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DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration
50 CFR Parts 301, 671, 672, 675, 676, and 677

[Docket No. 940412-4112; I.D. 033194E] RIN 0648-AD80

North Pacific Fisheries Research Plan

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

ACTION: Proposed rule and notice of hearings.

SUMMARY: NMFS issues a proposed rule to implement the North Pacific Fisheries Research Plan (Research Plan) for the Gulf of Alaska (GOA) groundfish fishery, Bering Sea and Aleutian Islands management area (BSAI) groundfish fishery, Bering Sea and Aleutian Islands area king and Tanner crab fisheries, and Pacific halibut fishery in convention waters off Alaska. The Research Plan would provide an industry-funded observer program and promote management, conservation, and scientific understanding of groundfish, halibut, and crab resources off Alaska.

DATES: Comments on this proposed rule must be received by July 5, 1994.

Public hearings on the proposed Research Plan will be held as follows: 1. June 7, 1994, 7:00 p.m., Anchorage, Alaska. 2. June 15, 1994, 10:30 a.m., Seattle, Washington. 3. June 16, 1994, 10:00 a.m., Portland, Oregon.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel). Individual copies of the proposed Research Plan and the environmental assessment/ regulatory impact review (EA/RIR) may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510. Public hearings will be held at the following locations: 1. Anchorage--Anchorage Hilton Hotel, 500 W. 3rd Avenue, Anchorage, Alaska (907-272-7411) 2. Seattle--Alaska Fisheries Science Center Auditorium, 7600 Sand Point Way Northeast, Building 9, Seattle, Washington (206-526-4197) 3. Portland--Red Lion Inn, 909 North Hayden Island Dr., Jantzen Beach, Portland, Oregon (503-283-4466). FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, at 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic groundfish fisheries of the BSAI and GOA in the exclusive economic zone (EEZ) are managed under the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the FMP for Groundfish of the GOA. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) (Magnuson Act) and are implemented for the U.S. fishery by regulations at 50 CFR parts 620, 672, and 675. The domestic fishery for Pacific halibut off Alaska is managed by the International Pacific Halibut Commission (IPHC), as provided by the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773-773k), with implementing regulations at 50 CFR part 301. Regulations implementing individual fishing quotas (IFQs) for the domestic groundfish and halibut fisheries off Alaska are at 50 CFR part 676. The king and Tanner crab fisheries of the Bering Sea and Aleutian Islands area are managed under the FMP for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands. This FMP delegates management of the crab resources in the Bering Sea and Aleutian

Islands area to the State of Alaska (State) with Federal oversight. Regulations necessary to carry out the crab FMP appear at 50 CFR part 671.

Section 313 of the Magnuson Act, as amended by section 404 of the High Seas Driftnet Fisheries Enforcement Act, Pub. L. 102-582, authorizes the Council to prepare, in consultation with the Secretary of Commerce (Secretary), a Research Plan for all fisheries under the Council's jurisdiction except salmon fisheries. The proposed Research Plan would require that observers be stationed on certain fishing vessels and U.S. fish processors participating in the BSAI groundfish, GOA groundfish, and Bering Sea and Aleutian Islands area king and Tanner crab fisheries, and it would allow these requirements to be extended to the halibut fishery off Alaska. Observers would be deployed for the purpose of collecting data necessary for the conservation, management, and scientific understanding of fisheries under the Council's authority. The Research Plan also would establish a system of fees to pay for the costs of implementing the Research Plan. The fees would be based on the exvessel value of retained catch in the BSAI and GOA groundfish fisheries, the Bering Sea and Aleutian Islands area king and Tanner crab fisheries, and the Pacific halibut fishery off Alaska (Research Plan fisheries). Future recommendations by the Council to include other fisheries under the Research Plan would require an amendment or amendments to the Research Plan and to the regulations implementing it.

Regulations implementing Amendments 18 and 13 to the FMPs for Groundfish of the GOA and the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, respectively (54 FR 50386, December 6, 1989), authorized a data collection program to obtain information necessary for conservation and management of the groundfish fisheries. One of the measures in Amendments 18 and 13 authorized a comprehensive domestic fishery observer program. The Secretary, in consultation with the Council, prepared and implemented an Observer Plan to implement provisions of that program (55 FR 4839, February 12, 1990). The Alaska Board of Fisheries (Board) implemented a Shellfish Onboard Observer Program for the king and Tanner crab fisheries off Alaska in April 1988 (5 AAC 39.645). Currently, no observer program is established for the Pacific halibut fishery in convention waters off Alaska.

Two problems with the current Federal and State observer programs have been identified. First, the costs of observer coverage are not borne by all fishery participants. Under the current Federal observer program, some groundfish operations are required to pay for 100 percent observer coverage, others are required to pay for 30 percent coverage, and still other operations that benefit from the observer program pay none of the cost. The last group includes some groundfish and all halibut operations, because they have no observer coverage requirements. State king and Tanner crab regulations require observer coverage for all vessels that process king or Tanner crab in waters off Alaska, but mandate no observer coverage for crab catcher vessels or shoreside processors.

Second, the current method of paying for observers under the Federal and State observer programs limits NMFS and State control over the observer programs and impedes the agencies' ability to manage the programs effectively. Observer contractors are not solely responsible to NMFS or to the State for the quality of their work performance; sometimes they have conflicting responsibilities to their clients, to whom they are providing observers, and to NMFS or to the State. The owners and operators of vessels and processing facilities now are responsible for making arrangements with an observer contractor of their choice to meet observer requirements and for paying the costs of observers directly to that contractor. This direct business

relationship, and the ability of an owner or operator to select among the group of contractors, mean that the contractors and, indirectly, the observers, work for the operations they are observing. This relationship could provide a means for an operation to reward or penalize contractors and their observers and thus negatively influence the work performance of the observers and quality of the data collected. This appearance of a conflict of interest could reduce the credibility of observer data.

To resolve these problems, the Council initiated development of the Research Plan. A draft EA/RIR for the Research Plan was initially reviewed and approved for public distribution and comment by the Council and its advisory bodies at their January 15-17, 1991, meetings. After reviewing written comments and advice from its advisory bodies, and hearing public testimony at its meetings of April 23-26, 1991, the Council further refined the Research Plan. A revised EA/RIR was reviewed and approved for public distribution and comment by the Council and its advisory bodies at their April 20-26, 1992, meetings. After reviewing written comments, obtaining further advice from its advisory bodies, and hearing public testimony at its June 23-28, 1992, meeting, the Council adopted the Research Plan and recommended that it be submitted to the Secretary for review. The EA/RIR was updated in December 1993 to reflect newly available information. The Council approved the Research Plan as described in this proposed rule at its December 1993 meeting.

Description of the Proposed Research Plan Objectives

1. Provide a framework for an observer program for the Alaska groundfish fisheries and the Pacific halibut fishery to accommodate inseason management and stock assessment needs, and to provide accurate, real-time data of sufficient quality to implement an individual vessel incentive program developed to meet specified management objectives of the Council;
2. Provide a framework for an observer program for Bering Sea and Aleutian Islands area king and Tanner crab fisheries to accommodate inseason management needs, monitor industry compliance with Federal and State regulations, and collect biological and management data necessary to achieve the sustained yield of the crab resource without overfishing;
3. Ensure that the groundfish and crab observer programs are efficient and cost effective, that any increased costs are commensurate with the quality and usefulness of the data to be derived from any revisions to the programs, and that such changes are necessary to meet fishery management needs; and
4. Provide for cooperation and coordination between the groundfish observer program administered by NMFS and the crab observer program administered by the Alaska Department of Fish and Game (ADF&G).

Determination of Research Plan Fees

NMFS would annually establish a Research Plan fee percentage for the upcoming calendar year. As described in this preamble, the fee percentage would be based on standard exvessel prices by species and projections of the following: (1) Retained catches by species (i.e., catch retained by either at-sea or shoreside processors) in all Research Plan fisheries; (2) observer program costs; and (3) the surplus in the North Pacific Fishery Observer Fund (Fund), other sources of funding for the Research Plan, and nonpayments. After consulting with the Council and State, NMFS would publish the fee percentage and the values of the variables on which it is based in the Federal Register and invite comments. After considering comments received and again consulting with the Council and the State, NMFS would publish final values in the Federal Register. Standard Exvessel Prices. NMFS would annually establish standard exvessel prices for species harvested in Research Plan fisheries. These prices would be used in estimating the total exvessel value of the Research Plan

fisheries for the coming year and in assessing fees. The standard exvessel prices would be based on: (1) Exvessel price information for the most recent 12-month period for which data are available, (2) factors that are expected to change exvessel prices in the upcoming calendar year, and (3) any other relevant information that may affect expected exvessel prices during the upcoming calendar year.

Retained Catch. NMFS would project retained catch, by species, for the Research Plan fisheries annually, using the best available information concerning expected catches and discards.

