

other interested parties are requested to affirmative state an intention to apply for and construct a station with the necessary high tower.

DATES: Comments must be filed on or before April 5, 1996, and reply comments on or before April 22, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Rudy H. Dolinsky, Vice President for Technical Development, LifeTalk Broadcasting Association, 402 E. Yakima Avenue, Suite 1320, Yakima, Washington 98901 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-12, adopted January 31, 1996, and released February 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-3663 Filed 2-16-96; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 96-13; RM-8740]

Radio Broadcasting Services; Georgetown and Millsboro, DE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Great Scott Broadcasting requesting the substitution of Channel 228B for Channel 228B1 at Georgetown, Delaware, and reallocation of the channel to Millsboro, Delaware. Great Scott also requests modification of its license for Station WZBH to show Channel 228B at Millsboro. The coordinates for Channel 228B at Millsboro are 38-18-53 and 75-13-50. We shall propose to modify the license for Station WZBH in accordance with Section 1.420(g) and (i) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before April 5, 1996, and reply comments on or before April 22, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis P. Corbett, Deborah R. Coleman, Leventhal, Senter & Lerman, 2000 I Street, NW., Suite 600, Washington, DC 20006-1809.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-13, adopted January 31, 1996, and released February 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter

is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-3664 Filed 2-16-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 960206024-6024-01; I.D. 122795A]

RIN 0648-AG32

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Reporting and Recordkeeping

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

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: NMFS requests comments on this advance notice of proposed rulemaking. If these proposed regulations were implemented, they would require operators of processor vessels participating in the pollock fisheries in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI) to install scales to weigh catch. This document is necessary to obtain information from the operators of processing vessels about problems involved in the proposed installation, testing, and operation of marine scales to weigh fish more accurately.

DATES: Comments must be submitted by March 21, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and the BSAI are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI FMP). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act. The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

Public comment is requested on the following issues:

1. Is the three-part scale evaluation and approval process recommended by weights and measures officials necessary to assure that scales on processor vessels provide accurate information about fish weight?
2. How would "authorized weights and measures inspectors" be provided to perform scale inspections if they are not available from Federal or state weights and measures agencies due to staff and budget constraints? Are contract inspectors available? If so, what qualifications would be required for contracted inspectors?
3. If weights and measures inspectors can be identified, how can the location and timing of scale inspections be established to minimize the cost to processor vessels?
4. Belt-conveyor or "in-line flow" scales initially should be tested by comparing the recorded weight of several tons of fish with the known weight of this fish as determined by an independent certified scale. How will relatively small amounts of groundfish be provided to dockside locations in Washington or Alaska over a period of several months in order to test scales on 48 processor vessels?
5. What effect does NMFS' recommendation that scales be used to weigh total catch prior to discard or processing and that the weight of individual species in the catch be determined by applying observers' species composition data to the scale weight have on industry?
6. Are NMFS' cost estimates for purchase and installation of marine scale systems accurate?

The Council Recommendation

The Council initially requested NMFS to analyze a requirement to weigh catch processed at sea in 1990. In June 1994, the Council reviewed an initial draft

Environmental Analysis/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) on improving total catch weight estimates in the groundfish fisheries, and the draft analysis was revised based on recommendations from the Council's Statistical and Scientific Committee and Advisory Panel. The revised draft analysis was sent out for public review on September 6, 1994, and presented to the Council at its September 1994 meeting.

The draft EA/RIR/IRFA explained current methods to estimate catch weight by species for all processor and catcher vessel types, and the potential problems with each method. Although NMFS can identify potential sources of uncertainty with current catch estimation procedures, NMFS currently is unable to quantify how these sources of uncertainty affect the accuracy of catch weight estimates.

The draft EA/RIR/IRFA analyzed several alternatives to improve total catch weight estimates including requirements that (1) trawl catcher/processors and motherships provide measured, marked, and certified fish receiving bins to improve observers' volumetric estimates of catch weight, (2) all processors with 100 percent observer coverage weigh all catch before processing or discard, (3) all processors, regardless of observer coverage, weigh all catch, and (4) all processors and catcher vessels weigh all catch. In addition, the Council considered an option to require that catch weight be assessed using any method that would provide estimates within a specified range of accuracy.

