

§ 679.27 Improved Retention/Improved Utilization Program.

(c) * * *

(2) * * *

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IF YOU OWN OR OPERATE A	AND	YOU MUST RETAIN ON BOARD UNTIL LAWFUL TRANSFER
(i) Catcher vessel	(A) Directed fishing for an IR/IU species is open, (B) Directed fishing for an IR/IU species is prohibited, (C) Retention of an IR/ IU species is prohibited,	all fish of that species brought on board the vessel. all fish of that species brought on board the vessel up to the MRA amount for that species. no fish or product of that species.
(ii) Catcher/processor	(A) Directed fishing for an IR/IU species is open, (B) Directed fishing for an IR/IU species is prohibited, (C) Retention of an IR/ IU species is prohibited,	a primary product from all fish of that species brought on board the vessel. a primary product from all fish of that species brought on board the vessel up to the point that the round-weight equivalent of primary products on board equals the MRA amount for that species, except when exceeded as provided for in 679.20 (e)(2)(vi). no fish or product of that species.
(iii) Mothership	(A) Directed fishing for an IR/IU species is open, (B) Directed fishing for an IR/IU species is prohibited, (C) Retention of an IR/ IU species is prohibited,	a primary product from all fish of that species brought on board the vessel. a primary product from all fish of that species brought on board the vessel up to the point that the round-weight equivalent of primary products on board equals the MRA amount for that species no fish or product of that species.

* * * * *

(i) * * *

IF...	then your total weight of retained or lawfully transferred products produced from your catch or receipt of that IR/IU species during a fishing trip must...
(1) directed fishing for an IR/IU species is open,	equal or exceed 15 percent of the round-weight catch or round-weight delivery of that species during the fishing trip.
(2) directed fishing for an IR/IU species is prohibited,	equal or exceed 15 percent of the round-weight catch or round-weight delivery of that species during the fishing trip or 15 percent of the MRA amount for that species, whichever is lower.
(3) retention of an IR/IU species is prohibited,	equal zero

[FR Doc. 04-1810 Filed 1-28-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 040115020-4020-01; I.D. 010204B]

RIN 0648-AR07

Individual Fishing Quota (IFQ) Program for Pacific Halibut and Sablefish; Groundfish fisheries of the Exclusive Economic Zone (EEZ) off the coast of Alaska; Recordkeeping and Reporting

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to revise port codes (Tables 14a and 14b) used in data collection for the Federal groundfish fisheries in the EEZ off the coast of Alaska and the Individual Fishing Quota (IFQ) Program. This revision would remove unnecessary or potentially conflicting regulations, facilitate enforcement efforts, and standardize collection of port-of-landing information. The action is necessary to standardize collection and analysis of port information. This action is intended to meet the conservation and management requirements of the Northern Pacific Halibut Act of 1982 (Halibut Act) with respect to halibut and of the Magnuson-Stevens Fishery Conservation and Management Act, (Magnuson-Stevens Act) with respect to groundfish and to further the goals and objectives of the Alaska groundfish fishery management plans.

DATES: Comments must be received by March 1, 2004.

ADDRESSES: Comments may be mailed to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 1668, Attn: Lori Durall. Hand delivery or courier delivery of comments may be sent to NMFS, 709 West 9th Street, Room 420, Juneau, AK 99801. Comments may also be sent via facsimile to 907 586 7557. As an agency pilot test for accepting comments electronically, the Alaska Region, NMFS, will accept e-mail comments on this proposed rule. The mailbox address for providing e-mail comments on this proposed rule is RPC-0648-AR07@noaa.gov.

