target on Pacific cod, fixed gear fishermen would not be expected to be able to depend on that resource over the long term. A similar action was taken by the Council in Amendment 14 to the GOA FMP which allocated 80 percent of the sablefish quota to hook-and-line gear. The Council's action allocates a high enough proportion to fixed gear fishermen in the Bering Sea and Aleutian Islands subarea to give them a viable, dependable fishery while also allowing trawl fishing for sablefish to continue at roughly historical levels. This action promotes stability in the fixed gear fishery and prevents the adverse social consequences on fixed gear fishermen that would occur if trawl gear were to dominate the sablefish fishery.

Another purpose satisfied by this measure is greater efficiency in managing the sablefish fishery by NMFS. The Guidelines for Fishery Management Plans at 50 CFR 602.14 state that management regimes that allow a fishery to operate at the lowest possible cost (e.g., in terms of fishing effort and administration) for a particular catch level are considered efficient. With respect to this measure, the potential to better manage the sablefish fishery is realized as relationships between amounts of fixed gear and the amount of sablefish allocation become known. Better estimates of sablefish bycatch rates needed to support target fisheries by fixed and trawl gear for other groundfish species will also promote "single species management", because amounts of sablefish that ought to be retained as bycatch will be easier to determine.

When more than one gear type is targeting on a single quota, the fishery is more difficult to manage, because the amounts of quota that either gear type might harvest is usually not known in

advance of the fishery. Different gear types might harvest an unexpected amount of an available quota in any one year in proportions that are different from a preceding year.

More efficient management of the fishery is promoted when a quota is allocated to separate gear types. The status quo alternative would have retained a mixed gear fishery of uncertain proportions, thereby maintaining higher administrative costs than would this measure. The Secretary finds that this measure is entirely consistent with national standard 5.

Comment 6: Allocating sablefish between trawl and fixed gear in the Bering Sea and Aleutian Islands management area violates national standard 6, because the sablefish percentages would be arbitrarily fixed without consideration of, or allowances for, variations in (1) sablefish abundance or the abundance of other groundfish species, or (2) the gear mix necessary to harvest the groundfish resources.

Response: The Regional Director finds that the sablefish percentages take into consideration variations in sablefish abundance and the abundance of other groundfish species, as well as the gear mix necessary to harvest the groundfish resources. The Regional Director recognizes that in some years the sablefish stock may be too low to provide adequate bycatch for other directed fisheries. In the event of low sablefish stock status, other regulatory mechanisms, such as time/area closures, can be used to reduce bycatches of sablefish. As discussed above, the bycatch rate of sablefish in many of the other groundfish target fisheries is so low that relatively small amounts of sablefish are required for bycatch. Because the allocation percentages implemented by this measure approximate catch percentages during the past four years, and because other fisheries have been successfully prosecuted with these percentages, the Regional Director finds no significant conflicts. For these reasons, the Regional Director concludes that this measure is consistent with national standard 6.

Comment 7: Allocating sablefish between trawl and fixed gear in the Bering Sea and Aleutian Islands management area is inconsistent with (1) a purpose of the Magnuson Act, which is to foster development of the under-utilized groundfish resources off Alaska, and (2) the goals and objectives of the BSAI FMP, which include promotion of the "rational and optimal use" of the groundfish resources as a

whole, and the orderly development of the domestic groundfish fisheries.

Response: The Regional Director finds that this measure will not conflict with the stated purpose of the Magnuson Act. Practically all the groundfish resources are being fully utilized. Because the sablefish bycatch requirements in most of the other groundfish target fisheries are so small, full achievement of other groundfish quotas ought to be realized. The Regional Director also finds that this measure is consistent with the goals and objectives of the BSAI FMP, because this measure preserves the status quo in the groundfish fisheries, which developed during the past four years. Allocating sablefish gear shares promotes orderly fishing; fixed gear users will have a certain amount of sablefish they can depend upon, without fear of preemption by trawl gear.

Comment 8: The Regional Director's approval of the observer program adopted by the Council requiring 100 percent observer coverage on domestic vessels equal to or greater than 125 feet is discriminatory, imposes costs that exceed the benefits in terms of accuracy achieved, and is not within the scope of the Magnuson Act.

Response: The availability of accurate and timely fishery data is critical to wise conservation and management of fishery resources. The quantity and quality of scientific information influence the establishment of maximum sustainable yield, optimum yield, quotas for target species, catch limits for prohibited species, and management unit composition. Accurate fishery data provide the primary foundation for allocative determinations, judgments of efficiency, adjustments for variations and contingencies and evaluation of costs and benefits.

Section 201(i) of the Magnuson Act requires that a U.S. observer be onboard each foreign fishing vessel while that vessel is engaged in fishing activities within the EEZ. Section 201(j)(3) of the Magnuson Act further states that the purpose of observers onboard foreign vessels is to carry out scientific, compliance monitoring, and other functions deemed necessary or appropriate to carry out the purposes of the Magnuson Act. With the elimination of foreign fishing in the Gulf of Alaska and the ongoing reduction of joint venture activity in the Bering Sea, the limited amount of fishery information collected by observers on foreign vessels is not adequate to conserve and manage the Alaskan groundfish fisheries.

The rapid development of the domestic groundfish fishery off Alaska

and the contentious issues that have developed between various interest groups within the fishing industry creates an immediate need for the collection of adequate domestic observer information on which to base informed fishery management decisions. Secretarial approval of a mandatory observer program is based upon his finding that reliable observer information is necessary and appropriate for the conservation and management of the Alaskan groundfish fisheries. Secretarial authority for this action is found under Sections 303(a)(1) and 303(b)(8) of the Magnuson Act, which state:

303(a).—Any fishery management plan which is prepared by any Council, or by the Regional Director, with respect to any fishery, shall—(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—(A) necessary and appropriate for the conservation and management of the fishery; . . . [and]

303(b).—Any fishery management plan which is prepared by any Council, or by the Regional Director, with respect to any fishery may— . . . (8) prescribe measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

The Council's rationale for requiring 100 percent observer coverage on vessels 125 feet in length and longer was based on the fact that vessels of this size category harvest most of the groundfish. A full discussion on the necessity for this level of coverage will be presented in the proposed rulemaking that sets forth specific provisions of the Observer Plan that would implement the comprehensive observer program. Assuring that every vessel 125 feet in length and larger will have an observer onboard at all times, particularly during the start up period of the observer program, may be difficult. Deployment of well trained observers who will do an adequate job onboard vessels is a priority. The high standards required for domestic observers and NMFS' desire for a rational deployment scheme may restrict the number of observers that are available at the beginning of the 1990 fishing year. NMFS anticipates working with the industry to develop and refine the domestic Observer Plan to meet the needs of both fishery management agencies and the fishing industry.

Comment 9: The Federal Register notice of proposed rulemaking was inadequate to advise the public of the scope and impact of the proposed observer program. The Observer Plan should be published in the Federal Register for public comment and review

before any decision on its approvability is made by the Regional Director.

Response: With respect to regulations implementing the observer program, the Council intended that regulations would reference an Observer Plan, which would have had the effect of regulations. The Regional Director determined that opportunity for public comment on aspects of the observer program would be more adequately provided if published as a separate rulemaking in the *Federal Register*. Therefore, a proposed rule will be published in the *Federal Register* that will request additional comments on this program and the provisions of the Observer Plan.

Comment 10: Observers ought to be placed on some catcher vessels delivering codends to motherships to record possible marine mammal interactions that may not result in actual entrapment in fishing nets.

Response: The number of qualified, trained natural resource observers available for deployment on domestic fishing vessels at the beginning of the 1990 fishing year will be limited. With regard to at-sea deployment, the most efficient use of observers is to place them at the point where first sorting of catch occurs. This scheme does not provide for observer coverage of vessels delivering unsorted codends to mothership processors. This policy is supported by the Marine Mammal Protection Act (MMPA) as amended by Pub. L. 100-711, which states that:

The Regional Director shall not be required to place an observer on a vessel in a fishery if the Regional Director finds that . . . in a situation where harvesting vessels are delivering fish to a processing vessel and the catch is not taken on board the harvesting vessel, statistically reliable information can be obtained from an observer on board the processing vessel to which the fish are delivered.

Records of marine mammal interactions must be maintained by operators of catcher vessels and submitted annually to NMFS under rules implementing the MMPA at 50 CFR 229.6(c)(2). The NMFS will take appropriate enforcement action if information becomes available that these records are not being accurately maintained and submitted.

Comment 11: Information obtained by observers on board domestic fishing vessels is mandatory if conservation and management of the groundfish fisheries are to be achieved in accordance with the Magnuson Act.

Response: The Regional Director concurs and has accordingly authorized the comprehensive domestic observer program.

Comment 12: The Walrus Islands fishing closures affect only trawl activity, and are thus discriminatory and impose unnecessary inefficiencies to the Nation's fisheries by removing excellent yellowfin sole fishing grounds. Although this action is proposed as a means to protect walrus, any benefit to walrus cannot be realistically assessed because (A) this measure fails to prohibit all vessel activity within the closed areas; and (B) the State of Alaska has not acted in a complementary fashion to control hunting impacts on walrus populations or to adequately limit human intrusions onto Round Island.

Response: Under the Magnuson Act, the Council and the Secretary must avoid irreversible or long-term adverse effects on all elements of the marine environment, including marine mammals and all other marine species. The 1990-91 groundfish fishery closures between 3 and 12 miles from the Twin Islands, Round Island, and Cape Peirce is implemented to monitor the effect of groundfish operations on walrus in northern Bristol Bay. This measure is being taken as a result of circumstantial evidence that suggests the reduction in the number of walrus observed in this area during 1987 and 1988 may be related to the initiation of the yellowfin sole fishery in northern Bristol Bay. This premise is supported by additional evidence acquired by the U.S. Fish and Wildlife Service that associates the March 1989 closure of the yellowfin sole fishery in northern Bristol Bay with the first observed increase in the number of walrus on Round Island since the onset of that fishery in 1987.

The final rule prohibits all groundfish fishing by all gear types in the 3-12 mile "sanctuary" surrounding major walrus haulout sites in the Walrus Islands area. Although this measure preempts the yellowfin sole fishery from operating in the closed area, vessels should be able to adjust their operations to harvest the total allowable catch of yellowfin sole with little or no additional cost. As discussed in the EA/RIR/FRFA, groundfish vessels are still able to fish within northern Bristol Bay outside of the 12 mile closure where, based on 1986-88 joint venture observer data, estimates of CPUE for yellowfin sole are greater than or equal to the CPUE within the closed area. In addition, fishing for groundfish in this area may occur either before or after the closed period.