The draft EA/RIR/IRFA stated that the use of scale weights would not address all of the potential problems identified in the analysis. Observer species composition sampling would still be applied to the total catch weight to estimate the weight of each species or species group in the catch. Although properly designed and maintained marine scale systems provide the equipment necessary to account accurately for fish harvested by any vessel or processor type, no security or monitoring system exists that will guarantee that all fish will be weighed or that information from the scales will be accurately reported to NMFS. The observer can provide an important compliance monitoring role but, even with an observer aboard at all times, compliance cannot be assured. Observers can periodically test the accuracy of the scale and monitor use of the scale when they are on duty, but all activities on vessels that operate round

the clock cannot be monitored by one person.

At its September 1994 meeting, the Council recommended that NMFS prepare proposed regulations to require all processors participating in the pollock fisheries to weigh their pollock catch on a scale, rather than to provide for improved volumetric estimates of total catch weight. The Council decided to focus initially only on processors participating in the pollock fisheries for two reasons. First, these fisheries represent the majority of groundfish catch off Alaska. Second, the Council expressed the need for parity in the methods used to estimate catch weight for purposes of the pollock allocations for processing by the inshore and offshore components.

These proposed regulations do not include additional requirements on shoreside processing plants because these scales already are regulated by state weights and measures agencies. NMFS believes that referencing these requirements or including additional requirements for shoreside plant scale testing or certification would be redundant.

What Will be Weighed?

Although the Council only specified that pollock was to be weighed, NMFS is recommending that all catch in the pollock fisheries be weighed. All catch in the pollock fisheries includes the catch of all pollock, all other groundfish species, and all nonallocated species. In other words, all fish and marine invertebrates must be weighed prior to discard or processing, unless otherwise specified in the regulations (e.g., prohibited species). For trawl catcher/processors or processor vessels taking deliveries of unsorted codends, all catch in each haul or delivery that occurred during a week in which the processor vessel was participating in the pollock fisheries would have to be weighed before discard or processing. For processors taking deliveries from trawl catcher vessels, all fish delivered by a catcher vessel participating in the pollock fisheries must be weighed before discard or processing. Operators of trawl catcher vessels could continue to discard at-sea before they delivered their catch. Processors could sort catch before weighing if the processors wish to weigh retained catch separately from discarded catch.

NMFS is considering requiring that all catch in the pollock fisheries be weighed for two reasons. First, if scales are to be required on processor vessels, NMFS believes that these scales should be used to improve estimates of the mortality of all fish and marine

invertebrates—not just the pollock. Second, this requirement more closely follows current catch estimation procedures for trawl processor vessels, which apply observers' species composition sampling data to total catch weight estimates to estimate the weight of each species in the catch.

Observers currently use one of two methods to make volumetric-based estimates of total catch weight—codend volume estimates or bin volume estimates. For a codend volume estimate, the observer estimates the volume of fish in the net. For a bin volume estimate, the observer estimates the volume of fish in one or more of the holding bins into which fish are dumped from the net. After the volumetric estimate of catch weight is made, fish are conveyed from the fish holding bins into the factory. Observers sample unsorted catch as it is being conveyed out of the bins to estimate the species composition of the total catch. Almost immediately after the fish are conveyed out of the holding bins, vessel crew sort retained catch from discards.

The use of an accurate and reliable scale to weigh total catch would eliminate the need for the observers' volumetric estimates of total catch weight. However, observers would still need to sample unsorted catch to estimate the distribution of various species in the catch, including prohibited species. A requirement to weigh only pollock rather than total catch would result in the observer continuing to make volumetric estimates of total catch weight in order to estimate the weight of all nonpollock species in the catch. In addition, the requirement to weigh only pollock may add a step to processors' groundfish sorting, unless they are retaining all pollock and putting small and damaged fish into a meal plant. Weighing pollock separately from other groundfish catch would require processors to first sort all pollock from other groundfish, then weigh the pollock, and then sort out the pollock to be retained from that to be discarded.

Weighing at Sea

Scales in shoreside plants are regulated by state and local government agencies, based on national standards established by the National Conference on Weights and Measures (NCWM) and published by the U.S. Department of Commerce, National Institute for Standards and Technology (NIST) in Handbook 44. Handbook 44 includes design, use, and performance standards for many different weighing and measuring devices, including several different types of scales. All of the catch

from the BSAI and GOA pollock fisheries landed at a shoreside processing plant is reported to be landed in Alaska and is regulated by the Alaska Division of Measurement Standards.