Total Exvessel Value. NMFS would annually calculate the total exvessel value of retained catches for Research Plan fisheries as the sum of the products of the standard exvessel prices and projected retained catches, for all Research Plan species. **Observer Program Costs.** NMFS and ADF&G would each prepare an annual budget that identifies expected recoverable Research Plan costs for the upcoming calendar year. Recoverable costs identified in each budget would include: (1) Costs for observer training, certification, briefing, and debriefing; (2) costs for stationing observers, including travel, salaries, benefits, and insurance; (3) costs for data collection, transmission, input, processing, and management; and (4) contract services and general program operational costs, excluding overhead. The estimated budget would be based on anticipated observer coverage and the anticipated costs directly incurred in carrying out the Research Plan. The observer program costs also would include the costs associated with a risk-sharing pool to provide comprehensive insurance coverage for vessels and owners if such an insurance program is established under section 313 of the Magnuson Act (see Risk-sharing Pool, in this preamble.)

Surplus Funds, Other Sources of Funding, and Fee Nonpayment. Annually, NMFS would project each of the following: (1) The surplus that would be in the Fund at the end of the current calendar year, (2) the funds that would be available from other sources for use in funding the Research Plan during the upcoming calendar year, and (3) the nonpayment rate on fees assessed under the Research Plan during the upcoming calendar year. **Calculation of the Fee Percentage.** Under the Magnuson Act, the fee percentage established to pay for the costs of implementing the Research Plan may not exceed 2 percent of the exvessel value of fish harvested under the authority of the Council (except salmon), including shellfish and the Northern Pacific halibut fishery. Annually, the fee percentage for the upcoming calendar year will be set equal to the lesser of 2 percent of the exvessel value of retained catch in the Research Plan fisheries or the fee percentage calculated using the equation described above and set out at Sec. 677.11(a)(3).

If the fee percentage calculated using this formula is greater than 2 percent, there would be a funding shortfall due to the 2 percent limit in the Magnuson Act. This would require a reevaluation of the levels of coverage that would be required and funded. Available funds would be utilized to address the Research Plan objectives in the following priority: (1) Status of stock assessments (i.e., collection of data on total catch, species composition, size, sex, and age); (2) inseason management; (3) bycatch monitoring; and (4) vessel incentive programs and regulatory compliance.

Fee Assessments

Processors would be responsible for collecting all fee assessments and for paying them bimonthly (i.e., every 2 months). Section 313 of the Magnuson Act stipulates that fees shall be assessed against all fishing vessels and U.S. fish processors participating in Research Plan fisheries under the jurisdiction of the Council, including those not required to have observers.

Fee assessments would not apply to fish, except halibut, caught in the territorial sea (0-3 miles), or to any fish caught in internal waters of the State. Recordkeeping and reporting requirement changes that would require processors to indicate if fish are caught in Federal or State waters will be developed prior to implementation of the fee collection system.

Catcher vessels would be expected to pay half of the fee liabilities on their retained catches to the processor(s) responsible for making the bimonthly fee assessment payments to NMFS. NMFS would calculate bimonthly fee assessments by multiplying the fee percentage times the standard exvessel price times the round weight or round-weight equivalent of all retained catches, by species, in Research Plan fisheries. For example, if the fee percentage for Research Plan fisheries were 1.00 percent, and the standard exvessel price of pollock were \$0.09/lb (\$0.20/kg), a retained catch of 500,000 lbs (227,727 kg) of pollock would result in a fee assessment due from the processor of: $0.0100 \times \$0.09/\text{lb} \times 500,000 \text{ lbs} = \450.00 .

Retained catch is defined as the catch retained by either at-sea or shoreside processors. The round weight of fish delivered to shoreside processors would be determined from scale weights. Standard product recovery rates would be used to derive round-weight equivalents when other than whole fish is delivered to shoreside processors. Standard product recovery rates also would be used to calculate round-weight equivalents of groundfish and halibut harvested by or delivered to at-sea processors. For crab at-sea processors, scale weights of sample catches would be used to calculate weight of retained catch. NMFS is developing a regulatory amendment to establish standard product recovery rates that would be used throughout the industry to calculate round-weight equivalents of retained catch. Assuming Secretarial approval, NMFS anticipates that standard product recovery rates will be effective by 1995. If a more reliable system for determining total weights is implemented in the future, these regulations would be amended accordingly. Public comment is specifically encouraged on this aspect of the proposed Research Plan.

NMFS would obtain values for the weight of retained catch to be used in calculating fee assessments through existing data reporting systems. Groundfish data would be obtained from Weekly Production Reports or from ADF&G fish tickets for those vessel operators who are not required to submit Weekly Production Reports under Federal regulations but who sell catch directly to consumers. Crab data would be obtained from ADF&G Weekly Processor Reports, fish tickets, or other required reports. Halibut data would be obtained from the IPHC or from Individual Fishing Quota (IFQ) reports, when available.

NMFS would bill processors bimonthly for their fee assessments. The bimonthly periods would be determined on the basis of weekly reporting periods. NMFS is preparing a rule to revise the definition of a weekly reporting period. Assuming its approval, the 1995 bimonthly periods would be January 1 through February 25; February 26 through April 29; April 30 through July 1; July 2 through September 2; September 3 through October 28; and October 29 through December 31. The Director, Alaska Region, NMFS, (Regional Director) would need to receive payments within 30 days of the date the bill is issued. Interest and administrative charges would be charged for late payments. Payments would be deposited in the Fund within the U.S. Treasury.

A processor would be required to notify the Regional Director, in writing, within 30 days of issuance of the bill, if any billed amount is disputed. The processor would be responsible for paying the undisputed amount of the bill within 30 days of its issuance, and for providing documentation supporting the disputed amount claimed to be under- or over-billed. Within 60 days of the

date of issuance of the disputed bill, the Regional Director would review the disputed bill and the documentation provided by the processor, and would notify the processor of his determination. If the Regional Director determines a billing error has occurred, the processor's account would be rectified by credit or subsequent billing. If the Regional Director determines a billing error has not occurred, the balance of the disputed bill would be due within 15 days of issuance of the determination. Interest and administrative charges would be assessed for payments that are not received within 15 days. Processor permits would not be issued until all fee assessments are paid. (See Permit and Recordkeeping Requirements in this preamble).

The Council recommended requiring guarantees equal to the maximum estimated quarterly fee assessment for the upcoming calendar year to secure anticipated fee liabilities, in the form of prepayments, letter of credit, surety bond, or lien on property. NMFS believes that the requirement of such guarantees is premature and could be burdensome to the industry, particularly to smaller enterprises, and costly to administer. Small or marginally profitable enterprises could have difficulty in securing such guarantees. There are irrecoverable costs associated with guarantees such as letters of credit and surety bonds. Some guarantees may be of limited value in ensuring necessary cash flows and achieving the objectives of the Research Plan. Collection could also be difficult to accomplish in a timely and cost-effective manner.

Instead, NMFS is proposing a simplified system to encourage timely fee assessment payments by processors that would consist of: (1) Bimonthly billing, (2) semi-annual processor permitting with a requirement that all Research Plan fee assessments must be current before a permit would be issued, (3) a prohibition against processing landings from Research Plan fisheries without a valid processing permit, and (4) a prohibition against delivery of catch from Research Plan fisheries to a processor not possessing a valid processing permit. This system also has the advantage of greatly simplified reporting and recordkeeping requirements for processors and reduced administrative costs for NMFS. The extent of nonpayment of fee assessments, which is inherent in any fee collection system, would be taken into account in determining the fee percentage rate for the following year. The proposed system is designed to minimize such nonpayment.

First Year of the Research Plan

During the first, or start-up, year of the Research Plan, NMFS would accumulate necessary start-up funds in the Fund. Fees would be assessed against all fishing vessels and U.S. fish processors participating in Research Plan fisheries under the authority of the Council. Processors would be responsible for collecting all fee assessments and for paying them bimonthly. The observer coverage requirements in the Federal Observer Plan and existing State Bering Sea and Aleutian Islands area king and Tanner crab regulations (5 AAC 39.645) would remain in effect during the start-up year.

During the first year of the Research Plan (1995), all processors and vessels participating in Research Plan fisheries would pay the full fee assessment. Vessel operators and processors that currently are required to carry observers under the Federal Observer Plan and under State regulations would continue to do so during the first year of the Research Plan. NMFS would issue rebates to those who paid directly for required observer coverage during the first year of the Research Plan. The rebate per standard observer day would equal either the actual payment to an observer contractor per standard observer day or the standardized cost of a standard observer day, whichever is less. A standard observer day is defined as all or part of a 24-hour period

that begins at 0001 hours Alaska local time (A.l.t.) and ends at 2400 A.l.t., during which an observer is stationed on a vessel or at a shoreside facility for purposes of complying with observer coverage requirements set forth in the proposed rule at Sec. 677.10(a). A standard observer day cannot be attributed to more than one vessel or shoreside facility.