Although the State of Alaska has not instituted a prohibition of all vessel traffic within State waters surrounding major walrus haulout sites in the Walrus Islands area, it has initiated numerous restrictions in recent years to limit human disturbance to walrus in the

Round Island area. In 1984, the State closed the area within 2 miles of Round Island to all vessels without a special use permit. This area was increased in 1989 to a 3-mile radius because of concern about acoustic disturbance from fishing vessels to walrus. As a matter of policy, the State does not issue special use permits to vessels used for fishing activity in this area. In addition to placing progressively more stringent limitations on access to Round Island by fishing and tourist vessels, the State has placed an overall limit of 30 visitors on the island at any one time, with no more than 15 visitors allowed to stay over night. Most access in recent years has been by boat, as opposed to sea planes, in an attempt to reduce noise around the Island. Furthermore, at the request of the State, the Federal Aeronautical Administration (FAA) recently issued a notice of airspace restriction within one-half mile of Round Island that prohibits overflights of less than 2,000 feet. The purpose of the FAA notice is to reduce disturbance due to planes associated with the herring fishery.

The yellowfin sole joint venture fishery has been the only groundfish fishery to operate in northern Bristol Bay. No shoreside processing of groundfish has occurred in this area and the Regional Director does not anticipate domestic groundfish fishing within State waters. The Regional Director will cooperate with the State to ensure that necessary action is taken if additional measures need to be implemented to protect walrus or to minimize human disturbance to the walrus environment in northern Bristol Bay.

Comment 13: Walrus populations are at very high levels in the Bering Sea. These population levels are impacting the walrus' food supply and producing natural relocations of the walrus population away from the Round Island area.

Response: Localized depletion of clams and other mollusks due to excessive predation by walrus could be a contributing factor to relocation movements of walrus from one foraging area to another. However, observations and preliminary studies by State of Alaska and U.S. Fish and Wildlife Service personnel suggest that environmental disturbances due to trawling activity in the northern Bristol Bay area may be more directly responsible for the fluctuating numbers of walrus observed in this area over the past three years. The U.S. Fish and Wildlife Service intends to monitor walrus in the Walrus Islands area over the next two years and may produce

more conclusive evidence on the effect of various natural and man-made disturbances on walrus activity and local abundance levels.

Comment 14: With respect to the Walrus Islands closures, the NMFS should consider and seek clarification about (1) criteria to be used in determining if the closure has had its desired effect, (2) the range of research and monitoring studies needed to assess the effectiveness of the proposed closures, and (3) the potential benefits to the yellowfin sole fishery of preventing harvests of spawning yellowfin sole in Togiak Bay.

Response: The Regional Director concurs that a program should be in place to monitor and assess the effect of the Walrus Islands groundfish fishery closures on the walrus population in northern Bristol Bay. Because the intent of these closures is to reduce and assess the impact of groundfish operations on walrus habitat, NMFS does not intend to conduct a specific assessment on the impact of the closures on the yellowfin sole stock.

In 1989, the U.S. Fish and Wildlife Service conducted a preliminary study on the methodology and logistics that could be used in a program developed to assess the impact of trawl groundfish operations on the northern Bristol Bay walrus population. That agency will continue to be responsible for the monitoring of walrus in this area and gathering evidence on the impact of fishing operations on walrus that are using the Round Island, Twin Islands, and Cape Peirce haulout sites.

Comment 15: With respect to the measure for new recordkeeping and reporting requirements, the NMFS should review the proposed and alternative data reporting and observer programs pertinent to the 1988 amendments to the MMPA to ascertain consistency between the two reporting programs.

Response: As mentioned above in the discussion on changes from the proposed rule in the final rule, the groundfish logbook program, as approved by the Regional Director, does not attempt to consolidate recordkeeping and reporting requirements under the MMPA and the rules implementing the Alaska groundfish FMPs. NMFS intends to pursue the consolidation of recordkeeping requirements under the MMPA and the Magnuson Act in the future to reduce the recordkeeping burden on the Alaska groundfish industry. Any future consolidation of recordkeeping requirements programs will maintain consistency between the

Alaskan groundfish and marine mammal logbook programs.

Comment 16: With respect to the measure for new recordkeeping and reporting requirements, maintenance of daily fishing and processing logs should be required of all catcher/processor vessels, not just those over 5 net tons. This change would eliminate the need to prove the size of a vessel and facilitate enforcement on the smaller vessels.

Response: All domestic vessels 5 net tons and larger are required to obtain a U.S. Coast Guard Documentation Number. This number and the vessel's net tonnage are required on Federal groundfish vessel permit applications. Operators of vessels less than 5 net tons are required to report their ADF&G vessel number and net tonnage on their Federal groundfish permit applications. Thus, federal enforcement officials could verify a vessel's reported tonnage through either the Coast Guard Documentation Number or through information on the vessel's Federal groundfish permit application.

Most of the Alaskan groundfish harvest takes place within the EEZ and few vessels smaller than 5 net tons fish for groundfish outside of State waters. These vessels harvest a minimal amount of groundfish relative to larger vessels, and the burden to small vessel operators to maintain groundfish logbooks is not warranted. This determination is also consistent with the purposes of the Regulatory Flexibility Act.

Comment 17: With respect to the measure for new recordkeeping and reporting requirements, haul time and haul position should be included as log entries within two hours of the haul for use in comparing against charts, navigation logs, and other documents to facilitate enforcement.

Response: Comment noted. The recordkeeping requirements contained in the final rule do require haul times and positions to be recorded in logbooks within two hours of the haul.

Comment 18: The State of Alaska should have access to the information collected by the Alaska groundfish logbook program. The State has a vested interest in the Alaskan groundfish fisheries, and the cooperative sharing of data among Federal and State management agencies should bring more analytical resources to bear upon groundfish issues, and greatly improve the information available for decisionmaking.

Response: The Regional Director will continue to pursue the means by which the State of Alaska may gain access to the confidential information collected by the Alaska groundfish logbook program. In order for the State to have access to

statutorily confidential information collected under Federal regulations, the State would need to have the independent legal authority to collect the groundfish logbooks. If the State gains such authority and the State can maintain the degree of confidentiality mandated by Federal statutes, a cooperative agreement may be drawn up that would allow the State to collect Alaska groundfish logbooks from the groundfish industry, thereby gaining access to specific logbook information.

Comment 19: It is important that the Alaska State fish ticket system be maintained for groundfish. The current fish ticket system contains important data on individual fishing operations which are not collected by the proposed logbook program.

Response: The Regional Director concurs that the Alaska State fish ticket system provides specific information on groundfish landings made by individual vessels. This information is also collected for catcher/processor vessels under the NMFS' weekly production report and the associated logbook records. The logbook program does not record specific landings information for vessels delivering to mothership processor vessels or shoreside processing facilities and NMFS will continue to rely on State fish tickets for specific landings information for these catcher vessels. NMFS is pursuing a cooperative agreement with the State of Alaska that would eliminate the need for catcher/processor vessels to submit both State fish tickets and weekly production reports. Although these vessels will be required to submit both documents under State and Federal regulations during 1990, it is anticipated that by 1991, only the weekly production report will be required under the cooperative agreement, which would give the Alaska Department of Fish and Game access to information collected on the weekly production reports.

Comment 20: The measure to establish fixed prohibited species catch limits for Pacific halibut, and thus suspend the framework for establishing these limits, should retain the criteria in existing regulations for judging the appropriateness of the prohibited species catch limits and flexibility to allow incentives for avoiding halibut.

Response: The Council reconsidered and rejected this option at its September 26-29, 1989, meeting. Because this measure expresses the prohibited species catch limits in the FMP, criteria that would allow Pacific halibut bycatches to exceed the limits in the FMP would be inconsistent with the FMP. Any such criteria could only be

implemented by amending the FMP or by taking emergency action. The Council considered this point when it adopted this measure at its June 1989 meeting and heard advice from the Regional Director that prohibited species catch limits would be inflexible during the effective period for this measure. The Council reconsidered this point at its September 1989 meeting and rejected the option of withdrawing this measure during the open comment period. The Secretary has approved this measure.

Classification

The Regional Director determined that the FMP amendments are necessary for the conservation and management of the groundfish fisheries in the Gulf of Alaska and in the Bering Sea/Aleutian Islands and that they are consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment (EA) for these amendments. The Assistant Administrator for Fisheries, NOAA, found that no significant impact on the quality of the environment will occur as a result of this rule. A copy of the EA may be obtained from the Council at the address above.

The Under Secretary for Oceans and Atmosphere, NOAA (Under Secretary) determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the EA/ RIR/FRFA prepared by the Council. A copy of the EA/RIR/FRFA may be obtained from the Council at the address above.

The Under Secretary concludes that this rule will have significant effects on a substantial number of small entities. Thus, a final Regulatory Flexibility Analysis (FRFA) has been prepared. You may obtain a copy of this analysis from the Council at the address listed above.

The Under Secretary determined that this final rule contains a collection of information requirement subject to the Paperwork Reduction Act. This collection of information requirement has been approved by the Office of Management and Budget (OMB) under Control Number 0648-0213. Most of the information collected under the recordkeeping and reporting requirements is effort, production and value information normally maintained by the groundfish vessel operators and processing plant owners for their own internal business purposes. The public recordkeeping and reporting burden for this collection of information is limited to the amount of time necessary for vessel operators and processor plant

owners to transfer this information to the required logbook or report and to submit this information to the NMFS. A summary of the additional burden follows:

Additional burden is estimated to average 30 to 36 hours per year (about 10 to 13 minutes per day) for floating processors, 24 hours per year (less than 20 minutes per day) for shoreside processing plants, and 5.5 hours per year (about 10 minutes per day) for vessels harvesting groundfish. These estimates include the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. The final rule (§ 672.5(c)(1) and § 675.5 (c)(1)) makes a minor change to an existing regulation that requires catcher/processors and mothership processors to submit checkin/checkout reports to NMFS, Alaska Region. The burden associated with this regulation averages less than 10 minutes per response and is approved under OMB No. 0648-0213.

Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to the NMFS at the address above, and to the Office of Information and Regulatory Affairs, Office of Management of Budget, Washington DC 20503 (Attn. NOAA Desk Officer).

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. This determination was submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act. The State agencies failed to comment within the statutory time period.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Parts 611, 620, 672, and 675

Fisheries, Fishing vessels, Reporting and recordkeeping.

Dated: November 30, 1989.