Under Handbook 44 standards, scales in shoreside processing plants usually must weigh certified test weights to within 0.20 percent of their known weight. These scales are required to be inspected once or twice a year, and most scales in large processing plants are inspected every 6 months. However, scales in smaller processing plants or in remote locations are often tested less than once a year due to limited staff and budget resources in the Alaska Division of Measurement Standards.

Groundfish catch processed at sea is not regulated by any weights and measures agency for two reasons. First, no commercial transaction occurs when a catcher/processor catches and processes groundfish. Second, even in circumstances where a processor vessel is purchasing catch from an independent catcher vessel in the EEZ, no state or local government has jurisdiction over this transaction. The only activity on processor vessels operating in the EEZ that is regulated by a weights and measures agency is the packaging of processed product by weight (e.g., a 10-kg box of fillets). Although the scales used to pack the fish product by weight are not required to be certified, the accuracy of the net weight indicated on the package label is regulated by the state in which the fish are landed and sold. In other words, while operators processor vessels are not required to have certified scales on board, they are required to report accurate weights on their packaged products. Testing of packaged product weight by a weights and measures inspector generally occurs on shore, if it occurs at all.

Obtaining an accurate weight at sea requires a scale that has the capability to compensate for vessel motion. Marine scales in use, or proposed for use, use information from two weighing units (or "load cells") to calculate an adjustment factor to apply to the scale weight of fish to compensate for the effect of vessel motion. However, most other features of the marine scales are similar to scales of the same general design, such as belt-conveyor scales or hopper scales, that are used on land. Handbook 44 includes standards that can be used to evaluate a marine scale's performance on land, but additional standards will have to be developed to evaluate the scale's performance at-sea or in motion. These standards have not yet been developed because, to date, no marine scale has

been used for commercial purposes or within the jurisdiction of a weights and measures agency.

In December 1993, NMFS hosted a meeting with representatives from U.S. and international scale manufacturers. These representatives stated that scales designed to compensate for the effect of vessel motion could achieve a very high level of accuracy, perhaps to within 1 percent of known weight. Three processor vessels currently have motion compensated conveyor scales and weigh fish as the fish move along the conveyor belt between the holding bins and the factory. The same motion compensation technology currently is used in platform scales used to weigh packaged product and in roe grading machines.

NMFS believes that a requirement that a scale weigh standard test weights to within 3 percent of their known weight is achievable under all circumstances under which sorting and processing of groundfish would occur. This accuracy level is well within the accuracy standard recommended by the scale manufacturers and would provide a satisfactory estimate for fishery management purposes.

A proposed rule to govern the use of scales in the pollock fishery would include requirements that NMFS believes are necessary to monitor effectively the use of scales and to assure that accurate information is being obtained from the scales in the absence of direct oversight by a weights and measures agency. These requirements are discussed below.

Compliance Monitoring

Processors would be required to notify NMFS as to the type of scale that would be used on the processor vessel. Notification would include a written description of the scale system that would be used to weigh catch and a diagram of the location of the scale or scales on the processor vessel and the location where the observer would sample unsorted catch. Notification would be required 6 months prior to initial installation, major modification, or relocation of a scale. The purpose of this proposed requirement is to assure that on-board test procedures for the particular type of scale have been developed by NMFS in consultation with the scale manufacturer and the weights and measures agencies. In addition, NMFS-certified observers, U.S. Coast Guard personnel, NMFS Enforcement officers, and scale inspectors must be notified in advance of the types of scales they may be expected to evaluate. Currently, NMFS is proposing test procedures only for belt-conveyor scales and hopper scales.

No other type of scale would be approved for use by NMFS until the appropriate test procedures have been developed and included in NMFS regulations.

Processors would decide which particular scale or scales to use and where to install these scales, as long as installation or use of the scale does not prevent observers from taking random samples of unsorted catch.