The standardized cost of a standard observer day would be based on the estimate(s) of the cost per observer day used to calculate both the total cost of the Research Plan and the fee percentage during 1995. Proposed standardized cost(s) will be published in the Federal Register for public review and comment as part of the annual Research Plan specification process set forth at Sec. 677.11 of the proposed rule. At this time, NMFS anticipates that standardized cost(s) could range between \$170 and \$265 per day, depending on whether 100 percent or 30 percent observer coverage is obtained. The rebates issued for vessel or processor observer coverage may exceed Research Plan fee payments. However, issuance of a rebate to a processor would be dependent on the processor being current with respect to submitting its fee payments. The rebates would be based on information provided to NMFS by observer contractors on an Observer Coverage Rebate Application (Form FPP-2). This information would include the number of standard observer days paid for by each vessel or processor and the amount paid for those observer days. The required information would be submitted by each observer contractor within 15 days after the end of each calendar month in which it received payments for providing observers. Initial rebates would not be issued before mid-year, to allow for the collection of sufficient funding for the rebate program. Subsequent rebates for 1995 observer coverage would be issued on a more regular basis, e.g. bimonthly.

NMFS believes that a fund equal to approximately two-thirds of the estimated annual cost needed to operate the Research Plan is the minimum amount needed to begin full operation of the Research Plan and to ensure that cash flow is adequate to meet start-up costs. Assuming approval of regulations implementing the Research Plan, full implementation of the observer and fee portions of the Research Plan is anticipated to begin January 1, 1996.

Permit and Recordkeeping Requirements

After the first year of the Research Plan, most of the burden of recordkeeping would rest with processors, who would be responsible for collecting and paying the bimonthly Research Plan fee assessment when billed by NMFS. During the first year of the Research Plan, additional reporting requirements would be implemented for observer contractors to support the rebate program for direct observer costs. The rebate program and associated recordkeeping requirements are described above.

All processors of Research Plan fisheries would need a Federal Processing Permit. A Federal Processing Permit Application (Form FPP-1) would be required to obtain a processing permit, and would serve to gather information about the processor and its owner. Fishermen who sell their catch directly to the public at a dock, roadside, or elsewhere would be considered processors under the Research Plan. Each processing vessel or shoreside facility would be required to submit a separate permit application, even if several vessels or facilities are owned by the same company.

Permits would be issued for each of the two 6-month periods-- January 1 through June 30, and July 1 through December 31. No permit would be issued until the permit application is complete and all fee assessments paid. Processors that have paid their accounts and submitted complete permit applications would be issued a permit within 30 days. Permits would not be issued to those processors not submitting complete applications or to those

whose accounts are past due, until their applications are complete and their accounts are paid. Processing fish from Research Plan fisheries without a valid permit, or delivering fish from Research Plan fisheries to a processor not possessing a valid permit, would be prohibited. NMFS would make available to the public a list of those processors holding valid permits to process fish from Research Plan fisheries.

Observer Coverage

During the first year of the Research Plan (1995), observer coverage levels in the groundfish fishery would be as currently required by the Federal Observer Plan. All king and Tanner crab catcher/processors and mothership processors in the Bering Sea and Aleutian Islands area would continue to carry observers under the State Shellfish Onboard Observer Program. Observer coverage would not be required for the halibut fishery.

Starting with the second year of the Research Plan (1996), NMFS would annually determine the level of observer coverage necessary to achieve the objectives of the Research Plan. NMFS would consider the amount of available funds, as well as the objectives of the program, in determining the appropriate observer coverage levels. NMFS would annually present an analysis of observer coverage, including criteria for selection of vessels to carry observers if coverage is less than 100 percent, to the Council, and to the State in the case of the Bering Sea and Aleutian Islands area king and Tanner crab fisheries. NMFS would then publish the proposed levels of coverage in the Federal Register and invite comments. State costs for observer coverage in the Bering Sea and Aleutian Islands area king and Tanner crab fisheries allowable under the Magnuson Act would be paid from fees collected from all Research Plan fisheries. After considering comments received and again consulting with the Council, and with the State in the case of the Bering Sea and Aleutian Islands area king and Tanner crab fisheries, NMFS would publish the final levels of observer coverage for the upcoming year in the Federal Register.

Inseason Changes in Observer Coverage

The Regional Director may increase or decrease the observer coverage requirements for the groundfish, halibut, and crab observer programs at any time during the effective period of the Research Plan to improve the accuracy, reliability, and availability of observer data, and to ensure solvency of the observer program, so long as the conditions set forth in section 313 of the Magnuson Act are met, and based on one or more of the following findings:

1. A significant change in fishing methods, times, or areas for a specific fishery or fleet component has occurred, or is likely to occur.
2. A significant change in catch or bycatch composition for a specific fishery or fleet component has occurred, or is likely to occur.
3. Unanticipated shortfalls in the North Pacific Fishery Observer Fund require decreased observer coverage to maintain solvency of the observer programs.
4. An increase in observer coverage is necessary to ensure or improve data availability or quality in order to meet specific fishery management objectives.

Any decrease in observer coverage due to unanticipated funding shortfalls must be consistent with the following priorities: (a) Status of stock assessments (i.e., collection of data on total catch, species composition, size, sex, and age); (b) inseason management; (c) bycatch monitoring; and (d) vessel incentive programs and regulatory compliance. Any increased costs must be commensurate with the quality and usefulness of the data to be derived from any revised program and necessary to meet fishery management needs.

The Regional Director would consult with the Commissioner of ADF&G prior

to making inseason changes in observer coverage level for the crab observer program. NMFS would publish changes in observer coverage requirements in the Federal Register, with the reasons for the changes and any special instructions to vessels required to carry observers, at least 10 calendar days prior to their implementation.

Groundfish and Halibut Observers

Groundfish and halibut observers would be either employees of NMFS or employees of NMFS observer contractors. Observer contracts would be subject to a competitive bid process and would comply with Federal and agency procurement regulations. A minimum of three contractors would be used in accordance with the procurement regulations, if cost effective, and if three or more bidders are qualified.

Observers would possess the education and specific training as specified in the contracts issued by the Federal Government to provide groundfish or halibut observers. The observers' duties are described in detail in the NMFS observer manual, which is updated as necessary and is available from the NMFS Observer Program, Alaska Fisheries Science Center, 7600 Sand Point Way N.E., BIN C15700, Building 4, Seattle, WA 98115. Observer duties may include the collection of data on catch, effort, bycatch, and discards of finfish and shellfish, including prohibited species catches, to facilitate inseason management. Observers may collect information on gear, processing, or other fishing information; biological samples to determine species, length, weight, age, sex composition of catch, and predator-prey interactions; or any other information needed to manage the fisheries. They may collect data on marine mammals, seabirds, and other species as appropriate. Information obtained from observers would also be used to monitor compliance with fishing and related regulations.

The Regional Director would review fishery monitoring programs and report to the Council on methods to improve data collection and sampling techniques and to provide for real-time data transmission from the groundfish and halibut fleet, including daily reporting and other measures as appropriate to improve the accuracy and efficiency of fishery monitoring programs.

A final rule was published on April 29, 1994, (59 FR 22133) that authorizes NMFS to disclose specified observer data on prohibited species bycatch or bycatch rates. This authority would continue under the Research Plan and is included in this proposed rule (Sec. 677.10(f)).

Bering Sea and Aleutian Islands Area King and Tanner Crab Observers

Crab observers would either be employees of ADF&G, or employees of NMFS observer contractors. The observers would be required to possess the education and specific training requirements as specified in the contracts issued by the Federal Government to provide crab observers. The observers' duties are described in detail in the ADF&G observer manual, which will be updated as necessary. The ADF&G observer manual is available from ADF&G, Box 308, Dutch Harbor, AK 99692-0308. Crab observer duties may include the collection of data on catch, effort, bycatch, and discards of finfish and shellfish to facilitate inseason management. Observers may also collect biological samples to determine information such as species, length, weight, age, sex composition of catch, predator-prey interactions, or any other biological information needed to manage the fisheries. They may also collect data on marine mammals, seabirds, and other species as appropriate. Crab observers also provide an effective means to ensure management compliance.

The State would review its fishery monitoring and data transmission programs in conjunction with NMFS, to coordinate methods to improve data collection and sampling techniques, provide for real-time data transmission

from the fleet, including daily reporting, improve the accuracy and efficiency of fishery monitoring programs, and improve coordination between State and Federal agencies. Initially, data collection, transmission, and input programs would be the same as specified under existing State regulations and guidelines to facilitate inseason management.

Notification of Observer Contractors by Processors and Operators of Vessels Required To Carry Observers

Processors and operators of vessels required to carry observers under the Research Plan would be responsible for meeting their observer coverage requirements. To ensure that an observer will be available, processors and vessel operators would be required to notify the appropriate agency or observer contractor, as identified by NMFS, not less than 60 days prior to their need for an observer. This notification must be in writing or facsimile copy. A second notification to the appropriate observer contractor, in writing, facsimile copy, or by telephone, must be made not less than 10 days prior to the need for an observer, to make final arrangements for observer deployment. Proposed ports from which observers may embark/ disembark are Akutan, Atka, Beaver Inlet, Chignik, Cordova, Craig, Dutch Harbor, Homer, Juneau, Ketchikan, Kenai, King Cove, Kodiak, Petersburg, Sand Point, Seward, Sitka, St. George, St. Paul, Valdez, Wrangell, and Yakutat. Ports were selected using the following criteria: (1) Previous selection by observer contractors, (2) accessibility and transportation costs, and (3) availability of overnight accommodations. Public comments on this list of ports is specifically encouraged. This list would be reviewed annually by NMFS, in consultation with the Council and the State, during the annual budget review process.