James E. Douglas, Jr.,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 611, 620, 672, and 675 are amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. In § 611.92, paragraph (c)(2)(i) introductory text is revised to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

(c) * * *

(2) * * *

(i) The catch and retention of the amount of any groundfish in the Gulf of Alaska for which a nation has an allocation is permitted during fishing seasons specified at 50 CFR 672.23, except in the following circumstances:

3. In § 611.93, revise paragraph (b)(3)(i) introductory text, redesignate paragraphs (c)(2) through (c)(4) as (c)(3) through (c)(5) and add a new paragraph (c)(2) to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

(b) * * *

(3) * * *

(i) The catch and retention of the amount of any groundfish in the Bering Sea and Aleutian Islands management area for which a nation has an allocation is permitted during fishing seasons specified at 50 CFR 675.23, except in the following circumstances:

(c) * * *

(2) *Fishing.* No fishing is allowed during April 1 through September 30 of each of the 1990 and 1991 fishing years in that part of the Bering Sea subarea shoreward of a line on which each point is 12 miles from the baseline used to measure the Territorial Sea around islands named Round Island and The Twins as shown on National Oceanic Survey Chart INT 500, and around Cape Peirce (160°40' W. longitude, 58°40' N. latitude).

PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

4. The authority citation for Part 620 continues to read as follows:

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

5. Section 620.3 is amended by revising paragraph (d) as follows:

§ 620.3 Relation to other laws.

(d) *Marine mammals.* Regulations governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals are set forth at parts 216 and 229 of this title.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

6. The authority citation for part 672 reads as follows:

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

7. In § 672.2, the definition for *Off-bottom trawl* is removed the definitions of *Statistical area* and *Pelagic trawl* are revised, new definitions for *Daily reporting period or day*, *Fish product weight*, *Processor vessel*, *Quarterly reporting period or quarter*, *Reporting area*, *Vessel*, and *Weekly reported period* are added in alphabetical order and the definition *Regulatory district* is amended by revising the introductory text and adding a new paragraph (4) to read as follows:

§ 672.2 Definitions.

* * *

Daily reporting period or day is the period from midnight until the following midnight using Alaska local time (ALT).

* * *

Fish product weight means the weight of the fish product to the nearest tenth of

a metric ton (0.1 mt) based upon the number of production units and the weight of those units. Production units include pans, cartons, blocks, trays, cans, bags, and individually frozen fish. The weight of a production unit is based on the average weight of the product as determined by analyzing representative samples. The weight of the production unit does not include packaging. The weight of the production unit does include water added to the product and other additives reported to NMFS. NMFS may use the weight of the production units, with an allowance for water added not to exceed 5 percent of the weight of the production unit, to determine net weight and to calculate round weight equivalents.

* * *

Pelagic trawl means a trawl on which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed, and which does not have attached to it protective devices, such as rollers or bobbins, that

would make it suitable for fishing in contact with the seabed:

* * *

Processor vessel, unless otherwise restricted, includes any vessel which is used for, equipped to be used for, or of a type which is normally used for processing, including specifically catcher/processor vessels and mothership processor vessels.

Quarterly reporting period or quarter means a three-month period; the first quarter is from January 1 through March 31, the second quarter is from April 1 through June 30, the third quarter is from July 1 through September 30, and the fourth quarter is from October 1 through December 31.

* * *

Regulatory district means any of the three districts of the Eastern Regulatory area or the Shelikof Strait district described as follows:

* * *

(4) *Shelikof Strait district*—all waters of the EEZ enclosed by a line connecting the following points in the order listed

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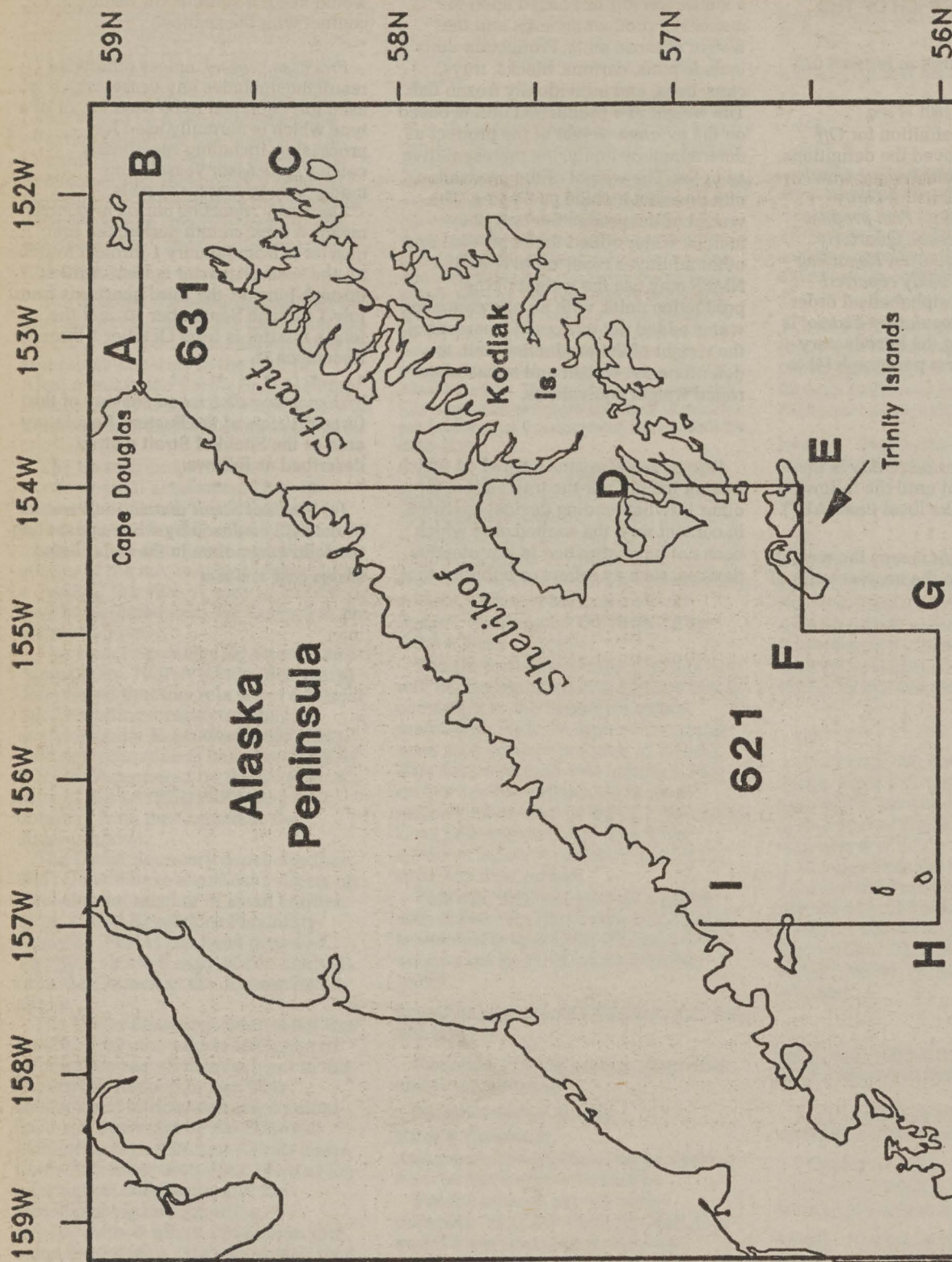


Figure 1. Boundaries of the Shelikof Strait District in the Gulf of Alaska

Reference point	N. lat.	W. long.	Description
A	58°51' N.	153°15' W.	Cape Douglas, then east to
B	58°51' N.	152°00' W.	then south to the intersection of 152°00' W. with Afognak Island, then counter clockwise around the western shorelines of Afognak, Kodiak, and Raspberry Islands to
C			Alitak Bay then south to
D	57°00' N.	154°00' W.	then west through Trinity Islands to
E	56°30' N.	154°00' W.	then south to then west to then north to intersection of 157°00' W. with the Alaska Peninsula.
F	56°30' N.	155°00' W.	
G	56°00' N.	155°00' W.	
H	56°00' N.	157°00' W.	
I			

Reporting area means the relevant Gulf of Alaska statistical area and, in addition to the State waters described in the relevant statistical area, all State waters between the shore and any inshore boundary of that statistical area. Except for pollock, with respect to any groundfish species, any groundfish species group or any prohibited species, the relevant Gulf of Alaska statistical areas include each of the following statistical areas described below: 61, 62, 63, 64, 65, and 68. With respect to pollock, the relevant Gulf of Alaska statistical areas include each of the following statistical areas or portions of statistical areas: 61, 621, 631, 64, 65, 68, that portion of 62 outside of 621, and that portion of 63 outside of 631. A reporting area may be described by the same number or numbers used to identify the associated statistical area(s).

Statistical area means any one of the nine statistical areas of the EEZ in the Gulf of Alaska defined as follows:

- (1) Statistical Area 61—between 170°00' and 159°00' W. longitudes;
- (2) Statistical Area 62—between 159°00' and 154°00' W. longitudes;
- (3) Statistical Area 620—Shelikof Strait district as defined by this section under the heading, "Regulatory district."

(4) Statistical Area 621—that part of the Shelikof Strait District between 157°00' and 154°00' W. longitudes.

(5) Statistical Area 631—that part of the Shelikof Strait District between 154°00' and 152°00' W. longitudes.

(6) Statistical Area 63—between 154°00' and 147°00' W. longitude;

(7) Statistical Area 64—between 147°00' and 140°00' W. longitudes;

(8) Statistical Area 65—east of 137°00' W. longitude and north of 54°30' N. latitude;

(9) Statistical Area 68—between 140°00' and 137°00' W. longitudes.

* * * * *

Vessel, unless otherwise restricted, include catcher vessels and processor vessels.

Weekly reporting period means from midnight Sunday morning until midnight of the following Saturday night, Alaska local time (ALT).

8. Section 672.3 is amended by revising paragraph (b) as follows:

§ 672.3 Relation to other laws.

* * * * *

(b) For regulations governing foreign fishing for groundfish in the Gulf of Alaska, see 50 CFR 611.92; for those governing foreign fishing for groundfish in the Bering Sea and Aleutian Islands, see 50 CFR 611.93. For regulations governing fishing for groundfish in the Bering Sea and Aleutian Islands by vessels of the United States, see 50 CFR Part 675; for those governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals, see 50 CFR 216.24 and 50 CFR 229. For regulations governing fishing for Pacific halibut by vessels of the United States, see 50 CFR 301.

9. In § 672.5 paragraph (a) is revised, paragraph (b) is redesignated as paragraph (d) and the heading revised, and paragraph (c) is redesignated as paragraph (e); and new paragraphs (b) and (c) are added to read as follows:

§ 672.5 Recordkeeping and reporting.