NMFS proposes a monitoring system for scales on-board processor vessels that would comprise three elements. The first element of the scale monitoring program would be a one-time approval of each model of scale under the National Type Evaluation Program (NTEP). NTEP approval would assure that the scale is constructed and performs in the laboratory according to standards set forth in Handbook 44. In addition, the scale would be evaluated under a variety of "influence factors," such as temperature changes and voltage fluctuations. NTEP approval would be expected to take between 6 months and 1 year from the time the scale is submitted to the testing laboratory. No marine scale has NTEP approval or has been submitted for NTEP approval. NMFS believes that NTEP approval is an important first step in the monitoring process, because it would provide an independent assessment of the performance of the scales against established scale standards before a particular type of scale is purchased or installed on a processor vessel. Assuring that only high quality scales are installed on processor vessels would prevent NMFS and the industry from spending time or money on evaluating scales that cannot meet minimum standards. In addition, the State of Alaska would require NTEP approval for motion-compensated belt-conveyor scales, before they can be certified for use in shoreside processing plants.

Scale manufacturers would submit their scales for NTEP approval and provide processors with certification of approval. This certification must be kept on the processor vessel with the scale and be made available to the authorized officer. Four laboratories in the United States are approved by NCWM to provide NTEP certification. The State of California, Division of Measurement Standards in Sacramento, operates the NTEP laboratory for the West Coast.

The second element of the monitoring system would be inspection by a weights and measures inspector of each scale after it is installed on the processor vessel. The inspection of each scale would be necessary to assure that the scale is installed properly, the scale

weighs accurately when not in motion, the appropriate on-board test weights are calibrated, and the vessel crew understands how to perform the on-board test procedure. The inspection would be based on Handbook 44 standards with two exceptions. First, accuracy standards for the scales would be specified in NMFS regulations. Second, scales would be exempted from Handbook 44 requirements for sealed calibration units, because this requirement would prevent the processor vessel crew from performing periodic, necessary calibration of the scale at sea.

Belt-conveyor scale systems, or flow scales, would be evaluated through a "material test," which tests the performance of the scale while weighing the material (i.e., fish) that is designed to weigh in the specific installation. Because the weight reading from a belt-conveyor scale is a combination of information about the load on the scale and the speed at which material is passing across the scale, static testing, or the placement of a test weight on the scale, would not adequately evaluate the scale's accuracy. The scale must be tested by running material across the scale to evaluate the effect of the conveyor belt installation, the loading and unloading of fish from the scale, the belt speed, and other factors related to the installation of the scale that may affect its accuracy. Simply running a series of metal test weights across the scale is not considered an adequate test of the scale's performance for an annual inspection, because the material will not flow across the scale in the same way as fish, and because it would be difficult to supply enough test weights to test the scale at a capacity similar to its actual use capacity.

Once the scale has passed the material test, a standard test weight would be certified by the weights and measures inspector. The test weight would be a flat, stainless steel bar that could be placed on the scale in contact with the weighing unit of the scale, but not the belt. It would act as a continuous load on the scale for a 10-minute test period. The accumulated weight recorded by the scale at the time of the annual certification would be stamped on the test weight.

The initial inspection by a weights and measures inspector would require vessel owners to schedule and pay for an inspection by either a state weights and measures agency (i.e., State of Alaska or State of Washington inspectors) or a contracted inspector. Officials of the State of Alaska have notified NMFS that it cannot commit to

providing inspectors at this time due to budget and staff constraints.

Handbook 44 requires that a belt-conveyor scale be tested with an amount of material equal to the capacity of the scale for 10 minutes. Flow scales with capacities between 50 metric tons per hour (mt/hr) and 80 mt/hr, would need to be tested with between 8 and 13 mt of fish. The material test of the flow scale could take a full day and would require that an appropriate amount of fish and a certified platform or hanging scale be available at a dockside location for the weights and measures inspector. Because the tests likely would be done outside of the commercial fishing seasons, the Council and NMFS would have to make approximately 500 mt of groundfish available for scale testing. Vessels owners would have to request authorization from the Director, Alaska Region, NMFS (Regional Director) to catch the amount of fish needed for their tests if the tests were performed outside of regular seasons.

The third element of the scale monitoring system would be periodic testing of each scale using the standard test weight. This element would be required because the NTEP approval process and the dockside inspections do not test the scale's performance in motion. It is only through periodic tests at sea that the efficacy of the "motion compensation" devices can be assessed. The test weight would be placed on the scale, the scale would run for 10 minutes, and a printed record of the scale weight would be compared with the number stamped on the test weight. The scale would be in compliance with these regulations if the percent difference in the number stamped on the test weight and the number recorded by the scale was 3 percent or less. As long as the scale weighed the standard test weight accurately, and absent other information, NMFS would assume that the scale was continuing to operate as it did upon successful completion of the initial certification.

