

S6.1 Each prime glazing material manufacturer, except as specified below, shall mark the glazing materials it manufactures in accordance with section 6 of ANS Z26. The materials specified in S5.1.2.1, S5.1.2.2, S5.1.2.3, S5.1.2.4, S5.1.2.5, S5.1.2.6, S5.1.2.7, S5.1.2.8, and S5.1.2.11 shall be identified by the marks "AS 11C", "AS 12", "AS 13", "AS 14", "AS 15A", "AS 15B", "AS 16A", "AS 16B", and "AS 4A", respectively. A prime glazing material manufacturer is one which fabricates, laminates, or tempers the glazing material.

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Issued on: August 7, 1996.

Ricardo Martinez,

Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960501122-6213-02; I.D. 042596A]

RIN 0648-A146

Fisheries of the Exclusive Economic Zone Off Alaska; Addition of Akutan to List of Eligible Communities

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

ACTION: Final rule.

SUMMARY: NMFS adds the city of Akutan to the list of western Alaska communities that are eligible to participate in the Community Development Quota (CDQ) programs, removes the authority to use scales to weigh total catch in the pollock CDQ fishery, and prohibits processor vessels from filling fish holding bins above the level of the viewing port. These actions are necessary to further the objectives of the CDQ programs. These actions are intended to extend benefits of the CDQ programs to an additional community and to improve monitoring of CDQ harvests.

EFFECTIVE DATE: September 9, 1996.

ADDRESSES: Individual copies of the environmental assessment/regulatory impact review (RIR)/final regulatory flexibility analysis (FRFA) prepared for this action may be obtained from the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: David Ham, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) are managed by NMFS in accordance with the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP). The FMP was prepared by the Council and approved by NMFS under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations that appear at 50 CFR part 679. General regulations that also govern the groundfish fisheries appear at 50 CFR part 600.

Community Development Quota programs are in effect in the BSAI for the pollock, Pacific halibut, and fixed gear sablefish fisheries. Final rules implementing these programs were published for pollock on December 12, 1995 (60 FR 63654), corrected at 61 FR 20 (January 2, 1996), and for halibut and sablefish (H/S) on November 9, 1993 (58 FR 59375).

The pollock and H/S CDQ programs apportion a designated percentage of the annual total allowable catch for pollock, Pacific halibut, and fixed gear sablefish to separate CDQ reserves that may be allocated to eligible western Alaska communities. The purpose of the CDQ programs is to provide the CDQ communities with a means for starting or supporting commercial seafood activities that will result in ongoing, regionally based, commercial seafood or related businesses. This final rule implements the following changes to the CDQ regulations that were published as a proposed rule in the Federal Register on May 15, 1996 (61 FR 24475):

1. The city of Akutan is added to the list of western Alaska communities that are eligible to participate in the CDQ programs.
2. The authority for processing vessels to use scales to weigh total catch in the pollock CDQ fishery is removed.
3. Processor vessels are prohibited from filling fish holding bins above the level of the viewing port.

Changes from the Proposed Rule

Two changes were made from the proposed rule in the final rule. First, since publication of the proposed rule, the Federal regulations implementing Alaska fishery management plans have undergone a comprehensive consolidation and have been recodified

at 50 CFR part 679 (61 FR 31228, June 19, 1996). The proposed rule would have amended the preconsolidation regulations, the final rule makes the respective amendments to the consolidated regulations.

Second, one paragraph, § 679.32(e)(1)(vi), was inadvertently included in the consolidated regulations (50 CFR part 679), but should have been included in this rule. A correction document was published to remove the paragraph (61 FR 37843, July 22, 1996). This rule adds this paragraph, which reads "The receiving bins must not be filled in a manner that obstructs the viewing ports or prevents the observer from seeing the level of fish throughout the bin."

Response to Comments

A 30-day public comment period on the proposed rule ended on June 13, 1996. Three letters of comment supporting the proposed rule, and one letter of general comment were received during the comment period. These four comments are summarized and responded to below.

Comment 1: Three letters of comment were received supporting the addition of Akutan to the list of eligible CDQ communities.

Response: NMFS notes these comments.

Comment 2: One letter of comment was received requesting NMFS to consider for the proposed multispecies CDQ program volumetric measurements for estimating total catch as opposed to total weight estimations because of the inherent problems with estimating total weight on processor vessels.

Response: A proposed rule is under development to implement a proposed FMP amendment that would extend the CDQ program to include additional species. If approved, NMFS will require the most reliable method to measure CDQ catches of groundfish.

Classification

NMFS prepared an FRFA as part of the RIR. A copy of this analysis is available from NMFS (see **ADDRESSES**). The addition of Akutan to the list of eligible CDQ communities in the Aleutian Region would affect a substantial number of small entities, that is, the other five communities currently participating in the CDQ program. Akutan would be expected to receive some CDQ support, and support would be reduced for one or more of the other communities accordingly. While it is possible that Akutan would receive only a very small allocation and the resulting reallocations would not have a significant impact, it is more likely that

the reallocations would reduce the gross revenues of the other five communities by more than 5 percent, thus having a significant economic impact on these entities. It would be speculative to try to predict specific allocations or impacts. The economic impact on other communities is not a factor to be considered in determining whether a particular community is eligible under the CDQ program. Accordingly, there are no practical alternatives available or that could be considered to reduce or minimize the economic impact on other communities if Akutan is added to the list of CDQ communities. The other aspects of this final rule are not expected to have a significant economic impact on a substantial number of small entities.

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

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: August 5, 1996.

C. Karnella,

*Acting Program Management Officer,
National Marine Fisheries Service.*

For reasons set out in the preamble, 50 CFR part 679 is 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.*

2. In § 679.30, the last sentence of paragraph (d)(2)(iv) is revised to read as follows:

§ 679.30 General CDQ regulations.

* * * * *

(d) * * *

(2) * * *

(iv) * * * The community of Unalaska is excluded under this provision.

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3. In 679.32, paragraph (e), the introductory text is revised, the heading for paragraph (e)(1) is removed, paragraph (e)(2) is removed, paragraphs (e)(1)(i) through (e)(1)(vi) are redesignated as paragraphs (e)(1) through (e)(6) respectively, current paragraphs (e)(1)(iii)(A) through (e)(1)(iii)(D) are redesignated as paragraphs (e)(3)(i) through (e)(3)(iv) respectively, and newly redesignated paragraph (e)(6) is added as follows:

§ 679.32 Estimation of total pollock harvest in the CDQ fisheries (applicable through December 31, 1998).

* * * * *

(e) *Processor vessel measurement requirements.* Each processor vessel participating in the CDQ fishery for pollock must estimate the total weight of its groundfish catch by the volumetric procedures specified in this paragraph (e).

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(6) *Bin viewing port.* The receiving bins must not be filled in a manner that obstructs the viewing ports or prevents the observer from seeing the level of fish throughout the bin.

4. In Table 7 the heading is revised and the entries under "Aleutian Region" are revised, to read as follows: Table 7 to Part 679—Communities Determined to be Eligible to Apply for Community Development Quotas (Other communities that do not appear on this table may also be eligible).

Aleutian Region:

1. Akutan
2. Atka
3. False Pass
4. Nelson Lagoon
5. Nikolski
6. St. George
7. St. Paul

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