(a) **Applicability and general requirements.** (1) **Applicability.** The operator of a vessel and the manager of a shoreside processing facility are each responsible for compliance with the applicable recordkeeping and reporting requirements of this section. In addition, the owner of a vessel or shoreside processing facility must ensure that the operator or manager complies with these requirements and is jointly and severally responsible for compliance. Except as otherwise provided, this section applies to all vessels required to have a Federal groundfish fishing permit under § 672.4 of this part. Except as

otherwise provided, this section applies to all processor vessels and shoreside processing facilities that receive groundfish from vessels regulated under this Part. This section applies to any fishing or processing that involves any groundfish species, species group or prohibited species regulated under this Part.

(2) **General requirements.** The operators and managers of vessels and shoreside processing facilities must comply with the recordkeeping, reporting, logbook and notice requirements of this section; must maintain timely and accurate records, reports and logbooks required by this section; must maintain all required records, reports and logbooks in a legible manner and in English; and must maintain all required records, reports and logbooks based on Alaska Local Time (ALT). All reporting periods are calculated using ALT.

(3) **Requirement of availability for inspection.** The operator of a vessel and the manager of a shoreside processing facility must make available the original copy of any record, report or logbook required under this section immediately upon the request of an authorized officer or observer at any time during which the record, report or logbook is required to be maintained by the operator or manager.

(4) **Requirements related to submissions.** (i) Records and reports which are required to be submitted to the Alaska Fisheries Science Center must be addressed or delivered to the National Marine Fisheries Service, 7600 Sand Point Way NE Building 4, Seattle, Washington 98115.

(ii) Records, reports, and notices which are required to be submitted or provided to the Regional Director must be submitted or provided in the manner specified by the Regional Director.

(b) **Logbooks.** The operator of any catcher vessel 5 net tons or larger, the operator of any processor vessel, and the manager of any shoreside processing facility must meet the following recordkeeping requirements if that vessel or facility harvests or processes groundfish from any reporting area in the Gulf of Alaska:

(1) **General.**—(i) **Retention of logbook records during the fishing year.** The operator of a vessel must retain the original copy of all logbooks required under this section on board the vessel until the end of the fishing year and for as long after the end of the fishing year as fish or fish products recorded in the logbook are retained on board that vessel. The manager of each shoreside processing facility must retain the

original copy of all logbooks required under this section within the processing facility until the end of the fishing year and for as long after the end of the fishing year as fish and fish products recorded in the logbook are retained at the processing facility.

(ii) *Prescribed logbooks.* The Regional Director will prescribe and provide logbooks required under this section. The operator of a vessel and the manager of a shoreside processing facility must use these prescribed logbooks.

(iii) *Entries and alterations in logbooks.* The operator or manager must maintain and record information as required by instructions in the logbooks and in accordance with this section. No person may remove any original page of any logbook. Any entry or recording of information which is required to be made in a logbook must be made in indelible ink. No person may alter or change any entry or record in a logbook except that an inaccurate or incorrect entry or record may be corrected by lining out the original and inserting the correction, provided that the original entry or record remains legible.

(2) *Daily fishing logbook.* (i) The operator of a catcher/processor or catcher vessel harvesting groundfish from any reporting area in the Gulf of Alaska must maintain onboard a daily fishing logbook of the effort and catch information of the vessel as described in paragraph (b)(2)(ii) of this section. Daily effort entries are required for each day the vessel conducts fishing operations. Daily entries are not required for those days when the fishing vessel stays in port. The operator of a catcher/processor vessel will be provided with a daily fishing logbook that also functions as a daily cumulative production logbook required under paragraph (b)(3) of this section.

(ii) *Daily fishing logbook; contents.* (A) The daily fishing logbook must record the following effort information on a daily basis:

(1) The page number. This number must be consecutive beginning with page one for the first day the vessel conducted any fishing operation after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. A separate page in the daily fishing logbook must be used for each day's fishing activity. If fishing activity is conducted with more than one gear type or in more than one reporting area during any day, a separate page in the daily fishing logbook also must be used for each gear type or reporting area.

(2) The date.

(3) The vessel's name and ADF&G vessel number.

(4) The reporting area where the vessel is conducting fishing activity.

(5) The gear type used by the vessel pelagic trawl, bottom trawl, hook and line, or pot gear).

(6) The signature of the operator of the vessel.

(7) The size of the crew.

(8) Daily discard amounts of each groundfish species or species group to at least the nearest tenth of a metric ton (0.1 mt) round weight, and daily discard amounts of each prohibited species listed under § 672.20(e) of this part by number, except for discard amounts of herring, which must be reported by round weight (0.1 mt).

(B) The following information must be recorded for each haul or set, as appropriate to the gear type employed:

(1) The trawl or set number. This number must be consecutive beginning with number one for the first haul or set of the day.

(2) The time at the beginning of the trawl or set.

(3) The position of the vessel at the beginning of the trawl or set in geographic coordinates.

(4) The sea depth at the beginning of the trawl or set in fathoms.

(5) Information concerning the gear used by the vessel. If the vessel is using longline gear, this information must include the average number of hooks or pots per skate and the number of skates used. If the vessel is using trawl gear, this information must include average trawl depth in fathoms.

(6) The duration of the set or trawl in minutes.

(7) The position of the vessel at the completion of the trawl or set in geographic coordinates.

(8) The estimated total weight of the catch for the trawl or set in round weight to the nearest metric ton (mt).

(iii) *Maintenance of the daily fishing logbook.* Entries in the daily fishing logbook as to trawl or set number, time, position, and estimated catch weight must be recorded within two hours after completion of the applicable trawl or set. All other information required in the daily fishing log under paragraph (b)(2)(ii) of this section must be recorded by noon of the following day.

(iv) *In all cases, upon delivery or landing; provision of discard information to processors.*

Notwithstanding other time limits, all information required under paragraph (b)(2)(ii) must be recorded in the daily fishing logbook prior to the time when the vessel's catch is off-loaded. The daily discard information for each day since the previous offload must be

provided to the processor receiving the catch. The processor must record this discard information in the daily cumulative production logbook and in the weekly production report.

(v) *Quarterly submission of daily fishing logbooks.* The operator of a catcher vessel or catcher/processor vessel must submit a copy of the daily fishing logbook on a quarterly basis to the Alaska Fisheries Science Center. The copy of the daily fishing logbook for fishing activities conducted during the first quarter must be submitted by May 1 of that year, for the second quarter, by August 1 of that year, for the third quarter, by November 1 of that year, and for the fourth quarter, by February 1 of the following year.

(3) *Daily cumulative production logbook.* (i) The operator of a processor vessel and the manager of a shoreside processing facility that receives or processes groundfish from any reporting area in the Gulf of Alaska must maintain on the processor vessel or within the processing facility a daily cumulative production logbook of estimated catch receipt (if applicable), species discard amounts, and retained groundfish product information as described in paragraph (b)(3)(ii) of this section. Daily entries are required for each day a processor vessel or facility receives or processes groundfish.

(ii) *Daily cumulative production logbook; contents.* (A) The daily cumulative production logbook must record the following information on a daily basis:

(1) The page number. This number must be consecutive beginning with page one for the first day the processor vessel or processing facility conducted any fishing or processing activity after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. A separate page in the daily cumulative production logbook must be used for each day's entries. If fish received by the processor vessel or facility during any day are harvested with more than one gear type or are harvested from more than one reporting area, a separate page in the daily cumulative production logbook also must be used for each gear type or reporting area.

(2) The date.

(3) The name of the processing vessel or facility.

(4) The ADF&G vessel number or the Alaska State processor code, whichever is applicable.

(5) The reporting area where the groundfish was harvested.

(6) The gear type used to harvest the groundfish received by the processing

vessel or facility (pelagic trawl, bottom trawl, hook and line, or pot gear).

(7) The signature of the operator of the processing vessel or the manager of the facility.

(8) The number of crew or employees engaged by a processor for fishing, processing, or other activities.

(9) The amounts of each groundfish species, groundfish species group, and prohibited species listed under § 672.20(e) of this part, that are discarded in related fishing or processing activity. These amounts should include discards reported to a processor by operators of catcher vessels under § 672.5(b)(2)(iv) of this part. Discard amounts of groundfish should be recorded to the nearest tenth of a metric ton (0.1 mt) round weight. Discard amounts for each prohibited species listed under § 672.20(e) of this part must be recorded by number, except for discard amounts of herring, which must be recorded by round weight (0.1 mt).

(10) Species product information for each day of processing activity. Fish product weight must be specified to the nearest tenth of a metric ton (0.1 mt). Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total allowable catch (TAC) is specified under § 672.20 of this part:

(i) The product by species and product type codes.

(ii) The daily total amount of the product produced by species and product type codes in fish product weight.

(iii) The weekly total amount of the product produced by species and product type codes in fish product weight to be carried forward from the previous day. At the beginning of each weekly reporting period, the weekly total amount for each product is zero and nothing shall be carried forward from the previous weekly reporting period.

(iv) The updated weekly total amount of the product produced by species and product type codes in fish product weight calculated by adding the relevant daily total and the weekly total to be carried forward.

(B) The daily cumulative production logbook must record the following information for each catch receipt:

(i) For each groundfish set or codend received by mothership processor vessel:

(i) The State of Alaska fish ticket number.

(ii) The time when the set or codend is received.

(iii) The position of the mothership processor vessel in geographic coordinates when the set or codend is received.

(iv) The name of the catcher vessel delivering the set or codend.

(v) The ADF&G vessel number of the catcher vessel delivering the set or codend.

(vi) The estimated total weight of the set or codend in round weight to the nearest metric ton (mt).

(2) For each groundfish landing received by shoreside processors from catcher vessels:

(i) The State of Alaska fish ticket number.

(ii) The time when the catch is received.

(iii) The name of the vessel delivering the catch.

(iv) The ADF&G vessel number of the vessel delivering the catch.

(v) The estimated total weight of the catch in round weight to the nearest metric ton (mt).

(iii) *Maintenance of the Daily cumulative production logbook.* Information concerning the catch receipt number or State of Alaska fish ticket number, time of receipt, the name of the delivering vessel and, for mothership processor vessel, the position of that vessel and the estimated catch receipt weight, must be recorded in the daily cumulative production logbook within 2 hours after the set, codend or catch is received. All other information required in the daily cumulative production logbook under paragraph (b)(3)(ii) of this section must be recorded by noon of the day following the day the catch receipt or production occurred. Information concerning product amounts must be recorded in the daily cumulative production logbook by noon of the day following the processing of the product regardless of when the set, codend or catch is received.

(iv) *Quarterly submission of the daily cumulative production logbook.* The operator of a processor vessel or manager of a shoreside processing facility must submit a copy of the daily cumulative production logbook on a quarterly basis to the Alaska Fisheries Science Center. The copy of the daily cumulative production logbook for activities conducted during the first quarter must be submitted by May 1 of that year, for the second quarter, by August 1 of that year, for the third quarter, by November 1 of that year, and the fourth quarter, by February 1 of the following year.