The certification and monitoring of hopper scales (similar in design to those currently used in several shoreside processing plants) would be much less complicated than belt-conveyor scales. The hopper scales weigh successive batches of fish rather than a flow of fish. For the initial certification, a weights and measures inspector would evaluate the scale using standard, metal test weights in a range of sizes. No test materials or fish would be required. The on-board test procedure would involve the use of standard test weights that would periodically be placed on the scale. A comparison of the known weight of the test weights with the

scale's recorded weight at sea would indicate whether the scale was weighing within the accuracy standard.

As an additional security measure, the scale would be required to maintain a cumulative record of the number of hours the scale has been operating and the weight of catch passing over or through the scale. This record must be permanent and accessible to the scale operator, the observer, or an authorized officer (read only) but must not be changed or deleted (no write capability). The purpose of this requirement is to provide information about the total catch weighed by the scale with the cumulative reports of catch weight from each haul.

Printed output from the scale on each haul must provide the following information: Starting date and time of haul, total weight of catch in each haul, and end date and time of haul. In addition, the scale must provide a printed record of the scale tests.

Initial Tests of At-sea Scales

One company participating in the 1995 pollock Community Development Quota (CDQ) fisheries installed two different models of belt-conveyor scales on two processors. Two observers were aboard each processor vessel during the CD fisheries, and an additional NMFS staff person was aboard for about 2 weeks. Observers performed limited material tests on these scales by weighing 20 baskets of fish (up to 50 kg of fish per basket) on either a motion-compensated or a beam-balance platform scale and then on the belt-conveyor scales. Test results were highly variable, ranging from less than 0.10 percent difference to almost 50 percent difference in weight between the platform and belt-conveyor scales. The scale on one of the vessels was judged to be improperly installed, because fish were allowed to fall onto the scale rather than flow across it. This likely resulted in inaccurate weights. In addition, the electric motor that drove the conveyor malfunctioned and was not successfully repaired by vessel crew.

These limited tests of scales on processor vessels illustrate several important points. The technology to accurately weigh fish processed at sea exists. However, accurate weight depends on the proper technology, proper installation of the scale, and the proper use of the scale. In other words, an improper installation can negate any benefits of a high quality scale. The proper functioning and installation of the scale must be verified by a qualified weights and measures official prior to use in the fishery. In the absence of this

evaluation process, NMFS cannot be assured that accurate weight can be obtained from the scale. NMFS-certified observers cannot perform "material tests" involving weighing a ton of fish on two different scales each day due to time, space, and energy limitations. In addition, observers are not trained to determine whether the scale is properly installed or other technical aspects of the scale installation or operation.

The Number of Processors Affected

In 1994, 66 processor vessels reported as either trawl catcher/processors or motherships taking deliveries from trawl catcher vessels. Of these, 45 trawl catcher/processors and three motherships reported catch in the pelagic or bottom trawl pollock fisheries in the GOA or BSAI. Each of these 48 processor vessels would be required to provide a scale system that is capable of weighing catch before it is processed or discarded. Although these processors could choose to weigh catch in the other groundfish fisheries in which they participate, they would not be required to do so.

Cost of the Scale Requirement to Industry

NMFS estimates that each processor vessel would pay about \$50,000 for each marine scale. One scale manufacturer estimates that a hopper scale system in development will cost about \$20,000 each. However, this scale currently is not available for sale, so the price estimate is uncertain. Installation costs are much more difficult to estimate. Due to space constraints on many processor vessels, the likely need to relocate sorting space and processing equipment, the possibility that more than one scale would be required on some vessels, and the wide range of configurations on individual vessels, the installation cost range for the scales could be between \$5,000 and \$250,000 per vessel. Therefore, the total cost of purchasing and installing marine scales to weigh groundfish catch on processor vessels may range between \$55,000 and \$300,000 per vessel.