During the first year of the Research Plan (1995), observer coverage requirements would be as described in Sec. 677.10(a). NMFS would publish subsequent observer coverage requirements, along with the names of the observer contractors, information for contacting contractors, and a list of embarkment/disembarkment ports for observers, annually in the Federal Register, prior to the beginning of the calendar year to which the coverage requirements apply (see Observer Coverage in this preamble).

Coordination Between the Federal Groundfish Observer Program and the State King and Tanner Crab Observer Program Under the Research Plan

Under authority of the FMP for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands, the State king and Tanner crab observer program for the Bering Sea and Aleutian Islands area was designed by the Board and is administered by ADF&G.

NMFS and ADF&G would form a work group to maximize efficiency in administration and implementation of the groundfish, halibut, and king and Tanner crab observer programs. The University of Alaska, as an observer training entity, would be a member of this work group when required to help in the development of observer training and debriefing procedures. The work group would review costs and identify possible cost-saving measures, including the use of contractors to perform some or all of the duties under the Research Plan, other than briefing or debriefing. The work group also would review the costs and benefits of training observers in Alaska or elsewhere.

The work group would address items including: (1) Development of consistent, cost-effective, and compatible observer training and debriefing procedures; (2) development of a consistent data collection, transmission, and processing system, including a single database available to both agencies on a real-time basis; and (3) identification of costs that are appropriate for reimbursement to the State pursuant to the Magnuson Act. NMFS and ADF&G would

annually provide to the Council a report detailing steps taken to improve overall coordination between the two observer programs and to improve administrative efficiency.

Observer Oversight Committee

The Council Chairman would establish an Observer Oversight Committee (Committee) to provide advice to the Council, the Board, the Commissioner of ADF&G, and the Regional Director on general provisions of the observer and fee portions of the Research Plan. NMFS, with the assistance of ADF&G, would annually provide Research Plan reports and budget documents to the Committee. The Committee would consist of industry representatives from the following groups: Factory trawler, catcher trawler, shoreside processor, crab catcher vessel, freezer longliner, non-freezer longliner, crab catcher-processor, vessels under 60 ft (18.3 m) in length overall, observers, observer contractors, and an independent observer training representative. The Committee would meet with NMFS and ADF&G staff within the annual cycle of the Research Plan to review the reports and budgets and provide input to the Council on fee levels and observer coverage needs. The Committee would not have oversight of the daily operations of the Federal and State observer programs.

Risk-sharing Pool

Under section 313 of the Magnuson Act, the Secretary will review the feasibility of establishing a risk-sharing pool to provide comprehensive commercial insurance coverage for vessels and owners, and the availability of such insurance for vessels and owners, against liability from civil suits by observers. If the Secretary determines that a risk-sharing pool is feasible, any implementing regulations would be codified at subpart B of 50 CFR part 677.

Public Comment and Hearings

Public comments on the proposed Research Plan and its implementing regulations are invited for 60 days. During this comment period, the Secretary will conduct public hearings, as required by the Magnuson Act, in Alaska, Oregon, and Washington for the purpose of receiving public comments on the proposed regulations (see DATES and ADDRESSES for dates and locations). NMFS will consider public comments received in preparing the final rule implementing the Research Plan.

Classification

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Although it would affect all firms in the Research Plan fisheries, it would not decrease revenues by more than 2 percent. Since costs are approximately equal to revenues in the Research Plan fisheries, costs are not expected to go up by more than 2 percent. Thus, while a substantial number of small entities would be affected, the effect is not expected to be economically significant.

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act. These collections of information have been submitted to the Office of Management and Budget for approval. Public reporting burden for each year of this collection is estimated to average 0.5 hours per response for completing the semi-annual Federal Processing Permit Application, 0.25 hours per response for notifying contractors of needs for observers, and 1.0 hour per response to provide information to document claims of disputed bills. For the first year of the Research Plan, completion of Observer Coverage Rebate Application forms is estimated to average 0.16 hours per response. All reporting burden estimates include the time for reviewing

instructions, searching existing data sources, gathering and maintaining 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 (see ADDRESSES) and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (ATTN: NOAA Desk Officer).

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

List of Subjects in 50 CFR Parts 301, 671, 672, 675, 676, and 677
Fisheries, Reporting and recordkeeping requirements.

Dated: April 29, 1994. Rolland A. Schmitt, Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

PART 301--PACIFIC HALIBUT FISHERIES

1. The authority citation for part 301 continues to read as follows:
Authority: 5 U.S.C. 552; 16 U.S.C. 773-773k.
2. Section 301.23 is added to read as follows:

Sec. 301.23 North Pacific Fisheries Research Plan.

Permit requirements, observer requirements, and fee assessments for the Northern Pacific halibut fishery under the North Pacific Fisheries Research Plan are contained in part 677 of this chapter.

PART 671--KING AND TANNER CRAB FISHERIES OF THE BERING SEA AND ALEUTIAN ISLANDS

3. The authority citation for part 671 continues to read as follows:
Authority: 16 U.S.C. 1801 et seq.

4. A new Sec. 671.4 is added to read as follows:

Sec. 671.4 Permits.

All processors of Bering Sea and Aleutian Islands area king and Tanner crab must comply with permit requirements contained in Sec. 677.4 of this chapter.

5. A new Sec. 671.21 is added to read as follows:

Sec. 671.21 Observer requirements.

Bering Sea and Aleutian Islands area king and Tanner crab observer requirements are contained in part 677 of this chapter.

PART 672--GROUNDFISH OF THE GULF OF Alaska

6. The authority citation for part 672 continues to read as follows:
Authority: 16 U.S.C. 1801 et seq.

7. In Sec. 672.4, introductory text of paragraph (b) is redesignated introductory text of paragraph (b)(1); existing paragraphs (b)(1) through (10) are redesignated paragraphs (b)(1) (i) through (x), respectively; and a new paragraph (b)(2) is added to read as follows:

Sec. 672.4 Permits.

* * * * *

(b) * * *

(2) All processors of Gulf of Alaska groundfish must comply with permit

requirements contained in Sec. 677.4 of this chapter, in addition to any applicable requirements of this Sec. 672.4.

* * * * *

8. Section 672.27 is revised to read as follows:

Sec. 672.27 Observer requirements.

Gulf of Alaska groundfish observer requirements are contained in part 677 of this chapter.

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

9. The authority citation for part 675 continues to read as follows:
Authority: 16 U.S.C. 1801 et seq.

10. In Sec. 675.4, introductory text of paragraph (b) is redesignated introductory text of paragraph (b)(1); existing paragraphs (b)(1) through (10) are redesignated paragraphs (b)(1) (i) through (x), respectively; and a new paragraph (b)(2) is added to read as follows:

Sec. 675.4 Permits.

* * * * *

(b) * * *

(2) All processors of Bering Sea and Aleutian Islands management area groundfish must comply with permit requirements contained in Sec. 677.4 of this chapter, in addition to any applicable requirements of this Sec. 675.4.

* * * * *

11. Section 675.25 is revised to read as follows:

Sec. 675.25 Observer requirements.

Bering Sea and Aleutian Islands management area groundfish observer requirements are contained in part 677 of this chapter.

PART 676--LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF Alaska

12. The authority citation for part 676 continues to read as follows:
Authority: 16 U.S.C. 773 et seq. and 1801 et seq.

13. In Sec. 676.13, paragraph (a)(1) introductory text is revised to read as follows:

Sec. 676.13 Permits.

(a) * * *

(1) In addition to the permit and licensing requirements prescribed at 50 CFR parts 301, 672, 675, and 677, all fishing vessels that harvest IFQ halibut or IFQ sablefish must have onboard:

* * * * *

14. In Sec. 676.16, paragraph (r) is added to read as follows:

Sec. 676.16 General prohibitions.

* * * * *

(r) Any person who is issued a registered buyer permit under Sec. 676.13(a)(2) of this part and who also is required to obtain a Federal processing permit under Sec. 677.4 of this chapter may not transfer or receive sablefish harvested in Federal waters or halibut unless the person possesses a valid permit issued under Sec. 677.4 of this chapter.

15. Part 677 is added to read as follows:

PART 677--NORTH PACIFIC FISHERIES RESEARCH PLAN

Subpart A--General Provisions of the North Pacific Fisheries Research Plan.

- Sec. 677.1 Purpose and scope.
- 677.2 Definitions.
- 677.3 Relation to other laws.
- 677.4 Permits.
- 677.5 Recordkeeping and reporting.
- 677.6 Research Plan fee.
- 677.7 General prohibitions.
- 677.8 Facilitation of enforcement.
- 677.9 Penalties.
- 677.10 General requirements.
- 677.11 Annual Research Plan specifications.
- 677.12 Compliance.