(4) *Product transfer logbooks.* The operator of a processor vessel and the manager of a shoreside processing facility must record, in a separate

transfer logbook, each transfer. A transfer includes any loading, offloading, shipment or receipt of any processed groundfish product, including quantities transferred outside the EEZ, within any state's territorial waters, or within the internal waters of any state or at any shoreside facility. Product transfer information must be recorded in the product transfer logbook within 12 hours of the completion of the transfer.

(i) *Product transfer logbooks; contents.* The transfer logbook must record the following information:

(A) *The page number.* This number must be consecutive beginning with page one for the first transfer occurring after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year.

(B) *The time, date and location.* This information must include the time and date when the transfer began and the time and date when it is completed. If the product transfer logbook is maintained for a processor vessel, this information must include the location of the transfer. If the processor vessel is at sea, the location of the transfer must be specified in geographic coordinates. If the processor vessel is in port, the location of the transfer must be specified by identifying that port.

(C) *Identification information.* If the product transfer logbook is maintained for a processor vessel, the identification information must include the vessel's name, the Federal permit number, the ADF&G vessel number and radio call sign. If the product transfer logbook is maintained for a shoreside processing facility, the identification information must include the name of the facility, the location of the facility, and the Alaska State Processor Code number.

(D) *Company representative information.* Company representative information must include the name of a person representing the processor vessel or facility, the telephone number for that person and either a telex or facsimile number for that person.

(E) *Transfer information.* The transfer information must include the type of transfer involved and must specify whether the transfer is a shipment of offloading or whether it is a receipt or loading.

(F) *Second party information.* Second party information must include information concerning the other parties involved in the transfer, including the name, Federal permit number and radio call sign of any vessel involved, the name of any shipping agent involved, and the name and location of any processing facility involved. If the transfer involves a shipment, the second

party information must include the destination of the carrier or vessel receiving the fish product.

(G) *The total amount of the products transferred by species code and product type in fish product weight to the nearest tenth of a metric ton (0.1 mt).* Information concerning the amount of the product must include the total number of production units transferred and the estimated weight of each production unit type.

(ii) *Submission of product transfer logbooks.* An operator of a processor vessel and a manager of a shoreside processing facility must submit a copy of the product transfer logbook to the Regional Director for each week when any product transfer activity occurred. Copies of the product transfer logbooks must be received by the Regional Director within one week after the week when the transfer occurred.

(c) *Other reporting requirements.* The operator or manager of any vessel or shoreside processor of the United States that harvests or processes groundfish caught from any reporting area in the Gulf of Alaska must, in addition to the requirements of paragraphs (a) and (b) of this section, comply with the following requirements:

(1) *Alaska groundfish check-in/check-out notices: (1) Requirement.* Prior to the commencement of any fishing activity in, or the receipt of any groundfish from, any Gulf of Alaska reporting area during any fishing year by any processor vessel, the operator of the vessel must provide a check-in notice to the Regional Director. Upon the completion of fishing activity in or the receipt of any groundfish from any Gulf of Alaska reporting area during any fishing year by any processor vessel, the operator of the vessel must provide a check-out notice to the Regional Director.

(ii) *Check-in/check-out notices; contents:* The notice of check-in or check-out must include the following information:

(A) The processor vessel's name, radio call sign, and, if applicable, Federal groundfish permit number;

(B) Time and date information. If the notice concerns the commencement of fishing activity or the receipt of groundfish, this information must include the time and date of when these activities will commence. If the notice concerns the completion of fishing activities or the receipt of groundfish, this information must include the time and date of when these activities ceased.

(C) Location. The reporting area and position in geographic coordinates where the fishing activity or receipt of

groundfish is expected to occur or has occurred.

(iii) *Check-in/check-out notices; submission or method of providing notice.* The operator of a processor vessel required to provide a check-in or check-out notice must provide that notice through the means and in the manner prescribed by the Regional Director.

(2) *Weekly production reports.—(i) Requirements for processor vessels.* The operator of a processor vessel which conducts fishing activity in, or receives groundfish from, any Gulf of Alaska reporting area at any time during fishing year must submit weekly production reports. Weekly production reports are required for a processor vessel for any week during the period beginning with the date specified in the check-in notice and ending after all groundfish harvested from and fish products prepared with any groundfish harvested from any Gulf of Alaska reporting area are off-loaded. Weekly production reports are required during this period even if no groundfish is harvested or received or processed during a particular week and these weekly production reports should specify "zero" with respect to the amounts harvested, received or produced.

(iii) *Weekly production reports; contents.* The weekly production report must have a separate page for each gear type used. Each page must include the following information:

(A) The name of the person submitting the report, a telephone number for that person, and either a facsimile or telex number for that person.

(B) Identification information. If the weekly production report is submitted on a processor vessel, this information must include the name and radio call sign of that vessel. If the weekly report is submitted for a shoreside processing facility, this information must include the name of the plant.

(C) Federal permit number or Alaska State processor code, whichever is applicable.

(D) The end date of the weekly reporting period.

(E) The gear type used to harvest the groundfish catch or catch receipt (pelagic trawl, bottom trawl, hook and line, or pot gear).

(F) The reporting area or areas from which groundfish was harvested and retained during the weekly reporting period with the reporting area or areas specified for each groundfish species or species group.

(G) The number of days when fishing activities were conducted and when fish were received.

(H) The total estimated catch weight or catch receipt for each reporting area to the nearest metric ton (mt).

(I) The amount of each product by species code and product type with the amount produced during the weekly reporting period specified in fish product weight for each groundfish species or species group for which a total allowable catch is specified under § 672.20 of this part.

(J) The amount of each groundfish species, groundfish species group, or prohibited species listed under § 672.20(e) of this part, which is discarded in related fishing operations during the weekly reporting period.

(iv) *Weekly production reports; submission.* Weekly production reports must be submitted to the Regional Director. Weekly production reports must be received by the Regional Director within one week after the end of the applicable weekly reporting period.

(3) *Monthly product value report. (i) Requirement.* The operator of a processor vessel and the manager of a shoreside processing facility or the parent company of that vessel or facility must prepare a monthly product value report for each month the vessel or facility sells any groundfish harvested from or any fish product produced from groundfish harvested from any Gulf of Alaska reporting area.

(ii) *Monthly product value reports; contents.* The monthly product value report must contain the following information:

(A) Company representative information. This information must include the name of the person representing the processing vessel, facility or company, the telephone number for that person and either a telex or facsimile number for that person.

(B) The name of the vessel or facility.

(C) Federal permit number or Alaska State processor code, whichever is applicable.

(D) The month and year.

(E) The products sold during the monthly reporting period by species code and product type with the amount specified in fish product weight for each product type and for each groundfish species or species group for which a total allowable catch is specified under § 672.20. The size or sizes of the products sold, the grade or grades of the products sold, if applicable, and the value of the products sold must also be specified.

(iii) *Monthly product value reports; submission.* The operator of a processor vessel and the manager of a shoreside

processing facility or the parent company of that vessel or facility must submit monthly product value reports on an annual basis to the Alaska Fisheries Science Center. Monthly product value reports for a calendar year must be received by February 1 of the following year.

(d) *Groundfish utilization surveys.*

10. § 672.7 is amended by adding paragraph (d) as follows:

§ 672.7 Prohibitions.

(d) Fish for groundfish except in compliance with the terms of an observer plan as provided by § 672.27 of this part.

11. In § 672.20, paragraphs (a)(2) and (f)(1) are revised, paragraph (f)(2) is suspended from January 1, 1990, through December 31, 1990, and a new paragraph (f)(3) is added from January 1, 1990, through December 31, 1990, to read as follows:

§ 672.20 General limitations.

(a) * * *

(2) *Total Allowable Catch (TAC).* The Secretary, after consultation with the North Pacific Fishery Management Council (Council), will specify the annual TAC for each calendar year for each target species and the "other species" category, and will apportion the TACs among DAP, JVP, TALFF, and reserves. TACs in the target species category may be split or combined for purposes of establishing new TACs with apportionments thereof under paragraph (c)(1) of this section.

(f) * * *

(1) *Gear closures.* (i) Trawl gear. If during the year, the Regional Director determines that the catch of halibut by vessels using trawl gear and delivering their catch to foreign vessels (JVP vessels) or vessels using trawl gear and delivering their catch to U.S. fish processors or processing their catch on board (DAP vessels) will reach their proportional share of halibut provided for under paragraph (f)(2) or (f)(3) of this section, the Regional Director will publish a notice in the *Federal Register* prohibiting fishing with trawl gear other than pelagic trawl gear for the rest of the year by DAP or JVP vessels in the area to which the PSC limit applies.

(ii) Hook-and-line and pot gear. If during the year, the Regional Director determines that the catch of halibut by vessels using hook-and-line or pot gear and delivering their catch to foreign vessels (JVP vessels) or vessels using

hook-and-line or pot gear and delivering their catch to U.S. fish processors or processing their catch on board (DAP vessels) will reach their proportional share of halibut provided for under paragraph (f)(2) or (f)(3) of this section, the Regional Director will publish a notice in the *Federal Register* prohibiting fishing with hook-and-line or pot gear for the rest of the year by DAP or JVP vessels in the area to which the PSC limit applies.

(3) Pacific halibut PSC limits. (i) A PSC limit of 2,000 mt of Pacific halibut for trawl gear is established.

(ii) A PSC limit of 750 mt of Pacific halibut for hook-and-line and pot gear, combined, is established.

(iii) The Pacific halibut PSC limits established for trawl gear and for hook and line and pot gear are allocated to DAP and to JVP in proportion to the specified DAP and JVP amounts of groundfish apportionment.

12. Section 672.23 is revised to read as follows:

§ 672.23 Seasons.

(a) Fishing for groundfish during the January 1–December 31 fishing year in the statistical areas defined at § 672.2 is authorized from January 1 through December 31, subject to the other provisions of this part, except as provided in paragraph (b) of this section.

(b) Fishing for sablefish is authorized with hook-and-line gear from 12:00 noon Alaska local time on April 1 through December 31, subject to other provisions of this part.

13. In § 672.24, paragraph (c) is revised effective from January 1, 1990, through December 31, 1992 to read as follows:

§ 672.24 Gear limitations.

(c) *Trawls other than pelagic trawls.* (1) No person may trawl in waters of the EEZ within the following areas in the vicinity of Kodiak Island (see Figure 2, Area Type I) from a vessel having any trawl other than a pelagic trawl either attached or on board:

(i) *Alitak Flats and Towers Areas:* All water of Alitak Flats and the Towers Areas enclosed by a line connecting the following seven points in the order listed:

Reference point	N. lat.	W. long.	Land description
a.....	56°59'4"	154°31'1"	Low Cape.
b.....	57°00'0"	155°00'0"	
c.....	56°17'0"	155°00'0"	
d.....	56°17'0"	153°52'0"	
e.....	56°33'5"	153°52'0"	Cape Sitkinak.

