

increased for the pipeline industry pursuant to Section 199.11.

Issued in Washington, DC on October 28, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960531152-7241-05; I.D. 082897A]

RIN 0648-A118

Fisheries in the Exclusive Economic Zone Off Alaska; Technical Amendment

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS issues a technical amendment correcting minor errors in the regulations implementing the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off of Alaska. This action is necessary to correct a number of inadvertent errors in the regulations implementing the IFQ Program. The intent of this action is to improve the clarity and coherence of the IFQ regulations.

DATES: November 3, 1997.

ADDRESSES: Comments must be sent to Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801 or P.O. Box 21668, Juneau, AK, Attn: Lori J. Gravel. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens, to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, Attn: NOAA Desk Officer.

FOR FURTHER INFORMATION CONTACT: James Hale, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The fixed gear halibut and sablefish fisheries are managed by the IFQ Program, a limited access system for fixed gear Pacific halibut (*Hippoglossus*

stenolepis) and sablefish (*Anoplopoma fimbria*) fisheries in and off of Alaska.

Under authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act of 1982 (Halibut Act), NMFS implemented the IFQ Program in 1995, on the recommendation of the North Pacific Fishery Management Council (Council).

At 50 CFR 679.1(d)(2), the regulations state that the term "fixed gear" is described in 16 U.S.C. 773(d). The term "fixed gear" is not defined in 16 U.S.C. 773(d). However, it is defined, as an "authorized fishing gear" in 50 CFR 679.2, *Definitions*. The reference is corrected.

On August 9, 1996, at 61 FR 41523, NMFS published a final rule implementing a number of regulatory changes in the IFQ Program. Among these changes, the requirements for submitting IFQ Shipment Reports at 50 CFR 679.5(l)(2)(iii)(A) were revised to require that Shipment Reports be submitted to NMFS within 7 days of the date of shipment, not prior to the shipment as was formerly required. In the revised regulations, the reference to submission of Shipment Reports in 50 CFR 679.5(l)(2)(ii)(A) should also have been revised to be consistent with the new requirement. Moreover, this section is redundant and awkward. To correct the inconsistency and clarify the requirements for shipping reports, NMFS revises in its entirety § 679.5(l)(2).

Finally, a final rule published at 61 FR 43312, on August 22, 1996, revised the definitions of vessel categories to which quota share and IFQ can be assigned (§ 679.40(a)(5)(ii)(B)), and included an exception to the revised definitions elsewhere in the regulations (§ 679.42(a)). The exception is not referenced in the definitions themselves. For the sake of clarity, this action revises the regulations defining QS categories to reference the exception.

Classification

Because this technical amendment makes only minor, non-substantive corrections to an existing rule, prior notice and opportunity for public comment would serve no purpose. Accordingly, the Assistant Administrator for Fisheries, under 5 U.S.C. 553(b)(3)(B), finds for good cause that prior notice and opportunity for public comment are unnecessary. Because this is a non-substantive rule, 5 USC(d) does not require a delay in the effective date.

Because this rule is being issued without prior notice, it is not subject to the Regulatory Flexibility Act

requirement for a regulatory flexibility analysis, and none has been prepared.

This rule makes minor technical changes to a rule that has been determined to be not significant under E.O. 12866. No change in the regulatory impact previously reviewed and analyzed will result from implementation of this technical amendment.

This rule repeats a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). The requirement for an IFQ shipment report has been approved by the Office of Management Budget, Control Number 0648-0272. Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Notwithstanding any other provision of 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.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: October 27, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth 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 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.1, paragraph (d)(2) is revised to read as follows:

§ 679.1 Purpose and scope.

* * * * *

(d) * * *

(2) *Halibut.* Regulations in this part govern commercial fishing for halibut by vessels of the United States using fixed gear, as that term is defined in 50 CFR 679.2, in and off of Alaska.

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3. In § 679.5, paragraph (l)(2) is revised to read as follows:

§ 679.5 Recordkeeping and reporting.

* * * * *

(l) * * *

(2) *IFQ shipment report*—(i)

Registered buyer. Each registered buyer, other than those conducting dockside sales, must:

(A) Report on a shipment report any shipments or transfers of IFQ halibut and IFQ sablefish to the first destination beyond the location of the IFQ landing.

(B) Complete a shipment report for each shipment or transfer from that register buyer prior to shipment and assure that the shipment report is submitted to, and received by, the NMFS Alaska Enforcement Division, within 7 days of the date shipment or transfer commenced;

(C) Assure that a copy of the shipment report or a bill of lading containing the same information accompanies the shipment to its first destination beyond the location of the IFQ landing; and

(D) Submit a revised shipment report if any information on the original shipment report changes prior to the first destination of the shipment. A revised shipment report must be clearly labeled "Revised Shipment Report," and must be received by NMFS Alaska Enforcement Division, within 7 days of the change.

(ii) *Shipment report.* (A) A shipment report must be submitted to NMFS Alaska Enforcement Division in a manner prescribed on the registered buyer permit.

(B) A shipment report must specify: Species and product type being shipped, number of shipping units, fish

product weight, names of the shipper and receiver, names and addresses of the consignee and consignor, mode of transportation, and intended route.

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4. In § 679.40, paragraph (a)(5)(ii)(B) is revised to read as follows:

§ 679.40 Sablefish and halibut QS.

* * * * *

(a) * * *

(5) * * *

(ii) * * *

(B) Category B QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ species on a vessel of any length, except as provided in § 679.42(a);

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