

1997 WL 128706 U.S. (Mar. 24, 1997). The time to seek rehearing of the Supreme Court's decision expired on April 18, 1997. Congress, prior to the above referenced judicial proceedings, provided that Section 641 would become effective with 30 days advance notice. Consistent with that initial schedule, the rules implementing Section 505 will be enforced effective May 18, 1997. We believe that this amount of time is reasonable given any previous uncertainty with respect to enforcement of this provision and that it will permit operators to comply, to the maximum extent feasible, with any relevant subscriber notice requirements.

7. Accordingly, *it is ordered that*, pursuant to Sections 4(i) and 641 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 561, and Section 505 of the Telecommunications Act of 1996, 47 CFR § 76.227 will be enforced effective May 18, 1997.

#### **Lists of Subjects in 47 CFR Part 76**

Cable television.

Federal Communications Commission

**William F. Caton,**

*Acting Secretary.*

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## **DEPARTMENT OF COMMERCE**

### **50 CFR Part 679**

[Docket No. 970206022-7102-02; I.D. 012197C]

RIN 0648-AJ35

#### **Fisheries in the Exclusive Economic Zone Off Alaska; Modify Prior Notice of Landing Requirement**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS implements a regulatory amendment to the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off Alaska. This action redefines the length of time within which a 6-hour prior notice of landing is valid and requires that a new prior notice of IFQ landing be submitted to NMFS if the landing originally reported will take place either before or more than 2 hours after the date and time scheduled in the original prior notice of IFQ landing. This action is necessary to reinforce the enforcement rationale underlying the original requirement and improve compliance with IFQ

regulations. This action is intended to improve the IFQ Program's ability to manage efficiently the Pacific halibut and sablefish resources of the Exclusive Economic Zone off Alaska.

**EFFECTIVE DATE:** June 12, 1997.

**ADDRESSES:** Copies of the Regulatory Impact Review for this action may be obtained from Fisheries Management Division, Attn: Lori Gravel, Alaska Region, NMFS, Room 453, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802.

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

**SUPPLEMENTARY INFORMATION:**

#### **Background**

The fixed gear halibut and sablefish fisheries are managed under the IFQ Program, a limited access system for fixed gear Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fisheries in and off Alaska. The North Pacific Fishery Management Council (Council), under authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act of 1982 (Halibut Act), recommended the IFQ Program, which NMFS implemented in 1995. The IFQ Program was designed to reduce excessive fishing capacity while maintaining the social and economic character of the fixed gear fishery and the Alaskan coastal communities where many of these fishermen are based.

The regulations implementing the IFQ Program require vessel operators wishing to land IFQ species to notify NMFS no less than 6 hours prior to the landing and include in this notification the name and location of the registered buyer to whom the fish will be landed and the anticipated date and time of landing (§ 679.5(l)(1)(i)). This action modifies that requirement by specifying the length of time after the prior notice date and time specified in which IFQ species can be landed. As amended, the regulations require that fishermen land IFQ species no earlier than the anticipated time specified in the notice and no later than 2 hours after the specified time. In the event that a vessel does not make the landing within 2 hours after the time specified in the notice, the vessel operator must submit a new notice subject to all the requirements for the original notice, including that the notice be filed at least 6 hours prior to landing IFQ species. As in the present regulation, if a vessel operator wishes to make a landing earlier than the anticipated time specified in a notice, the operator must file a new notice subject to all the requirements of the original notice,

including that the notice be filed at least 6 hours prior to landing IFQ species.

Also, the current requirement that the notice include the name and location of the registered buyer to whom a landing will be made is clarified. "Location" may be misinterpreted to mean the business address of the registered buyer rather than, as was intended, the actual location of the landing. This action clarifies that requirement by making explicit that the notice must include the location of the landing.

Further information on this action may be found in the preamble to the proposed rule published February 21, 1997, at 62 FR 7993. No comments were received during the public comment period on the proposed rule, and no changes have been made in this action as published in the proposed rule.

#### **Classification**

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). The requirement for a 6-hour prior notice of IFQ landings has been approved by the Office of Management and Budget (OMB) under 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 and maintaining the data needed, and completing and reviewing the collection of information.

The proposed rule for this action invited comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through use of automated collection techniques or other forms of information technology.

NMFS received no comments on these issues. This collection has been approved by OMB under Control Number 0648-0272.

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

When this rule was proposed, the Assistant General Counsel for Legislation and Regulations of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that, if adopted as proposed, the final rule

would not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis was not prepared. No comments were received regarding this certification. Accordingly, the basis for that certification has not changed.

**List of Subjects in 50 CFR Part 679**

Fisheries, Reporting and recordkeeping requirements.

Dated: May 7, 1997.

**Nancy Foster,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the 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 § 679.5, paragraph (l)(1)(i)(B) is revised and paragraph (l)(1)(i)(D) is added to read as follows:

**§ 679.5 Recordkeeping and reporting.**

\* \* \* \* \*

- (l) \* \* \*
- (1) \* \* \*
- (i) \* \* \*

(B) Notification must include: Name of the registered buyer(s) to whom the IFQ halibut or IFQ sablefish will be landed and the location of the landing;

vessel identification; estimated weight of the IFQ halibut or IFQ sablefish that will be landed; identification number(s) of the IFQ card(s) that will be used to land the IFQ halibut or IFQ sablefish; and the date and time that the landing will take place.

\* \* \* \* \*

(D) The operator of any vessel wishing to land IFQ halibut or IFQ sablefish before the date and time reported in the prior notice or later than 2 hours after the date and time reported in the prior notice must submit a new prior notice of IFQ landing in compliance with the provisions set forth in paragraphs (l)(1)(i) (A) through (C) of this section.

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