Reference point	N. lat.	W. long.	Land description
f.....	56°54'5"	153°32'5"	East point of Twotended Island.
g.....	56°56'0"	153°35'5"	Kodiak Island, thence, along the coastline of Kodiak Island until intersection of Low Cape.
a.....	56°59'4"	154°31'1"	

(ii) *Marmot Flats Area:* All water enclosed by a line connecting the following five points in the clockwise order listed:

Reference point	N. lat.	W. long.	Land description
a.....	58°00'0"	152°30'0"	
b.....	58°00'0"	151°47'0"	
c.....	57°37'0"	151°47'0"	
d.....	57°37'0"	152°10'1"	Cape Chiniak, thence, along the coastline of Kodiak Island to North Cape.
e.....	57°54'5"	152°30'0"	
a.....	58°00'0"	152°30'0"	

(2) From February 15 to June 15, no person may trawl in waters of the EEZ within the following areas in the vicinity of Kodiak Island (see Figure 2, Area Type II) from a vessel having any trawl other than a pelagic trawl either attached or on board:

(i) *Chirikof Island Area:* All waters surrounding Chirikof Island enclosed by a line connecting the following four points in the counter clockwise order listed:

Reference point	N. lat.	W. long.
a.....	56°07'0"	155°13'0"
b.....	56°07'0"	156°00'0"
c.....	55°41'0"	156°00'0"
d.....	55°41'0"	155°13'0"
a.....	56°07'0"	155°13'0"

(ii) *Barnabas Area:* All waters enclosed by a line connecting the following six points in the counter clockwise order listed:

Reference point	N. lat.	W. long.	Land description
a.....	57°00'0"	153°18'0"	Black Point.
b.....	56°56'0"	153°09'0"	
c.....	57°22'0"	152°18'5"	South Tip of Ugak Island.
d.....	57°23'5"	152°17'5"	North Tip of Ugak Island.
e.....	57°25'3"	152°20'0"	Narrow Cape, thence, along the coastline of Kodiak Island to Cape Kasick to Black Point, incl. inshore waters.
f.....	57°04'2"	153°30'0"	
a.....	57°00'0"	153°18'0"	

(3) Each person using a trawl to fish in any area limited to pelagic trawling under paragraph (c)(1) and (c)(2) of this section must maintain in working order on that trawl a properly functioning, recording net-sonde device, and must

retain all net-sonde recordings aboard the fishing vessel during the fishing year.

(4) No person using a trawl to fish in any area limited to pelagic trawling under paragraphs (c)(1) and (c)(2) of this section may allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of the period of any tow, as indicated by the net-sonde device.

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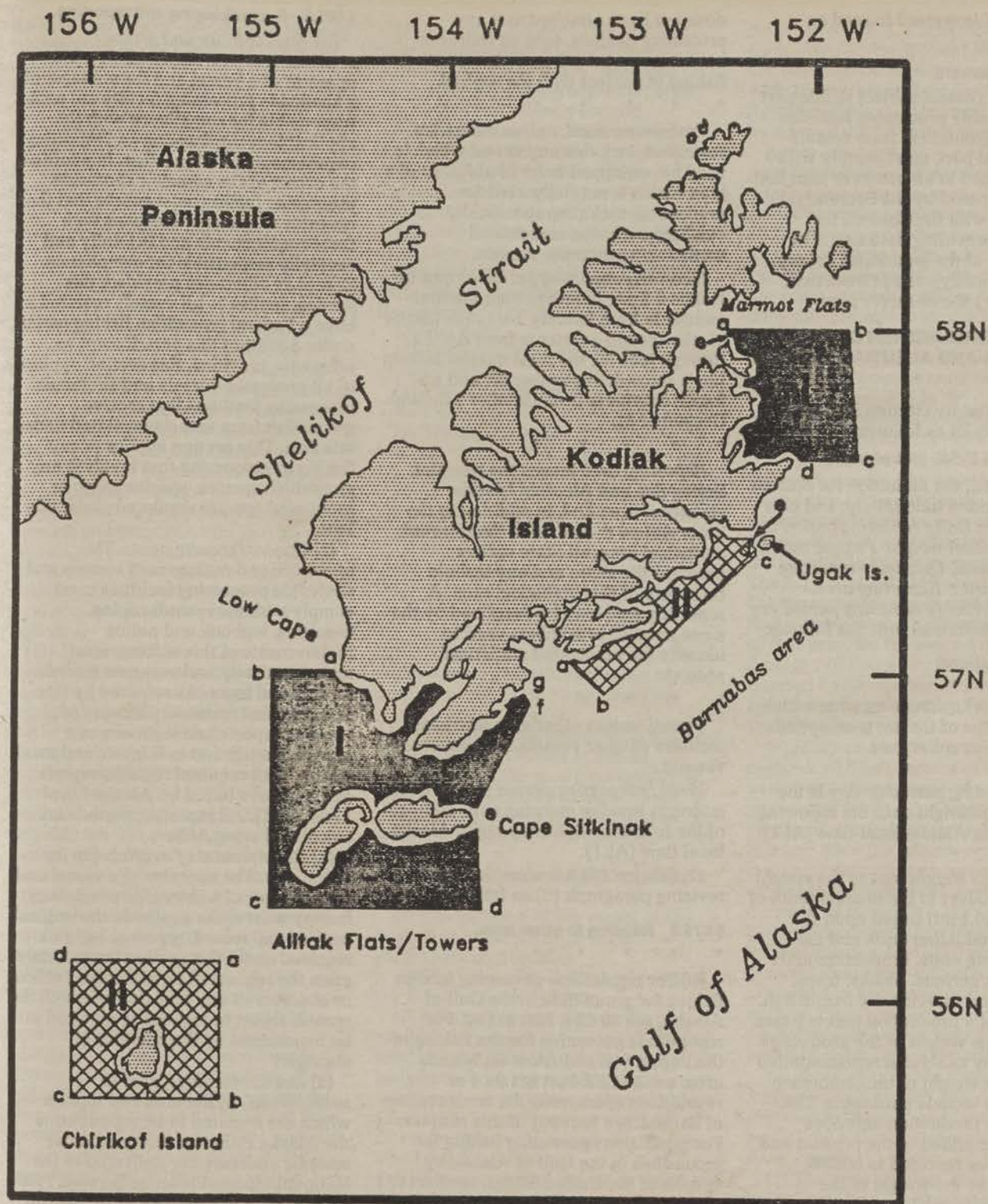


Figure 2. Areas around Kodiak Island closed to trawling except with pelagic trawls. TYPE I areas are closed year round. TYPE II areas are closed February 15 to June 15.

See section 672.24, Gear Limitations, for coordinate descriptions.

14. § 672.27 is revised to read as follows:

§ 672.27 Observers.

All fishing vessels subject to this part and all shoreside processing facilities that receive groundfish from vessels subject to this part, must comply with terms contained in an observer plan that has been prepared by the Secretary, in consultation with the Council, for purposes of providing data useful in management of the groundfish fishery, unless specifically exempt from such compliance by the observer plan.

PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

15. The authority citation for Part 675 continues to read as follows:

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

16. In § 675.2, the definition for *Bottom trawl* is extended indefinitely; and new definitions for *Daily reporting period or day*, *Fish product weight*, *Pelagic trawl*, *Processor vessel*, *Quarterly reporting period or quarter*, *Reporting area*, *Vessel*, and *Weekly reporting period* are added in alphabetical order as follows:

§ 675.2 Definitions.

Bottom trawl means a trawl in which the ground rope of the net is equipped with bobbins or roller gear.

Daily reporting period or day is the period from midnight until the following midnight using Alaska local time (ALT).

Fish product weight means the weight of the fish product to the nearest tenth of a metric ton (0.1 mt) based upon the number of production units and the weight of those units. Production units include pans, cartons, blocks, trays, cans, bags, and individually frozen fish. The weight of a production unit is based on the average weight of the product as determined by analyzing representative samples. The weight of the production unit does not include packaging. The weight of the production unit does include water added to the product and other additives reported to NMFS. NMFS may use the weight of the production units, with an allowance for water added not to exceed 5 percent of the weight of the production unit, to determine net weight, and to calculate round weight equivalents.

Pelagic trawl means a trawl on which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed, and which

does not have attached to it any protective devices, such as rollers or bobbins, that would make it suitable for fishing in contact with the seabed.

Processor vessel, unless otherwise restricted, includes any vessel which is used for, equipped to be used for, or of a type which is normally used for processing, including specifically catcher/processor vessels and mothership processor vessels.

Quarterly reporting period or quarter means a three month period; the first quarter is from January 1 through March 31, the second quarter is from April 1 through June 30, the third quarter is from July 1 through September 30, and the fourth quarter is from October 1 through December 31.

Reporting area means the relevant Bering Sea and Aleutian Islands statistical area and, in addition to the State waters described in the relevant statistical area, all State waters between the shore and any inshore boundary of that statistical area. A reporting area may be described by the same number or numbers used to identify the associated statistical area(s).

Vessel, unless otherwise restricted, includes catcher vessels and processor vessels.

Weekly reporting period means from midnight Sunday morning until midnight of the following Saturday night, Alaska local time (ALT).

17. Section 675.3 is amended by revising paragraph (b) as follows:

§ 675.3 Relation to other laws.

(b) For regulations governing foreign fishing for groundfish in the Gulf of Alaska, see 50 CFR Part 611.92. For regulations governing foreign fishing in the Bering Sea and Aleutian Islands area, see 50 CFR Part 611.93. For regulations concerning the conservation of halibut, see Part 301 of this chapter. For regulations governing fishing for groundfish in the Gulf of Alaska by vessels of the United States, see Part 672 of this chapter; and for those governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals, see 50 CFR 216.24 and 50 CFR 229.

18. In § 675.5, paragraph (a) is revised, paragraph (b) is redesignated as paragraph (d) and the heading revised, and new paragraphs (b) and (c) are added to read as follows:

§ 675.5 Recordkeeping and reporting.

(a) *Applicability and general requirements*—(1) *Applicability*. The operator of a vessel and the manager of a shoreside processing facility are each responsible for compliance with the applicable recordkeeping and reporting requirements of this section. In addition, the owner of the vessel or shoreside processing facility must ensure that the operator or manager complies with these requirements and is jointly and severally responsible for compliance. Except as otherwise provided, this section applies to all vessels required to have a Federal groundfish fishing permit under § 675.4 of this part. Except as otherwise provided, this section applies to all processor vessels and shoreside processing facilities that receive groundfish from vessels regulated under this Part. This section applies to any fishing or processing that involves any groundfish species, species group or prohibited species regulated under this Part.