Copies of the Regulatory Impact Review (RIR) prepared for this proposed regulatory action are available from NMFS at Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 1668, Attn: Lori Durall, or by

calling the Alaska Region, NMFS, at (907) 586 7228. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to NMFS, Alaska Region, and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT:

Patsy A. Bearden, 907-586-7008.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea/Aleutian Islands Management Area (BSAI) in the exclusive economic zone (EEZ) according to the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs) prepared by the North Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) under authority of the Magnuson-Stevens Act. The FMPs are implemented by regulations at 50 CFR

part 679. NMFS manages the IFQ Halibut Program under the Northern Pacific Halibut Act of 1982 (Halibut Act); implementing regulations are at 50 CFR part 300.60 through 300.65. General provisions governing fishing by U.S. vessels in accordance with the FMPs appear at subpart H of 50 CFR part 600.

Tables 14a and 14b to Part 679 provide lists of ports in Alaska, California, Oregon, Washington, and Canada at which IFQ landings and Federal groundfish landings may be made. Two distinct coding systems are presented. These two systems identify the same ports using different codes. The codes were developed separately, one at NMFS and the other at the State of Alaska Department of Fish and Game (ADF&G).

The numerical codes identify ports where IFQ landings are made and are entered by participants when filing an IFQ prior notice of landing (PNOL) and when electronically reporting an IFQ landing (see 50 CFR part 679.5(l)). The alphabetical codes identify ports where

groundfish landings are made. Alphabetical codes are entered by participants completing an ADF&G fish ticket and also by shoreside processor participants entering data into the NMFS' groundfish shoreside processor electronic logbook report (SPELR) (see 50 CFR part 679.5(c)).

Tables 14a and 14b would be revised as follows: (1) numerical codes that are no longer used for IFQ landings and that do not have a corresponding alphabetical code would be removed and (2) numerical codes for ports that are geographically close enough to be reported as one port would be combined.

By removing codes for ports that are not used by the fishing industry for IFQ landings, NMFS would create a more accurate list of viable port codes. This action also would reconcile port codes for both NMFS and ADF&G fishery documentation.

The proposed revisions to Tables 14a and 14b are shown in the following table:

Existing Port Information			Proposed Port Information		
Port Name	OLD Numerical Code	OLD Alpha Code	Action	NEW Numerical Code	NEW Alpha Code
Anchor Point	104	none	Remove 104	none	none
Auke Bay	108	none	Remove 108; combine into Juneau	136	JNU
Baranof Warm Springs	109	none	Remove 109	none	none
Beaver Inlet	110	none	Remove 110; combine Beaver Inlet into Dutch Harbor/ Unalaska.	119	DUT
Bellevue (Washington)	701	none	Remove 701	none	none
Blaine (Washington)	none	BLA	Add 717	717	BLA
Captains Bay	112	none	Remove 112; combine Captains Bay into Dutch Harbor/ Unalaska.	119	DUT
Chinitna Bay	114	none	Remove 114	none	none
Douglas	118	none	remove 118; combine into Juneau	136	JNU
Edmonds (Washington)	703	none	Remove 703	none	none
Edna Bay	121	none	Remove 121	none	none
Fort Bragg (California)	501	none	Remove 501	none	none
Fox Island (Washington)	706	none	Remove 706	none	none
Hollis	131	none	Remove 131	none	none
Hooper Bay	188	none	Remove 188	none	none
Ikatan Bay	135	none	Remove 135	none	none
Ilwaco (Washington)	707	none	Remove 707	none	none
Kenai River	140	none	Remove 140; combine Kenai River into Kenai.	139	KEN
Lincoln City (Oregon)	602	none	Remove 602	none	none
Mercer Island (Washington)	709	none	Remove 709	none	none
Nagai Island (Washington)	710	none	Remove 710	none	none
Point Baker	157	none	Remove 157	none	none
Port Angeles (Washington)	711	none	Remove 711	none	none
Port Edward (CANADA)	800	none	Remove 800; combine Port Edward into Prince Rupert.	802	PRU
Port Hardy (CANADA)	801	none	Remove 801	none	none
Port Orchard (Washington)	712	none	Remove 712	none	none
Port Townsend (Washington)	713	none	Remove 713	none	none
Portage Bay	162	none	Remove 162	none	none
Rainier (Washington)	714	none	Remove 714	none	none
Resurrection Bay	163	none	Remove 163	none	none
St. Lawrence	171	none	Remove 171	none	none
Tee Harbor	173	none	Remove 173; combinr into Juneau	136	JNU
Thorne Bay	175	none	Remove 175	none	none
Ugadaga Bay	179	none	Remove 179	none	none