Subpart B--General Provisions of Risk-Sharing Pool for Insurance Purposes.
[Reserved]

Figures--Part 677 Figure 1--Federal Processing Permit Application (Form FPP-1).

Figure 2--Observer Coverage Rebate Application (Form FPP-2).

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

Subpart A--General Provisions of the North Pacific Fisheries Research Plan.

Sec. 677.1 Purpose and scope.

(a) These regulations implement the North Pacific Fisheries Research Plan developed by the North Pacific Fishery Management Council under the Magnuson Act.

(b) Regulations in this part govern elements of the Research Plan for the following fisheries under the Council's authority: Bering Sea and Aleutian Islands management area groundfish, Gulf of Alaska groundfish, and Bering Sea and Aleutian Islands area king and Tanner crab in the exclusive economic zone; and halibut from convention waters off Alaska.

Sec. 677.2 Definitions.

In addition to the definitions in the Magnuson Act and in 50 CFR part 620, the terms used in this part have the following meanings:

ADF&G means the Alaska Department of Fish and Game.

At-sea processor means a catcher/processor or mothership processor vessel as defined in this section.

Bering Sea and Aleutian Islands management area is defined at Sec. 675.2 of this chapter.

Bering Sea and Aleutian Islands area is defined at Sec. 671.2 of this chapter.

Bimonthly refers to a time period calculated on the basis of weekly reporting periods as follows: Each bimonthly period begins at 0001 hours A.l.t. of the first Sunday of the first weekly reporting period that has at least 4 days in the associated calendar month and ends at 2400 hours A.l.t., the last Saturday of the last weekly reporting period that has at least 4 days in the next calendar month, with the exception of the first bimonthly period, which begins at 0001 hours, A.l.t., January 1, and the last bimonthly period, which ends at 2400 hours, A.l.t., December 31. Dates of each bimonthly period will be published in the Federal Register prior to the beginning of the calendar year for which they apply.

Catcher vessel means a vessel that is used for catching fish.

Catcher/processor means a processor vessel that is used for catching fish and processing that fish.

Commissioner of ADF&G means the principal executive officer of ADF&G.

Convention waters off Alaska means all waters off Alaska in halibut regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E as defined in 50 CFR part 301.

Exvessel price means the price in dollars received by a harvester for fish from Research Plan fisheries. Exvessel price excludes any value added by processing.

Fee percentage means the annually calculated assessment rate, in percent of exvessel value of Research Plan fisheries, used to determine fee assessments under the Research Plan.

Fishing day means a 24-hour period, from 0001 A.l.t. through 2400 A.l.t., in which fishing gear is retrieved and groundfish, as defined at Sec. 672.2 or Sec. 675.2 of this chapter, halibut, or king or Tanner crab are retained. Days during which a vessel only delivers unsorted codends to a processor are not fishing days.

Fishing trip means the time period during which one or more fishing days occur that starts on the day when fishing gear is first deployed and ends on the day the vessel: offloads groundfish, as defined at Sec. 672.2 or Sec. 675.2 of this chapter, halibut, or king or Tanner crab; returns to an Alaskan port; or leaves the EEZ off Alaska and adjacent waters of the State of Alaska.

Groundfish is defined at Sec. 672.2 or Sec. 675.2 of this chapter.

Gulf of Alaska is defined at Sec. 672.2 of this chapter.

Halibut means Pacific halibut (*Hippoglossus stenolepis*).

King crab means red king crab (*Paralithodes camtschatica*), blue king crab (*P. platypus*), brown (or golden) king crab (*Lithodes aequispina*), and scarlet (or deep sea) king crab (*Lithodes couesi*).

Landing is defined at Sec. 672.2 of this chapter.

Length overall is defined at Sec. 672.2 of this chapter.

Mothership processor vessel means a processor vessel that receives and processes fish from other vessels and is not used for catching fish.

Processing or to process means the preparation of fish to render it suitable for human consumption, industrial uses, or long term storage, including, but not limited to, cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil, but does not mean icing, bleeding, heading, or gutting.

Processor means any facility or vessel that processes fish for commercial use or consumption, any person who receives fish from fishermen for commercial purposes, and fishermen who sell fish directly to another individual for use as bait or personal consumption.

Regional Director means the Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

Research Plan means the North Pacific Fisheries Research Plan developed by the North Pacific Fishery Management Council under the Magnuson Act.

Research Plan fisheries means the following fisheries: Bering Sea and Aleutian Islands management area groundfish, Gulf of Alaska groundfish, Bering Sea and Aleutian Islands area king and Tanner crab; and halibut from convention waters off Alaska.

Retained catch means the catch retained by either at-sea or shoreside processors, in round weight or round-weight equivalents, from Research Plan fisheries.

Round weight or round-weight equivalents means:

(1) For groundfish processed by shoreside processors--scale weights of retained catches; for other than whole fish delivered to shoreside processors, fish product weight, as defined at Sec. 672.2 of this chapter, divided by NMFS standard product recovery rates.

(2) For groundfish processed by at-sea processors--fish product weight, as defined at Sec. 672.2 of this chapter, of each product divided by NMFS standard product recovery rates.

(3) For Bering Sea and Aleutian Islands area crab processed by catcher/processors--scale weight of a subsample multiplied by the number of subsamples comprising the retained catch.

(4) For Bering Sea and Aleutian Islands area crab processed by mothership processor vessels--scale weights of retained catches.

Shoreside processor or shoreside processing facility means processor as defined in this section.

Standard exvessel price means the exvessel price for species harvested in Research Plan fisheries, calculated annually by NMFS for each species or species group, from exvessel price information for all product forms, used in determining fee assessments.

Standard observer day means all or part of a 24-hour period that begins at 0001 hours Alaska local time (A.l.t.) and ends at 2400 A.l.t., during which an observer is stationed on a vessel or at a shoreside facility for purposes of complying with observer coverage requirements at Sec. 677.10(a). A standard observer day cannot be attributed to more than one vessel or shoreside facility.

Standardized cost of an observer day means the cost per observer day used to calculate both the annual total cost of the Research Plan and the fee percentage specified under the annual Research Plan specification process at Sec. 677.11.

Tanner crab means *Chionoecetes* species or hybrids of these species. Sec. 677.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in Sec. 620.3 of this chapter and paragraphs (b) through (c) of this section.

(b) Domestic fishing for groundfish. Regulations governing the conservation and management of groundfish in the Gulf of Alaska and the Bering Sea and Aleutian Islands management area are set forth at 50 CFR parts 672 and 675, respectively. The conservation and management of groundfish in waters of the territorial sea and internal waters of the State of Alaska are governed by Alaska State regulation at 5 AAC 28 and Alaska Statute at A.S. 16.

(c) King and Tanner crab fishing. Regulations governing the conservation and management of king crab and Tanner crab in the Bering Sea and Aleutian Islands area are governed by Alaska Statutes at A.S. 16 and Alaska State regulations at 5 AAC 34, 35, and 39; and at part 671 of this chapter.

Sec. 677.4 Permits.

(a) General. In addition to the permit and licensing requirements at Secs. 301.3, 672.4, 675.4, and 676.13 of this chapter, all processors of fish from Research Plan fisheries must have a Federal Processing Permit issued by the Regional Director under this section. Such permits shall be issued without charge.

(b) Application. The permit required under paragraph (a) of this section may be obtained by submitting to the Regional Director a completed Federal Processing Permit Application (Form FPP-1; see figure 1) containing the following information:

- (1) The semi-annual period for which the permit is requested.
 - (2) The Research Plan fishery or fisheries for which the permit is requested.
 - (3) If the application is for an amended permit, the current Federal Processing Permit number and an indication of the information that is being amended.
 - (4) The processor owner's name or names; mailing address; person responsible, if the owner is a company; managing company, if any; telephone number; FAX number; and telex number.
 - (5) If the processing facility is a shoreside processor, the plant's name, address, ADF&G Processor Code, telephone number, FAX number, and telex number.
 - (6) If the processing facility is a vessel, the vessel's name, home port, net tonnage, length overall, U.S. Coast Guard number, telephone number, FAX number, telex number, INMARSAT (satellite communications) number, and ADF&G number.
 - (7) The owner's name, signature, and date.
- (c) Issuance.
- (1) Permits required under this section will be issued by the Regional Director semi-annually.
 - (2) The Regional Director will issue a permit required under paragraph (a) of this section upon receipt of a complete application, if all Research Plan fees due are paid. Upon receipt of an incomplete or improperly completed application, the Regional Director will notify the applicant of the deficiency. No permit will be issued to an applicant until a complete application is submitted and all fees are paid.
 - (d) Notification of change. Any person who has applied for and received a permit under this section must notify the Regional Director, in writing, of any change in the information provided under paragraph (b) of this section within 10 days of the date of that change.
 - (e) Duration. The permit issued by the Regional Director will continue in full force and effect for the period January 1 through June 30, or July 1 through December 31, of the year for which it was issued, or until it is revoked, suspended, or modified under part 621 (Civil Procedures) of this chapter.
 - (f) Alteration. No person may alter, erase, or mutilate any permit issued under this section. Any permit that has been intentionally altered, erased, or mutilated is invalid.
 - (g) Transfer. Permits issued under this section are not transferable or assignable. Each permit is valid only for the processor for which it is issued. The Regional Director must be notified of a change in ownership, pursuant to paragraph (d) of this section.
 - (h) Inspection. The permit issued under this section must be maintained on the processor vessel or at the shoreside processor. The permit must be available for inspection upon request by an authorized officer or any employee of NMFS or ADF&G designated by the Regional Director or Commissioner of ADF&G.
 - (i) Sanctions. Procedures governing permit sanctions are found at subpart D of 15 CFR part 904.
 - (j) Disclosure. NMFS will maintain a list of permitted processors that may be disclosed for public inspection.