(2) *General requirements*. The operators and managers of vessels and shoreside processing facilities must comply with the recordkeeping, reporting, logbook and notice requirements of this section, must maintain timely and accurate records, reports and logbooks required by this section, must maintain all required records, reports and logbooks in a legible manner and in English, and must maintain all required records, reports and logbooks based on Alaska Local Time (ALT). All reporting periods are calculated using ALT.

(3) *Requirement of availability for inspection*. The operator of a vessel and the manager of a shoreside processing facility must make available the original copy of any record, report or logbook required under this section immediately upon the request of an authorized officer or observer at any time during which the record, report or logbook is required to be maintained by the operator or manager.

(4) *Requirements related to submissions*. (i) Records and reports which are required to be submitted to the Alaska Fisheries Science Center must be addressed or delivered to the National Marine Fisheries Service, 7600 Sand Point Way NE Building 4, Seattle, Washington 98115.

(ii) Records, reports, and notices which are required to be submitted or provided to the Regional Director must be submitted or provided in the manner specified by the Regional Director.

(b) *Logbooks*. The operator of any catcher vessel 5 net tons or larger, the operator of any processor vessel, and

the manager of any shoreside processing facility must comply with the following recordkeeping requirements if that vessel or facility harvests or processes groundfish from any Bering Sea and Aleutian Islands reporting area:

(1) *General*—(i) *Retention of logbook records during the fishing year.* The operator of a vessel must retain the original copy of all logbooks required under this section on board the vessel until the end of the fishing year and for as long after the end of the fishing year as fish or fish products recorded in the logbook are retained on board that vessel. The manager of each shoreside processing facility must retain the original copy of all logbooks required under this section within the processing facility until the end of the fishing year and for as long after the end of the fishing year as fish and fish products recorded in the logbook are retained at the processing facility.

(ii) *Prescribed logbooks.* The Regional Director will prescribe and provide logbooks required under this section. The operator of a vessel and the manager of a shoreside processing facility must use these prescribed logbooks.

(iii) *Entries and alterations in logbooks.* The operator or manager must maintain and record information as required by instructions in the logbooks and in accordance with this section. No person may remove any original page of any logbook. Any entry or recording of information which is required to be made in a logbook must be made in indelible ink. No person may alter or change any entry or record in a logbook except that an inaccurate or incorrect entry or record may be corrected by lining out the original and inserting the correction, provided that the original entry or record remains legible.

(2) *Daily fishing logbook.* (i) The operator of a catcher/processor or catcher vessel harvesting groundfish from any Bering Sea and Aleutian Islands reporting area must maintain onboard a daily fishing log of the effort and catch information of the vessel as described in paragraph (b)(2)(ii) of this section. Daily effort entries are required for each day the vessel conducts fishing operations. Daily entries are not required for those days when the fishing vessel stays in port. The operator of a catcher/processor vessel will be provided with a daily fishing logbook that also functions as a daily cumulative production logbook required under paragraph (b)(3) of this section.

(ii) *Daily fishing logbook; contents.* (A) The daily fishing log must record the following effort information on a daily basis:

(1) The page number. This number must be consecutive beginning with page one for the first day the vessel conducted any fishing operation after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. A separate page in the daily fishing logbook must be used for each day's fishing activity. If fishing activity is conducted with more than one gear type or in more than one reporting area, during any day, a separate page in the daily fishing logbook also must be used for each gear type or reporting area.

(2) The date.

(3) The vessel's name and the ADF&G vessel number.

(4) The reporting area where the vessel is conducting fishing activity.

(5) The gear type used by the vessel (pelagic trawl, bottom trawl, hook and line, or pot gear).

(6) The signature of the operator of the vessel.

(7) The size of the crew.

(8) Daily discard amounts of each groundfish species or species group to at least the nearest tenth of a metric ton (0.1 mt) round weight, and daily discard amounts of each prohibited species listed under § 675.20(e) of this part by number, except for discard amounts of herring, which must be reported by round weight (0.1 mt).

(B) The following information must be recorded for each haul or set, as appropriate to the gear type employed:

(1) The trawl or set number. This number must be consecutive beginning with number one for the first haul or set of the day.

(2) The time at the beginning of the trawl or set.

(3) The position of the vessel at the beginning of the trawl or set in geographic coordinates.

(4) The sea depth at the beginning of the trawl or set in fathoms.

(5) Information concerning the gear used by the vessel. If the vessel is using longline gear, this information must include the average number of hooks or pots per skate and the number of skates used. If the vessel is using trawl gear, this information must include average trawl depth in fathoms.

(6) The duration of the set or trawl in minutes.

(7) The position of the vessel at the completion of the trawl or set in geographic coordinates.

(8) The estimated total weight of the catch for the trawl or set in round weight to the nearest metric ton (mt).

(iii) *Maintenance of the daily fishing logbook.* Entries in the daily fishing logbook as to trawl or set number, time, position, and estimated catch weight

must be recorded within two hours after completion of the applicable trawl or set. All other information required in the daily fishing log under paragraph (b)(2)(ii) of this section must be recorded by noon of the following day.

(iv) *In all cases, upon delivery or landing; provision of discard information to processors.*

Notwithstanding other time limits, all information required under paragraph (b)(2)(ii) must be recorded in the daily fishing logbook prior to the time when the vessel's catch is off-loaded. The daily discard information for each day since the previous offload must be provided to the processor receiving the catch. The processor must record this discard information in the daily cumulative production logbook and in the weekly production report.

(v) *Quarterly submission of daily fishing logbooks.* The operator of a catcher vessel or catcher/processor vessel must submit a copy of the daily fishing logbook on a quarterly basis to the Alaska Fisheries Science Center. The copy of the daily fishing logbook or fishing activities conducted during the first quarter must be submitted by May 1 of that year, for the second quarter, by August 1 of that year, for the third quarter, by November 1 of that year, and for the fourth quarter, by February 1 of the following year.

(3) *Daily cumulative production logbook.* (i) The operator of a processor vessel and the manager of a shoreside processing facility that receives or processes groundfish from any Bering Sea and Aleutian Islands reporting area must maintain on the processor vessel or within the processing facility a daily cumulative production logbook of estimated catch receipt (if applicable), species discard amounts, and retained groundfish product information as described in paragraph (b)(3)(ii) of this section. Daily entries are required for each day a processor vessel or facility receives or processes groundfish.

(ii) *Daily cumulative production logbook; contents.* (A) The daily cumulative production logbook must record the following information on a daily basis:

(1) The page number. This number must be consecutive beginning with page one for the first day the processor vessel or processing facility conducted any fishing or processing activity after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. A separate page in the daily cumulative production logbook must be used for each day's entries. If fish received by the processor vessel or facility during

any day are harvested with more than one gear type or are harvested from more than one reporting area, a separate page in the daily cumulative production logbook also must be used for each gear type or reporting area.

(2) The date.

(3) The name of the processing vessel or facility.

(4) The ADF&G vessel number or the Alaska State processor code, whichever is applicable.

(5) The reporting area where the groundfish was harvested.

(6) The gear type used to harvest the groundfish received by the processing vessel or facility (pelagic trawl, bottom trawl, hook and line, or pot gear).

(7) The signature of the operator of the processing vessel or the manager of the facility.

(8) The number of crew or employees engaged by a processor for fishing, processing, or other activities.

(9) The amounts of each groundfish species, groundfish species group, and prohibited species listed under § 675.20(c) of this part, that are discarded in related fishing or processing activity. These amounts should include discards reported to a processor by operators of catcher vessels under § 675.5(b)(2)(iv) of this part. Discard amounts of groundfish should be recorded to the nearest tenth of a metric ton (0.1 mt) round weight. Discard amounts for each prohibited species listed under § 675.20(c) of this part must be recorded by number, except for discard amounts of herring, which must be recorded by round weight (0.1 mt).

(10) Species product information for each day of processing activity. Fish product weight must be specified to the nearest tenth of a metric ton (0.1 mt). Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total allowable catch (TAC) is specified under § 675.20 of this part:

(i) The product by species and product type codes.

(ii) The daily total amount of the product produced by species and product type codes in fish product weight.

(iii) The weekly total amount of the product produced by species and product type codes in fish product weight to be carried forward from the previous day. At the beginning of each weekly reporting period, the weekly total amount for each product is zero and nothing shall be carried forward from the previous weekly reporting period.

(iv) The updated weekly total amount of the product produced by species and product type codes in fish product weight calculated by adding the relevant daily total and the weekly total to be carried forward.

(B) The daily cumulative production logbook must record the following information for each catch receipt:

(1) For each groundfish set or codend received by mothership processor vessel:

(i) The State of Alaska fish ticket number.

(ii) The time when the set or codend is received.

(iii) The position of the mothership processor vessel in geographic coordinates when the set or codend is received.

(iv) The name of the catcher vessel delivering the set or codend.

(v) The ADF&G vessel number of the catcher vessel delivering the set or codend.

(vi) The estimated total weight of the set or codend in round weight to the nearest metric ton (mt).

(2) For each groundfish landing received by shoreside processors from catcher vessels:

(i) The State of Alaska fish ticket number.

(ii) The time when the catch is received.

(iii) The name of the vessel delivering the catch.

(iv) The ADF&G vessel number of the vessel delivering the catch.

(v) The estimated total weight of the catch in round weight to the nearest metric ton (mt).

(iii) *Maintenance of the Daily cumulative production logbook.*

Information concerning the catch receipt number or State of Alaska fish ticket number, time of receipt, the name of the delivering vessel and, for a mothership processor vessel, the position of that vessel and the estimated catch receipt weight, must be recorded in the daily cumulative production logbook within 2 hours after the set, codend or catch is received. All other information required in the daily cumulative production logbook under paragraph (b)(3)(ii) of this section must be recorded by noon of the day following the day the catch receipt or production occurred. Information concerning product amounts must be recorded in the daily cumulative production logbook by noon of the day following the processing of the product regardless of when the set, codend or catch is received.

(iv) *Quarterly submission of the daily cumulative production logbook.* The operator of a processor vessel or manager of a shoreside processing

facility must submit a copy of the daily cumulative production logbook on a quarterly basis to the Alaska Fisheries Science Center. The copy of the daily cumulative production logbook for activities conducted during the first quarter must be submitted by May 1 of that year, for the second quarter, by August 1 of that year, for the third quarter, by November 1 of that year, and for the fourth quarter, by February 1 of the following year.