A variety of other costs are associated with a requirement for vessels to install marine scales, including the cost of reduced efficiency as a result of changes in procedures for harvesting, sorting, discarding, or processing groundfish. For example, sorting space may be reduced and processing equipment may have to be moved to accommodate the scale, possibly reducing the efficiency of the factory. These costs also will vary among the vessels, depending on factory configuration. Additional crew time may be required to monitor and record

information from the scale and to test, maintain, and repair the scale. Finally, vessel operators may choose to purchase spare parts or a back-up scale depending on the amount of fishing time that could be lost if the scales break down.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: February 12, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are proposed to be amended as follows:

PART 672—GROUND FISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

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

2. In § 672.2, the definitions for "Belt-conveyor scale" and "Hopper scale" are added, in alphabetical order, to read as follows:

§ 672.2 Definitions.

* * * * *

Belt-conveyor scale means a device that employs a weighing element in contact with a belt to sense the weight of the material being conveyed and the speed (travel) of the material, and integrates these values to produce total delivered weight.

* * * * *

Hopper scale means a scale designed for weighing bulk commodities whose load-receiving element is a tank, box, or hopper mounted on a weighing element. The scale may be adapted to the automatic weighing of bulk commodities in successive drafts of predetermined amounts.

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3. In § 672.24, paragraph (g) is added to read as follows:

§ 672.24 Gear limitations.

* * * * *

(g) *Weighing catch in the pollock fisheries in the EEZ—(1) Applicability.* Processor vessels participating in the pollock fisheries in the EEZ must weigh all catch on a scale that meets the requirements of this paragraph. A processor vessel is participating in the pollock fisheries if directed fishing for pollock is not prohibited and if, during any weekly reporting period, the round weight equivalent amount of retained pollock is greater than the round weight equivalent amount of any other retained groundfish species or species groups for

which a TAC has been specified under § 672.20 or § 675.20.

(2) *Required equipment.* (i) The processor vessel must provide a scale or scale system, a printer capable of providing printed output from the scale or scale system, and the appropriate standard test weights as described in paragraphs (g)(3)(ii)(A) and (B) of this section. Only belt-conveyor scales and hopper scales as defined at § 672.2 and meeting the certification and use requirements of this paragraph (g) are authorized for use.

(ii) *Installation.* The scale or scale system must be installed in the conveyor belt system that carries fish from fish holding bins to either processing equipment or a discard chute. The location or use of the scale or scales must not prevent the observer from sampling unsorted catch.

(iii) *Notification of proposed scale system.* Processor vessel operators must provide the Regional Director with a written description of the scale system that will be used to weigh catch, including: The name, manufacturer, and model number of the scale or scales; a diagram of the location of the scale or scales on the processor vessel; and the location where observers will obtain samples of unsorted catch. This notification is required only prior to initial installation, major modification, or relocation of a scale and must be received by the Regional Director 6 months prior to using the scale to meet the requirements of this paragraph.

(3) *Scale certification.* Each scale used to weigh catch under this paragraph (g) must meet the requirements of the following three-part scale certification process:

(i) *National Type Evaluation Program Certificate of Conformance.* The particular model of scale must be certified under the National Type Evaluation Program of the National Conference on Weights and Measures. Application forms may be obtained from the National Institute for Standards and Technology (NIST), Office of Weights and Measures, Building 820, Room 223, Gaithersburg, MD 20899-0000. A copy of the certificate of conformance for each model of scale must be maintained on board the processor vessel at all times.

(ii) *Initial installation or modification inspection.* Each scale or scale system must be tested and certified by an authorized weights and measures inspector upon initial installation, after major modification or installation of the scale at a different location on the vessel, or at the request of the Regional Director. Scales will be tested in accordance with the National Institute

of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices", 1995 edition adopted by the 79th National Conference on Weights and Measures, which are incorporated by reference, with the exceptions listed in paragraphs (g)(3)(ii)(A) and (B) of this section. Copies of Handbook 44 may be obtained from the National Institute for Standards and Technology, Office of Weights and Measures, Building 820, Room 223, Gaithersburg, MD 20899-0000. Copies may be inspected at the NMFS Alaska Regional Office. Written certification must be provided to the Regional Director prior to January 1 of each year and a copy must be maintained on board the processor vessel at all times. A certification signed by the authorized weights and measures inspector must identify the vessel name, scale model, and date of test; and certify that the scale or scale system meets the standards specified for either belt-conveyor scale systems or hopper scales, with the following additional requirements or exceptions.