Sec. 677.5 Recordkeeping and reporting.

- (a) Applicability. Any processor that processes fish from a Research Plan fishery is responsible for compliance with the applicable recordkeeping and

reporting requirements of this part.

(b) General requirements. Any form, record, or report that is required to be submitted or provided to the Regional Director must be addressed or delivered to the National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Submissions must be complete, legible, and in English.

Sec. 677.6 Research Plan fee.

(a) Fee percentage. The fee percentage will be set annually under procedures at Sec. 677.11, such that the total fees equal the lesser of the following:

(1) The cost of implementing the Research Plan, including nonpayments, minus any other Federal funds that support the observer program and any existing surplus in the North Pacific Fishery Observer Fund; or

(2) Two percent of the exvessel value of all Research Plan fisheries.

(b) Bimonthly fee assessment. The Research Plan bimonthly fee assessment is the fee percentage established pursuant to Sec. 677.11 for the calendar year, multiplied by the standard exvessel price established pursuant to Sec. 677.11 for the calendar year, multiplied by the round weight or round-weight equivalent of retained catch for each species from Research Plan fisheries during the bimonthly period.

(c) Fee assessment payments. Each processor that retains fish for processing from a Research Plan fishery must collect and pay the Research Plan fee. NMFS will bill each processor of Research Plan fisheries for bimonthly fee assessments, based on the best available information on retained catches processed during that bimonthly period. Bimonthly fee assessment payments must be in the form of certified check, draft, or money order payable in U.S. currency to ``NOAA-NMFS.'' The Regional Director must receive payment in full within 30 calendar days from the date of issuance of each bimonthly fee assessment bill. Payments will be deposited in the North Pacific Fishery Observer Fund within the U.S. Treasury.

(d) Disputed fee assessments. A processor must notify the Regional Director, in writing, within 30 days of issuance of the bimonthly fee assessment bill, if any portion of the bimonthly fee assessment bill is disputed. The processor must pay the undisputed amount of the bimonthly fee assessment bill within 30 days of its issuance, and provide documentation supporting the disputed portion claimed to be under- or over-billed. The Regional Director will review the disputed bimonthly fee assessment bill and the documentation provided by the processor, and will notify the processor of his determination within 60 days of the date of issuance of the disputed bimonthly fee assessment bill. If the Regional Director determines a billing error had occurred, the processor's account will be rectified by credit or issuance of a corrected bimonthly fee assessment bill. If the Regional Director determines that a billing error had not occurred, the balance of the disputed bimonthly fee assessment bill is due within 15 days of issuance of the determination. Late charges will be assessed for payments not received within 15 days. If the processor does not dispute the amount of the bimonthly fee assessment bill within 30 days of its issuance, the bimonthly fee assessment will be final, and will be due to the United States.

(e) Late charges. The NOAA Office of the Comptroller shall assess late charges in the form of interest and administrative charges for late payment of fee assessments. Interest will accrue on the unpaid amount at a percentage rate established by the Federal Reserve Board and applied to funds held by the U.S. Treasury for each 30-day period, or portion thereof, that the payment is

overdue.

(f) Rebates for observer coverage (Applicable from January 1, 1995, through December 31, 1995.)--

(1) General. During the first year of the Research Plan, NMFS will rebate the cost for required observer coverage.

(2) Applicability. (i) Each processor that retains fish for processing from a Research Plan fishery must collect and pay the Research Plan fee under procedures set forth under paragraphs (b) through (e) of this section.

(ii) All catcher vessels and processors of Research Plan fisheries must obtain observer coverage based on coverage requirements at Sec. 677.10(a).

(iii) Catcher vessels and processors that pay for required observer coverage are eligible for rebates issued by NMFS during the first year of the Research Plan.

(3) Recordkeeping and reporting, for purposes of this paragraph (f)--

(i) Requirement. All NMFS-certified observer contractors and observer contractors supplying observers for processor vessels participating in the Bering Sea and Aleutian Islands area king and Tanner crab fishery under Alaska State regulations must submit to the Regional Director a completed Observer Coverage Rebate Application (Form FPP-2; see figure 2). Completed forms must be submitted within 15 days after the end of each calendar month during which payment is received for observer services provided by the observer contractor for vessel or processor compliance with observer coverage requirements at Sec. 677.10(a).

(ii) Observer Coverage Rebate Application. Observer contractors may obtain Observer Coverage Rebate Application forms from the Regional Director. The application form requests the following information:

(A) Observer contractor name and signature of a person serving as a representative for the observer contractor;

(B) The name and mailing address of the person from whom payment of observer coverage was received and to whom the rebate will be issued;

(C) Identification of the vessel or shoreside processing facility that received observer coverage;

(D) The total amount paid for observer coverage and the total number of standard observer days paid for; and

(E) Name of the observer(s) and date(s) of standard observer day(s) paid for.

(4) Issuance of rebates.

(i) Rebates for observer coverage will be based on information provided to NMFS by observer contractors on the Observer Coverage Rebate Application.

(ii) NMFS will issue rebates to the persons who paid an observer contractor for observer services. The rebate for each standard observer day an observer is deployed for service at a processor or aboard a vessel will equal either the actual payment to the observer contractor per standard observer day or the standardized cost of a standard observer day, whichever is less.

(iii) NMFS will issue rebates authorized under this paragraph (f) within 6 months of the receipt of the completed application form described under paragraph (f)(3) of this section. No rebate will be issued to a processor until all Research Plan fees required under this section are paid.

Sec. 677.7 General prohibitions.

In addition to the general prohibitions specified in Sec. 620.7 of this chapter, it shall be unlawful for any person to do any of the following:

(a) Forcibly assault, resist, oppose, impede, intimidate, or interfere

with an observer.

(b) Interfere with or bias the sampling procedure employed by an observer, including sorting or discarding any catch before sampling; or tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer.

(c) Prohibit or bar by command, impediment, threat, coercion, or by refusal of reasonable assistance, an observer from collecting samples, conducting product recovery rate determinations, making observations, or otherwise performing the observer's duties.

(d) Harass an observer by conduct that has sexual connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(e) Process fish from a Research Plan fishery without a valid permit issued pursuant to this part.

(f) Deliver fish from a Research Plan fishery to a processor not possessing a valid permit issued pursuant to this part.

(g) Apply for or receive a rebate for observer coverage under provisions of Sec. 677.6(f) that is based on false or inaccurate information.

(h) Fail to carry an observer when required by the Regional Director.

(i) Fish without an observer aboard a vessel that is required to carry an observer under Sec. 677.10.

(j) Require an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.

Sec. 677.8 Facilitation of enforcement.

See Sec. 620.8 of this chapter.

Sec. 677.9 Penalties.

See Sec. 620.9 of this chapter.

Sec. 677.10 General requirements.

(a) Compliance requirements applicable through December 31, 1995-

(1) Compliance by operators of Bering Sea and Aleutian Islands management area and Gulf of Alaska groundfish vessels-

(i) Coverage requirements. Observer coverage is required as follows:

(A) A mothership processor vessel of any length that processes 1,000 mt or more in round weight or round-weight equivalents of groundfish during a calendar month is required to have a NMFS-certified observer on board the vessel each day it receives or processes groundfish during that month.

(B) A mothership processor vessel of any length that processes from 500 mt to 1,000 mt in round weight or round-weight equivalents of groundfish during a calendar month is required to have a NMFS-certified observer on board the vessel at least 30 percent of the days it receives or processes groundfish during that month.

(C) A catcher/processor or catcher vessel 125 ft (38.1 m) in length

overall or longer must carry a NMFS-certified observer at all times while fishing for groundfish, except for vessels fishing for groundfish with pot gear as provided in paragraph (a)(1)(i)(F) of this section.

(D) A catcher/processor or catcher vessel equal to or greater than 60 ft (18.3 m) in length overall, but less than 125 ft (38.1 m) in length overall, must carry a NMFS-certified observer during at least 30 percent of its fishing days in each calendar quarter in which it participates for more than 3 fishing days in a directed fishery for groundfish. Each vessel that participates for more than 3 fishing days in a directed fishery for groundfish in a calendar quarter must carry a NMFS-certified observer during at least one fishing trip during that calendar quarter for each of the groundfish fishery categories defined under paragraph (a)(1)(ii) of this section in which it participates.