(4) *Product transfer logbooks.* The operator of a processor vessel and the manager of a shoreside processing facility must record, in a separate transfer logbook, each transfer. A transfer includes any loading, offloading, shipment or receipt of any processed groundfish product, including quantities transferred outside the EEZ, within any state's territorial waters, or within the internal waters of any state or at any shoreside facility. Product transfer information must be recorded in the product transfer logbook within 12 hours of the completion of the product transfer.

(i) *Product transfer logbooks; contents.* The transfer logbook must record the following information:

(A) The page number. This number must be consecutive beginning with page one for the first transfer occurring after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year.

(B) The time, date and location. This information must include the time and date when the transfer began and the time and date when it is completed. If the product transfer logbook is maintained for a processor vessel, this information must include the location of the transfer. If the processor vessel is at sea, the location of the transfer must be specified in geographic coordinates. If the processor vessel is in port, the location of the transfer must be specified by identifying that port.

(C) Identification information. If the product transfer logbook is maintained for a processor vessel, the identification information must include the vessel's name, the Federal permit number, the ADF&G vessel number and radio call sign. If the product transfer logbook is maintained for a shoreside processing facility, the identification information must include the name of the facility, the location of the facility, and the Alaska State Processor Code number.

(D) Company representative information. Company representative information must include the name of a person representing the processor vessel or facility, the telephone number for that

person and either a telex or facsimile number for that person.

(E) Transfer information. The transfer information must include the type of transfer involved and must specify whether the transfer is a shipment or offloading or whether it is a receipt or loading.

(F) Second party information. Second party information must include information concerning the other parties involved in the transfer, including the name, Federal permit number and radio call sign of any vessel involved, the name of any shipping agent involved, and the name and location of any processing facility involved. If the transfer involves a shipment, the second party information must include the destination of the carrier or vessel receiving the fish product.

(G) The total amount of the products transferred by species code and product type in fish product weight to the nearest tenth of a metric ton (0.1 mt). Information concerning the amount of the product must include the total number of production units transferred and the estimated weight of each production unit type.

(ii) *Submission of product transfer logs.* An operator of a processor vessel and a manager of a shoreside processing facility must submit a copy of the product transfer logbook to the Regional Director for each week when any product transfer activity occurred. Copies of the product transfer logbooks must be received by the Regional Director within one week after the week when the transfer occurred.

(c) *Other reporting requirements.* The operator or manager of any vessel or shoreside processor of the United States that harvests or processes groundfish caught from any Bering Sea and Aleutian Islands reporting area must, in addition to the requirements of paragraphs (a) and (b) of this section, comply with the following requirements:

(1) *Alaska groundfish check-in/check-out notices:* (i) *Requirement.* Prior to the commencement of any fishing activity in, or the receipt of any groundfish from, any Bering Sea and Aleutian Islands reporting area during any fishing year by any processor vessel, the operator of the vessel must provide a check-in notice to the Regional Director. Upon the completion of fishing activity in or the receipt of any groundfish from any Bering Sea and Aleutian Islands reporting area during any fishing year by any processor vessel, the operator of the vessel must provide a check-out notice to the Regional Director.

(ii) *Check-in/check-out notices; contents:* The notice of check-in or

check-out must include the following information:

(A) The processor vessel's name, radio call sign, and, if applicable, Federal groundfish permit number;

(B) Time and date information. If the notice concerns the commencement of fishing activity or the receipt of groundfish, this information must include the time and date of when these activities will commence. If the notice concerns the completion of fishing activities or the receipt of groundfish, this information must include the time and date of when these activities ceased.

(C) Location. The reporting area and position in geographic coordinates where the fishing activity or receipt of groundfish is expected to occur or has occurred.

(iii) *Check-in/check-out notices; submission or method of providing notice.* The operator of a processor vessel required to provide a check-in or check-out notice must provide that notice through the means and in the manner prescribed by the Regional Director.

(2) *Weekly production reports—(i) Requirements for processor vessels.* The operator of a processor vessel which conducts fishing activity in, or receives groundfish from, any Bering Sea and Aleutian Islands reporting area at any time during a fishing year must submit weekly production reports. Weekly production reports are required for a processor vessel for any week during the period beginning with the date specified in the check-in notice and ending after all groundfish harvested from and fish products prepared with any groundfish harvested from any Bering Sea and Aleutian Islands reporting area are off-loaded. Weekly production reports are required during this period even if no groundfish is harvested or received or processed during a particular week and these weekly production reports should specify "zero" with respect to the amounts harvested, received or produced.

(ii) *Weekly production reports; requirements for shoreside processors.* The manager of a shoreside processing facility must submit weekly production reports beginning with the first week of the year when the facility receives any groundfish from a Bering Sea and Aleutian Islands reporting area and continuing until the end of the year or until the facility ceases groundfish production for the year. Weekly production reports are required during this period even if no groundfish is received or processed during a particular week and these weekly

production reports should specify "zero" with respect to the amounts harvested, received or produced.

(iii) *Weekly production reports; contents.* The weekly production report must have a separate page for each gear type used. Each page must include the following information:

(A) The name of the person submitting the report, a telephone number for that person, and either a facsimile or telex number for that person.

(B) Identification information. If the weekly production report is submitted for a processor vessel, this information must include the name and radio call sign of that vessel. If the weekly report is submitted for a shoreside processing facility, this information must include the name of the plant.

(C) Federal permit number or Alaska State processor code, whichever is applicable.

(D) The end date of the weekly reporting period.

(E) The gear type used to harvest the groundfish catch or catch receipt (pelagic trawl, bottom trawl, hook and line, or pot gear).

(F) The reporting area or areas from which groundfish was harvested and retained during the weekly reporting period with the reporting area or areas specified for each groundfish species or species group.

(G) The number of days when fishing activities were conducted and when fish were received.

(H) The total estimated catch weight or catch receipt for each reporting area to the nearest metric ton (mt).

(I) The amount of each product by species code and product type with the amount produced during the weekly reporting period specified in fish product weight for each groundfish species or species group for which a total allowable catch is specified under § 675.20 of this part.

(J) The amount of each groundfish species, groundfish species group, or prohibited species listed under § 675.20(c) of this part, which is discarded in related fishing operations during the weekly reporting period.

(iv) *Weekly production reports; submission.* Weekly production reports must be submitted to the Regional Director. Weekly production reports must be received by the Regional Director within one week after the end of the applicable weekly reporting period.

(3) *Monthly product value report—(i) Requirement.* The operator of a processor vessel and the manager of a shoreside processing facility or the parent company of that vessel or facility

must prepare a monthly product value report for each month the vessel or facility sells any groundfish harvested from or any fish product produced from groundfish harvested from any Bering Sea and Aleutian Islands reporting area.

(ii) *Monthly product value reports; contents.* The monthly product value report must contain the following information:

(A) Company representative information. This information must include the name of the person representing the processing vessel, facility or company, the telephone number for that person and either a telex or facsimile number for that person.

(B) The name of the vessel or facility.

(C) Federal permit number or Alaska State processor code, whichever is applicable.

(D) The month and year.

(E) The products sold during the monthly reporting period by species code and product type with the amount specified in fish product weight for each product type and for each groundfish species or species group for which a total allowable catch is specified under § 675.20. The size or sizes of the products sold, the grade or grades of the products sold, if applicable, and the value of the products sold must also be specified.

(iii) *Monthly product value reports; submission.* The operator of a processor vessel and the manager of a shoreside processing facility or the parent company of that vessel or facility must submit monthly product value reports on an annual basis to the Alaska Fisheries Science Center. Monthly product value reports for a calendar year must be received by February 1 of the following year.

(d) *Groundfish utilization surveys.*

19. Section 675.7 is amended by adding paragraph (d) as follows:

§ 675.7 Prohibitions.

(d) Fish for groundfish except in compliance with the terms of an

observer plan as provided by § 675.25 of this part.

20. In § 675.20, paragraph (a)(2) is revised to read as follows:

§ 675.20 General limitations.

(a) * * *

(2) *Total Allowable Catch (TAC).* The Secretary, after consultation with the North Pacific Fishery Management Council (Council), will specify the annual TAC for each calendar year for each target species and the "other species" category, and will apportion the TACs among DAP, JVP, TALFF, and reserves. TACs in the target species category may be split or combined for purposes of establishing new TACs with apportionments thereof under paragraph (b) of this section. The sum of the TACs so specified must be within the OY range of 1.4–2.0 million mt for target species and the "other species" category.

21. In § 675.22, paragraph (f) is added to read as follows:

§ 675.22 Time and area closures.

(f) No fishing is allowed during April 1 through September 30 of each of the 1990 and 1991 fishing years in that part of the Bering Sea subarea shoreward of a line on which each point is 12 miles from the base line used to measure the Territorial Sea around islands named Round Island and The Twins as shown on National Oceanic Survey Chart INT 500, and around Cape Peirce (160°10' W. longitude, 58°40' N. latitude).

22. § 675.23 is added as follows:

§ 675.23 Seasons.

Fishing for groundfish during the January 1–December 31 fishing year in the statistical areas defined at § 675.2 of this part is authorized from January 1 through December 31, subject to other provisions of this part.

23. Section 675.24 is added to read as follows:

§ 675.24 Gear allocations.

Vessels using gear types other than those specified by paragraphs (a) and

(b) of this section, must treat sablefish as a prohibited species.

(a) In the Bering Sea subarea, defined at § 675.2 of this part, hook-and-line and pot gear may be used to take up to 50 percent of the TAC for sablefish; trawl gear may be used to take up to 50 percent of the TAC for sablefish.

(b) In the Aleutian Islands subarea, defined at § 675.2 of this part, hook-and-line and pot gear may be used to take up to 75 percent of the TAC for sablefish; trawl gear may be used to take up to 25 percent of the TAC for sablefish.

(c) *Sablefish closures.* (1) When the Regional Director determines that the share of the sablefish TAC assigned to any type of gear for any year and any subarea under this paragraph may be taken before the end of that year, the Regional Director, in order to provide adequate bycatch amounts to ensure continued groundfish fishing activity by that gear group, will, by notice in the *Federal Register*, prohibit directed fishing for sablefish by persons using that type of gear in that subarea for the remainder of the year.

(2) When the Regional Director determines that the share of the sablefish TAC assigned to any type of gear for any year and any subarea under this paragraph is or will be reached, the Regional Director will, by notice in the *Federal Register*, require that sablefish be treated as a prohibited species by persons using that type of gear in that subarea for the remainder of that year.

24. Section 675.25 is added to read as follows:

§ 675.25 Observers.

All fishing vessels subject to this part and all shoreside processor facilities that receive groundfish from vessels subject to this part, must comply with terms contained in an observer plan that has been prepared by the Secretary in consultation with the Council for purposes of providing data useful in management of the groundfish fishery, unless specifically exempt from such compliance by the observer plan.

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