Existing Port Information			Proposed Port Information		
Port Name	OLD Numerical Code	OLD Alpha Code	Action	NEW Numerical Code	NEW Alpha Code
Vancouver (CANADA)	803	none	Remove 803	none	none
West Anchor Cove	182	none	Remove 182	none	none

The need, justification, and economic impacts for the actions in this proposed rule, as well as impacts of the alternatives considered, were analyzed in the RIR prepared for this action (see **ADDRESSES**). A summary appears below.

Prior notice of landing. The objective of the PNOL is to provide the International Pacific Halibut Commission (IPHC) monitoring personnel and NOAA Fisheries Office for Law Enforcement (OLE) personnel advance notice of vessel IFQ landings. Prior to making an IFQ landing, the operator of any vessel intending to make a landing of IFQ halibut, CDQ halibut, or IFQ sablefish must submit a PNOL to OLE. The PNOL allows OLE time to scan the IFQ database to verify the vessel and quota share (QS) information and to schedule monitoring personnel to observe the offload. The PNOL is submitted to OLE, Juneau, AK by toll-free telephone or the marine operator, unless an administrative waiver is granted by a clearing officer. Regulations at 50 CFR part 679 authorize exemptions from submittal of the PNOL for fishermen landing less than 500 lb of halibut incidentally with legal landings of lingcod harvested with dinglebar gear or legal landings of salmon. A landing completed without a PNOL would be investigated by OLE. An estimated 1,042 catcher vessels annually submit a PNOL resulting in an estimated annual total personnel cost of \$52,100. The proposed action does not increase or decrease these costs because only the codes are changing, not the procedure.

The IFQ cardholder must initiate a landing report of IFQ sablefish or IFQ halibut and a CDQ halibut cardholder must submit a landing report of CDQ halibut landed upon arrival at the dock. An estimated 1,042 catcher vessels annually submit an IFQ landing report resulting in an estimated annual total personnel cost of \$117,225 and estimated annual total miscellaneous cost of \$93,780. The proposed action does not increase or decrease these costs because only the codes are changing, not the procedure.

Classification

At this time, NMFS has not determined whether the amendment that this proposed rule would implement is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This proposed rule would have no effect on any small entities because there is no effect on fishing activity. It does not impose any financial obligations on small entities. As a result, an initial regulatory flexibility analysis was not prepared. Vessel operators would be required to use the new, consolidated list of port codes when they file PNOL reports. However, the impact of this requirement would be to shorten the list of port codes in Tables 14a and 14b used in landings data collection for the Federal groundfish fisheries in the EEZ off the coast of Alaska and in the IFQ Program and would make it easier to use these tables. This action would not change reporting requirements and would remove unnecessary or potentially conflicting regulations.

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by OMB. Under control number 0648-0272, public reporting burden for the PNOL is estimated to average 12 minutes per response; for the IFQ landing report, estimated 18 minutes per response. Under control number 0648-0401, public reporting burden for the Shoreside Processor Electronic

Logbook Report (SPELR) is estimated 30 minutes per response.

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

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

This proposed rule does not duplicate, overlap, or conflict with other Federal regulations.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: January 23, 2004.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

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

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*; 3631 *et seq.*; Title II of Division C, Pub. L. 105-277; Sec 3027, Pub. L. 106-31; 113 Stat. 57; 16 U.S.C. 1540(f); and Sec. 209, Pub. L. 106-554.