(E) A catcher/processor or catcher vessel fishing with hook-and-line gear that is required to carry an observer under paragraph (a)(1)(i)(D) of this section must carry a NMFS-certified observer during at least one fishing trip in the Eastern Regulatory Area of the Gulf of Alaska during each calendar quarter in which it participates in a directed fishery for groundfish in the Eastern Regulatory Area.

(F) A catcher/processor or catcher vessel equal to or greater than 60 ft (18.3 m) in length overall fishing with pot gear must carry a NMFS-certified observer during at least 30 percent of its fishing days in each calendar quarter in which it participates for more than 3 days in a directed fishery for groundfish. Each vessel that participates for more than 3 fishing days in a directed fishery for groundfish using pot gear must carry a NMFS-certified observer during at least one fishing trip during a calendar quarter for each of the groundfish fishery categories defined under paragraph (a)(1)(ii) of this section in which it participates.

(ii) Groundfish fishery categories requiring separate coverage-

(A) Pollock fishery. Fishing that results in a retained catch of pollock, during any weekly reporting period, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(B) Pacific cod fishery. Fishing that results in a retained catch of Pacific cod, during any weekly reporting period, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(C) Sablefish fishery. Fishing that results in a retained catch of sablefish, during any weekly reporting period, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(D) Rockfish fishery. Fishing that results in a retained aggregate catch of rockfish of the genera *Sebastes* and *Sebastolobus*, during any weekly reporting period, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(E) Flatfish fishery. Fishing that results in a retained aggregate catch of all flatfish species, except Pacific halibut, during any weekly reporting period, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(F) Other species fishery. Fishing that results in a retained catch of groundfish, during any weekly reporting period, that does not qualify as a pollock, Pacific cod, sablefish, rockfish, or flatfish fishery as defined under paragraphs (a)(1)(ii) (A) through (E) of this section.

(iii) Assignment of vessels to fisheries. During any weekly reporting period, a vessel's retained catch composition of groundfish species or species groups for which a TAC has been specified under Sec. 672.20 or Sec. 675.20 of this chapter, in round weight or round-weight equivalents, will determine to which of the fishery categories listed under paragraph (a)(1)(ii) of this section the vessel is assigned.

(A) Catcher/processor vessels will be assigned to fishery categories at the end of each weekly reporting period based on the round weight or round-weight equivalent of the retained catch composition of groundfish reported on the vessels' weekly production report submitted to the Regional Director under Sec. 672.5(c)(2) or Sec. 675.5(c)(2) of this chapter.

(B) Catcher vessels that deliver to mothership processors in Federal waters during a weekly reporting period will be assigned to fishery categories based on the round weight or round-weight equivalent of the retained groundfish catch composition reported on the weekly production report submitted to the Regional Director for that week by the mothership processor under Sec. 672.5(c)(2) or Sec. 675.5(c)(2) of this chapter.

(C) Catcher vessels delivering groundfish to shoreside processors or to mothership processors in Alaska State waters during a weekly reporting period will be assigned to fishery categories based on the round-weight equivalent of the groundfish delivered to processors during that weekly reporting period and reported on one or more ADF&G fish tickets as required under Alaska Statutes at A.S. 16.05.690.

(2) Compliance by managers of Bering Sea and Aleutian Islands management area and Gulf of Alaska groundfish shoreside processing facilities-

(i) Coverage requirements. Observer coverage is required as follows:

(A) A shoreside processing facility that processes 1,000 mt or more in round weight or round-weight equivalents of groundfish during a calendar month is required to have a NMFS-certified observer present at the facility each day it receives or processes groundfish during that month.

(B) A shoreside processing facility that processes 500 mt to 1,000 mt in round weight or round-weight equivalents of groundfish during a calendar month is required to have a NMFS-certified observer present at the facility at least 30 percent of the days it receives or processes groundfish during that month.

(3) Compliance by processing vessel operators of Bering Sea and Aleutian Islands area king and Tanner crab. An operator of a vessel that processes king or Tanner crab must have one or more State of Alaska-certified observers on board the vessel whenever king or Tanner crab are received or processed, if the operator is required to do so by Alaska State regulations at 5 AAC 39.645.

(b) Compliance requirements applicable after December 31, 1995-

(1) General compliance requirements for Research Plan fisheries-

(i) Compliance by operators of Bering Sea and Aleutian Islands management area and Gulf of Alaska groundfish vessels from the EEZ and halibut from convention waters off Alaska. An operator of a vessel that catches and retains groundfish or halibut, or a vessel that processes groundfish or halibut, must carry one or more NMFS-certified observers on board the vessel whenever fishing operations are conducted, if the operator is required to do so by the Regional Director under paragraph (b)(2) of this section.

(ii) Compliance by managers of shoreside processing facilities of Bering Sea and Aleutian Islands management area and Gulf of Alaska groundfish from the EEZ and halibut from convention waters off Alaska. A manager of a shoreside processing facility that processes groundfish or halibut received from vessels regulated under this part must have one or more NMFS-certified observers present at the facility whenever groundfish or halibut are received

or processed, if the manager is required to do so by the Regional Director under paragraph (b)(2) of this section.

(iii) Compliance by vessel operators of Bering Sea and Aleutian Islands area king and Tanner crab. An operator of a vessel subject to this part must carry one or more NMFS-certified observers or ADF&G employees on board the vessel whenever fishing or processing operations are conducted, if the operator is required to do so by the Regional Director under paragraph (b)(2) of this section.

(iv) Compliance by managers of shoreside processing facilities of Bering Sea and Aleutian Islands area king and Tanner crab. A manager of a shoreside processing facility that processes king or Tanner crab received from vessels regulated under this part must have one or more NMFS-certified observers, or ADF&G employees, present at the facility whenever king or Tanner crab is received or processed, if the manager is required to do so by the Regional Director under paragraph (b)(2) of this section.

(2) Observer coverage for Research Plan fisheries-

(i) Annual determination of coverage level. The appropriate level of observer coverage necessary to achieve the objectives of the Research Plan, given the funds available from the North Pacific Fishery Observer Fund, will be established annually under procedures in Sec. 677.11.

(ii) Inseason changes in coverage level--(A) The Regional Director may increase or decrease the observer coverage requirements for the groundfish, halibut, and crab observer programs at any time to improve the accuracy, reliability, and availability of observer data, and to ensure solvency of the observer program, so long as the standards of section 313 of the Magnuson Act and other applicable Federal regulations are met, and the changes are based on one or more of the following:

(1) A finding that there has been, or is likely to be, a significant change in fishing methods, times, or areas, or catch or bycatch composition for a specific fishery or fleet component.

(2) A finding that such modifications are necessary to improve data availability or quality in order to meet specific fishery management objectives.

(3) A finding that any decrease in observer coverage resulting from unanticipated funding shortfalls must be consistent with the following priorities:

- (i) Status of stock assessments;
- (ii) Inseason management;
- (iii) Bycatch monitoring; and
- (iv) Vessel incentive programs and regulatory compliance.

(4) A determination that any increased costs are commensurate with the quality and usefulness of the data to be derived from any revised program, and are necessary to meet fishery management needs.

(iii) The Regional Director will consult with the Commissioner of ADF&G prior to making inseason changes in observer coverage level for the crab observer program.

(iv) NMFS will publish changes in observer coverage requirements made under paragraph (b)(2)(ii) of this section in the Federal Register, with the reasons for the changes and any special instructions to vessels required to carry observers, at least 10 calendar days prior to their implementation.

(c) Vessel responsibilities. All vessels required to carry observers must have passed a U.S. Coast Guard safety inspection within the past 2 years and must carry proof to that effect on board. An operator of a vessel must:

- (1) Provide, at no cost to observers, the State of Alaska, or the United

States, accommodations and food on the vessel for the observer or observers that are equivalent to those provided for officers of the vessel.

(2) Maintain safe conditions on the vessel for the protection of observers during the time observers are on board the vessel, by adhering to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel.

(3) Allow observers to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observers, the State of Alaska, or the United States.

(4) Allow observers access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) Allow observers free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) Notify observers at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observers specifically request not to be notified.

(7) Allow observers to inspect and copy the vessel's daily fishing logbook, daily cumulative production logbook, transfer logbook, any other logbook or document required by regulations, printouts or tallies of scale weights, scale calibration records, bin sensor readouts, and production records.

(8) Provide all other reasonable assistance to enable observers to carry out their duties, including, but not limited to, assisting the observers in measuring decks, codends, and holding bins; providing the observers with a safe work area adjacent to the sample collection site; providing crab observers with the necessary equipment to conduct sampling, such as scales, fish totes, and baskets; assisting in collecting bycatch when requested by the observers; assisting in collecting and carrying baskets of fish when requested by observers; and allowing observers to determine the sex of fish when this procedure will not decrease the value of a significant portion of the catch.