(A) *Belt-conveyor scale systems.* Belt-conveyor scales are not required to meet Handbook 44 provisions for sealing in section 2.21, paragraphs S.1.7, S.2.2, and UR.1.2. Certification of a belt-conveyor scale requires accurate weighing of fish as determined by a material test followed by calibration of a standard test weight to be used in on-board tests of the scale under paragraph (g)(3)(iii) of this section.

(1) *Material test.* An official test of a belt-conveyor scale system is a material test. The material test must be performed with fish that have been preweighed on the day of the material test on a scale approved by the authorized weights and measures inspector. The scale used to preweigh fish must be tested by the authorized weights and measures inspector immediately prior to running the material test. The weight of fish used in the material test must be equal to the full capacity of the scale operating for 10 minutes. The belt-conveyor scale must weigh the fish to within 1 percent of the weight determined through preweighing.

(2) *Standard test weight.* The processor vessel must provide a stainless steel bar that fits on the carriage of the scale to be used as a standard test weight for on-board scale testing. Calibration of the standard test weight by the weights and measures inspector must be referenced to the results of the material test. The serial number of the scale and the target

weight after a 10-minute simulated load test must be stamped on the standard test weight upon successful completion of the material test. The standard test weight must be retained on board the vessel at all times while the processor vessel is participating in the pollock fisheries.

(B) *Hopper scales.* Hopper scales are not required to meet Handbook 44 provisions for sealing in section 2.20 paragraph S.1.11. An official test of a hopper scale system is an increasing-load and decreasing-load test using certified standard test weights provided by the authorized weights and measures inspector and used according to procedures specified in Handbook 44. In addition, a set of standard test weights must be provided by the processor vessel to be used for on-board scale testing. The standard test weights must be stainless steel, must not exceed 10 kg each or 50 kg in total, and must be stamped with the serial number of the scale and the certified weight of the standard. The standard test weight must be retained on board the vessel at all times while the processor vessel is participating in the pollock fisheries.

(iii) *On-board tests of scale performance.* The NMFS certified observer or any other authorized officer may perform, or witness vessel crew performing, a test of the scale's performance at any time. The procedure for testing a scale's performance must be based on the use of a standard test weight or weights certified by an authorized weights and measures inspector as described in paragraphs (g)(3)(ii)(A) and (B) of this section. The standard test weights must be placed on, in, or across the weighing element of the scale while the scale is operating. The scale must record the weight of the certified test weight to within 3 percent of its certified weight as calculated by subtracting the scale weight from the known weight of the test weights, dividing this difference by the scale weight, and multiplying by 100 $[-3.0 \leq ((\text{certified weight} - \text{scale weight}) / \text{scale weight}) * 100 \leq 3.0]$. The vessel operator must provide the observer with a printed record of the known weight of the certified test weights and the weight recorded by the scale for each test and a printed record of any adjustments to or calibrations of the scale.

(4) *Printed reports from the scale.* Printed reports from the scale must be maintained on board the processor vessel and be made available to observers and other authorized officers at any time during the current calendar year. Reports must be printed at least once each 24-hour period in which the scale is being used to weigh catch or

before any information stored in the scale computer memory is replaced. A printed report must include the following information for each haul: The haul number; month, day, year, and time (to the nearest minute) weighing catch from the haul started; month, day, year, and time (to the nearest minute) weighing catch from the haul ended; and the total cumulative weight of catch in the haul for each haul brought on board the vessel. Scale weights may not be adjusted for the weight of water. The haul number recorded on the scale print-out must correspond with haul numbers recorded in the processor's daily cumulative production logbook. A printed report of any tests, adjustments, calibrations, or other procedures

performed on the scale including month, day, year, and time (to the nearest minute) of procedure, name or description of procedure, result of procedure also must be provided. All printed output from the scale must be signed by the operator of the processor vessel.

(5) The scale system must record the cumulative number of hours in operation and the cumulative weight recorded by the scale in a format that cannot be edited or erased and that is accessible to the scale operator at any time. This information must be provided in printed form at any time at the request of an observer or other authorized officer.

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

4. The authority citation for part 675 continues to read as follows:

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

5. In § 675.24, paragraph (h) is added to read as follows:

§ 675.24 Gear limitations.

* * * * *

(h) Weighing catch harvested in the pollock fisheries. Requirements are set out at § 672.24(g).

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