Table 14 to Part 679 [Amended]

2. Tables 14a and 14b to Part 679 are revised as follows:

BILLING CODE 3510-22-S

Table 14a to Part 679. Port of Landing Codes¹: Alaska

Port Name	NMFS Code	ADF&G Code
Adak	186	ADA
Akutan	101	AKU
Akutan Bay	102	
Alitak	103	ALI
Anchorage	105	ANC
Angoon	106	ANG
Aniak		ANI
Anvik		ANV
Atka	107	ATK
Auke Bay	136	JNU
Beaver Inlet	119	DUT
Bethel		BET
Captains Bay	119	DUT
Chefornak	189	
Chignik	113	CHG
Cordova	115	COR
Craig	116	CRG
Dillingham	117	DIL
Douglas	136	JNU
Dutch Harbor/ Unalaska	119	DUT
Egegik	122	EGE
Ekuk		EKU
Elfin Cove	123	ELF
Emmonak		EMM
Excursion Inlet	124	XIP
False Pass	125	FSP
Fairbanks		FBK
Galena		GAL

Glacier Bay		GLB
Glennallen		GLN
Gustavus	127	GUS
Haines	128	HNS
Halibut Cove	130	
Homer	132	HOM
Hoonah	133	HNH
Hydaburg		HYD
Hyder	134	HDR
Juneau	136	JNU
Kake	137	KAK
Kaltag		KAL
Kasilof	138	KAS
Kenai	139	KEN
Kenai River	139	KEN
Ketchikan	141	KTN
King Cove	142	KCO
King Salmon	143	KNG
Kipnuk	144	
Klawock	145	KLA
Kodiak	146	KOD
Kotzebue		KOT
La Conner		LAC
Mekoryuk	147	
Metlakatla	148	MET
Moser Bay		MOS
Naknek	149	NAK
Nenana		NEN
Nikiski (or Nikishka)	150	NIK

Port Name	NMFS Code	ADF&G Code
Ninilchik	151	NIN
Nome	152	NOM
Nunivak Island		NUN
Old Harbor	153	OLD
Other Alaska ¹	499	UNK
Pelican	155	PEL
Petersburg	156	PBG
Port Alexander	158	PAL
Port Armstrong		PTA
Port Bailey	159	PTB
Port Graham	160	GRM
Port Lions		LIO
Port Moller		MOL
Port Protection	161	
Quinhagak	187	
Sand Point	164	SPT
Savoonga	165	
Seldovia	166	SEL
Seward	167	SEW
Sitka	168	SIT
Skagway	169	SKG
Soldotna		SOL
St. George	170	STG
St. Mary		STM
St. Paul	172	STP
Tee Harbor	136	JNU
Tenakee Springs	174	TEN
Togiak	176	TOG
Toksook Bay	177	

Tununak	178	
Ugashik		UGA
Unalakleet		UNA
Valdez	181	VAL
Wasilla		WAS
Whittier	183	WHT
Wrangell	184	WRN
Yakutat	185	YAK

¹To report a landing at a location not currently assigned a location code number: use the code for "Other" for the state or country at which the landing occurs and notify NMFS of the actual location so that the list may be updated. For example, to report a landing for Levelock, Alaska which currently has no code assigned, use "499" "Other, AK".

Table 14b to Part 679--Port of Landing Codes: Non-Alaska
(California, Oregon, Canada, Washington)

Port Name	NMFS Code	ADF&G Code
CALIFORNIA		
Eureka	500	EUR
Other California ¹	599	
CANADA		
Other Canada ¹	899	
Port Edward	802	PRU
Prince Rupert	802	PRU
OREGON		
Astoria	600	AST
Newport	603	NPT
Olympia		OLY
Other Oregon ¹	699	
Portland		POR
Warrenton	604	
WASHINGTON		
Anacortes	700	ANA
Bellingham	702	
Blaine	717	BLA
Everett	704	
La Conner	708	LAC
Other Washington ¹	799	
Seattle	715	SEA
Tacoma		TAC

¹To report a landing at a location not currently assigned a location code number: use the code for "Other" for the state or country at which the landing occurs and notify NMFS of the actual location so that the list may be updated. For example, to report a landing for Vancouver, which currently has no code assigned, use "899" "Other, Canada".