(9) Move the vessel to such places and at such times as may be designated by the contractor, as instructed by the Regional Director, for purposes of embarking and debarking observers.

(10) Ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

(11) Notify observers at least 3 hours before observers are transferred, such that the observers can collect personal belongings, equipment, and scientific samples.

(12) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.

(13) Provide an experienced crew member to assist observers in the small boat or raft in which any transfer is made.

(d) Shoreside processor responsibilities. A manager of a shoreside processing facility must:

(1) Maintain safe conditions at the processing facility for the protection of observers by adhering to all applicable rules, regulations, or statutes pertaining to safe operation and maintenance of the processing facility.

(2) Notify the observers, as requested, of the planned facility operations and expected receipt of groundfish, crab, or halibut prior to receipt of those

fish.

(3) Allow the observers to use the processing facility's communication equipment, on request, for the entry, transmission, and receipt of work-related messages at no cost to the observers or the United States.

(4) Allow observers free and unobstructed access to the processing facility's holding bins, processing areas, freezer spaces, weight scales, warehouses, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(5) Allow observers to inspect and copy the shoreside processing facility's daily cumulative production logbook, transfer logbook, any other logbook or document required by regulations; printouts or tallies of scale weights; scale calibration records; bin sensor readouts; and production records.

(6) Provide all other reasonable assistance to enable the observer to carry out his or her duties, including, but not limited to, assisting the observer in moving and weighing totes of fish, cooperating with product recovery tests, and providing a secure place to store baskets of sampling gear.

(e) Notification of observer contractors by processors and operators of vessels required to carry observers. Processors and operators of vessels required to carry observers under the Research Plan are responsible for meeting their observer coverage requirements. Processors and vessel operators must notify the appropriate observer contractor, as identified by NMFS, in writing or facsimile copy, no less than 60 days prior to the need for an observer, to ensure that an observer will be available. Processors and vessel operators must notify the appropriate observer contractor again, in writing, facsimile copy, or by telephone, no less than 10 days prior to the need for an observer, to make final arrangements for observer deployment. Names of observer contractors, information for contacting contractors, and a list of embarkment/disembarkment ports for observers will be published in the Federal Register annually prior to the beginning of the calendar year (see Sec. 677.11).

(f) Release of observer data to the public-

(1) The following information collected by observers for each catcher processor and catcher vessel during any weekly reporting period may be made available to the public:

- (i) Vessel name and Federal permit number;
- (ii) Number of chinook salmon and ``other salmon'' observed;
- (iii) The ratio of total round weight of halibut or Pacific herring to the total round weight of groundfish in sampled catch;
- (iv) The ratio of number of king crab or *C. bairdi* Tanner crab to the total round weight of groundfish in sampled hauls;
- (v) The number of observed trawl hauls or fixed gear sets;
- (vi) The number of trawl hauls that were basket sampled; and
- (vii) The total weight of basket samples taken from sampled trawl hauls.

(2) The information listed in paragraphs (f)(2) (i) through (xiii) of this section and collected by observers from observed hauls onboard vessels using trawl gear to participate in a directed fishery for groundfish other than rockfish, Greenland turbot, or Atka mackerel may be made available to the public. The identity of the vessels from which these data are collected will not be released. The information consists of the following:

- (i) Date;
- (ii) Time of day gear is deployed;
- (iii) Latitude and longitude at beginning of haul;

- (iv) Bottom depth;
 - (v) Fishing depth of trawl;
 - (vi) The ratio of the number of chinook salmon to the total round weight of groundfish;
 - (vii) The ratio of the number of other salmon to the total round weight of groundfish;
 - (viii) The ratio of total round weight of halibut to the total round weight of groundfish;
 - (ix) The ratio of total round weight of herring to the total round weight of groundfish;
 - (x) The ratio of the number of king crab to the total round weight of groundfish;
 - (xi) The ratio of the number of *C. bairdi* Tanner crab to the total round weight of groundfish;
 - (xii) Sea surface temperature (where available); and
 - (xiii) Sea temperature at fishing depth of trawl (where available).
- (3) In exceptional circumstances, the owners and operators of vessels may provide to the Regional Director written justification at the time observer data are submitted, or within a reasonable time thereafter, that disclosure of the information listed in paragraphs (f) (1) and (2) of this section could reasonably be expected to cause substantial competitive harm. The determination whether to disclose the information will be made pursuant to 15 CFR 4.7.

Sec. 677.11 Annual Research Plan specifications.

(a) Proposed Research Plan specifications. Annually, after consultation between the Regional Director, the Council, and, in the case of observer coverage levels in the crab fisheries, the State of Alaska, NMFS will publish in the Federal Register, with opportunity for public comment: Proposed standard exvessel prices, total exvessel value, fee percentage, levels of observer coverage for Research Plan fisheries, standardized cost(s) of an observer day, and embarkment/ disembarkment ports for observers, for the calendar year.

(1) Standard exvessel prices. Standard exvessel prices will be used in determining the annual fee percentage for the calendar year and will be the basis for calculating bimonthly fee assessments. Standard exvessel prices for species harvested in Research Plan fisheries for each calendar year will be based on:

- (i) Exvessel price information for the most recent 12-month period for which data are available;
- (ii) Factors that are expected to change exvessel prices in the calendar year; and
- (iii) Any other relevant information that may affect expected exvessel prices during the calendar year.

(2) Total exvessel value. The total exvessel value of Research Plan fisheries will be calculated as the sum of the product of the standard exvessel prices established under paragraph (a)(1) of this section and projected retained catches, by species.

(3) Research Plan fee percentage. The Research Plan fee percentage for a calendar year will equal the lesser of 2 percent of the exvessel value of retained catch in the Research Plan fisheries or the fee percentage calculated using the following equation: $\text{Fee percentage} = [100 \times (\text{RRPC} - \text{FB} - \text{OF}) / V] / (1 - \text{NPR})$ where RRPC is the projection of recoverable Research Plan costs for the coming year, FB is the projected end of the year balance of funds collected under the

Research Plan, OF is the projection of other funding for the coming year, V is the projected exvessel value of retained catch in the Research Plan fisheries for the coming year, and NPR is the percent (expressed as a decimal) of fee assessments that are expected to result in nonpayment.

(4) Observer coverage. For the period January 1, 1995, through December 31, 1995, observer coverage levels in Research Plan fisheries will be as required by Sec. 677.10(a). After December 31, 1995, the level of observer coverage will be determined annually by NMFS, after consultation with the Council and State of Alaska, and may vary by fishery and vessel or processor size, depending upon the objectives to be met for the groundfish, halibut, and king and Tanner crab fisheries. The Regional Director may change observer coverage inseason pursuant to Sec. 677.10(b)(2)(ii).

(5) Standardized cost of an observer day. Standardized cost of an observer day is used to determine the Research Plan fee percentage. During the first year of the Research Plan, NMFS will use standardized cost(s) of an observer day, specified under paragraph (b) of this section, as a basis for rebates issued under Sec. 677.6(f) of this part.

(6) Embarkment/disembarkment ports. Ports to be used to embark and disembark observers will be selected on the basis of convenience to the affected industry and on the availability of facilities, transportation, and accommodations deemed by the Regional Director to be necessary for the safe and reasonable deployment of observers.

(b) Final Research Plan specifications. NMFS will consider comments received on the proposed specifications and, following consultation with the Council, and with the State, in the case of observer coverage in the crab fisheries, will publish the final total exvessel value; standard exvessel prices; fee percentage; levels of observer coverage for Research Plan fisheries, including names of observer contractors and information for contacting them; standardized cost(s) of an observer day; and embarkment/disembarkment ports in the Federal Register annually prior to the beginning of the calendar year.

Sec. 677.12 Compliance.

The operator of any fishing vessel subject to this part, and the manager of any shoreside processing facility that receives groundfish, halibut, or king and Tanner crab from vessels subject to this part, must comply with the requirements of this part. The owner of any fishing vessel subject to this part, or any shoreside processing facility that received groundfish, halibut, or king and Tanner crab from vessels subject to this part, must ensure that the operator or manager complies with the requirements of this part and is liable, either individually or jointly and severally, for compliance with the requirements of this part. Subpart B--General Provisions of Risk Sharing Pool for Insurance Purposes [Reserved]

BILLING CODE 3510-22-P

Figure 1. Federal Processing Permit Application (Form FPP-1)

<GRAPHIC><TIFF>TP06MY94.003 <GRAPHIC><TIF1>TP06MY94.004

Figure 2. Observer Coverage Rebate Application (Form FPP-2)

<GRAPHIC><TIF2>TP06MY94.005

BILLING CODE 3510-22-C Public Reporting Burden Statement

NMFS estimates that the public reporting burden will average 10 minutes per response for completing the Observer Coverage Rebate Application,

including the time for reviewing instructions, searching existing data sources, gathering and maintaining 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 Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel), and to the Office of Management and Budget, Paperwork Reduction Project (0634-), Washington DC 20503 (Attn: NOAA Desk Officer)

[FR Doc. 94-10765 Filed 5-5-94; 8:45 am] BILLING CODE 3510-22-P