(b) The following acquisitions are not subject to the procedures in this section:

(1) Any acquisition using sealed bids under FAR Part 14;

(2) Any acquisition using competitive proposals under FAR Part 15 where price or cost to the Government is the sole or principal evaluation factor (i.e., the cost/price factor weight is 90 to 100 percent of the total weight); and

(3) Any acquisition for architect-engineering services under FAR Subpart 36.6.

c) Acquisitions subject to the procedures in paragraph (a) shall be determined by the head of the contracting activity and identified in the advance procurement summary report required by Part 404, Chapter 6 of the Departmental Manual (404 DM 6). Each identified acquisition shall be accompanied by an individual contract plan when the summary report is submitted to the Director, Office of Acquisition and Property Management. When action is initiated on each such acquisition, copies of the following documents shall be promptly forwarded to the Director, Office of Acquisition and Property Management:

(1) Any redelegation of authority made pursuant to paragraph (d);

(2) Memorandum establishing the Source Evaluation Board;

(3) Source Selection Plan; and

(4) Source Selection Statement.

d) For acquisitions conducted under this section, the Source Selection Authority shall be the head of the contracting activity. This authority may be redelegated in accordance with procedures approved by the Director, Office of Acquisition and Property Management.

e) Copies of the handbook referenced in paragraph (a) may be obtained upon request from the Office of Acquisition and Property Management, Office of the Secretary, U.S. Department of the Interior, Washington, DC 20240.

PART 1452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Sections 1452.209-70 and 1452.209-71 are added to read as follows:

1452.209-70 Limitation on Future Contracting—Automatic Data Processing—Department of the Interior (87)

(a) This contract includes requirements for the preparation and delivery of specifications, which may include mandatory requirements and evaluated optional features as defined in Federal Information Resources Management Regulation 201-2.001, for use in a future solicitation for competitively acquiring an automatic data processing (ADP) system.

(b) Pursuant to Department of the Interior Acquisition Regulation 1409.508-2, it has been determined that performance of this contract may give rise to an organizational conflict of interest if the contractor is permitted to furnish the ADP system which utilizes, or is based on, specifications prepared and furnished by this contractor under the contract. Accordingly, the attention of all prospective offerors is invited to FAR Subpart 9.5—Organizational Conflicts of Interest.

c) The nature of the organizational conflict involves the potential for the contractor, in performing the work under this contract, to gain an unfair competitive advantage over other sources with respect to furnishing the ADP system under a future acquisition.

d) The contractor agrees to remain ineligible as a prime contractor or subcontractor to perform the work to be described in any future solicitation(s) for an ADP system which utilizes, or is based on, the specifications developed under this contract.

e) The restriction in paragraph (d) above may be waived only upon the written approval of the Assistant Secretary—Policy, Budget, and Administration. Requests for waiver shall be submitted to the contracting officer and contain sufficient information to demonstrate how the potential for conflict of interest will be avoided, neutralized or mitigated.

(f) The contractor agrees to include the provisions of this clause including this paragraph (f) in each subcontract awarded under this contract for preparation and delivery of the specifications described in paragraph (a). (End of clause)

1452.209-71 Organizational Conflicts of Interest—Automatic Data Processing

As prescribed in 1409.508(b), insert the following clause in all solicitations and contracts for automatic data processing systems which utilize specifications, including mandatory requirements and evaluated option features, prepared and delivered under a previous contract (to be identified):

Organizational Conflicts of Interest—Automatic Data Processing—Department of the Interior (87)

(a) The solicitation contains specifications, including mandatory requirements and evaluated option features as defined in Federal Information Resources Management Regulation 201-2.001, which were furnished, or are based on work performed, under contract (contract number) with (name of contractor and address)...

(b) Pursuant to the requirements of FAR Subpart 9.5 and Department of the Interior Acquisition Regulation 1409.508-2, (name of contractor) and any of its subcontractors which furnished specifications of the type specified in paragraph (a) above in contract number are ineligible to participate in this acquisition except with the written approval of the Assistant Secretary—Policy, Budget, and Administration.

c) Requests for exception to the restrictions in paragraph (b) above shall be made in writing to the contracting officer and contain sufficient information to demonstrate how the potential for conflict of interest will be avoided, neutralized or mitigated if the contractor or subcontractor is allowed to participate.

(d) The contractor agrees that if after award it discovers an organizational conflict of interest with respect to this contract, an immediate and full disclosure shall be made in writing to the contracting officer and a request for exception under paragraph (c) above shall be included. Based upon such disclosure and request, the contracting officer may terminate the contract for convenience if such action is determined to be in the Government's best interest.

(e) In the event the contractor was aware of an organizational conflict of interest prior to award of this contract and did not request an exception under paragraph (c) above, the contracting officer may terminate this contract for default.

(f) The contractor agrees to include the provisions of this clause including this paragraph (f) in each subcontract awarded under this contract for preparation and delivery of the specifications described in paragraph (a) above.

(End of clause)

[FR Doc. 87-29124 Filed 12-18-87; 8:45 am]
BILLING CODE 4310-RF-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, and 675

[Docket No. 71267-7267]

Foreign Fishing: Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement Amendment 16 to the Fishery Management Plan (FMP) for the Groundfish of the Gulf of Alaska and Amendment 11a to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. Proposed regulatory changes would, if approved, (1) require catcher/processor and mothership processor vessels operating...
in the Gulf of Alaska and in the Bering Sea and Aleutian Islands area to maintain aboard a transfer log and to report information weekly about groundfish production and transfers and off-loading of groundfish products; (2) specify prohibited species for domestic and foreign fisheries of the Gulf of Alaska and three other categories of species in the Gulf of Alaska foreign fisheries; (3) remove the reserve category for some species of groundfish in the Gulf of Alaska; (4) rename target quotas (TQ) as total allowable catches (TAC) for groundfish of the Gulf of Alaska; (5) change the starting date of the public comment period for proposed annual specifications for the Gulf of Alaska; and (6) expressly authorize inseason reappropriations of domestic annual processing to joint venture processing for the Gulf of Alaska. The regulations implementing these amendments are intended to promote full accounting of groundfish catches in both management areas and to make clear the species in the Gulf of Alaska that are considered to be prohibited species. These regulatory changes are necessary to adjust to the changing nature of the Alaska groundfish fisheries that are being increasingly dominated by U.S. fishermen.

DATE: Written comments must be received on or before Saturday, January 30, 1988.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802-1668. Copies of the amendments and their environmental assessment and regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907-274-4563. Comments on the environmental assessment prepared for this action are particularly requested.

Comments on the information collection requirement of this rule should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Attention: Desk Officer for NOAA.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: Domestic and foreign groundfish fisheries in the exclusive economic zones (EEZ) of the Gulf of Alaska (GOA) and of the Bering Sea and Aleutians Islands are a (BSAI) are managed in accordance with the two FMPs, which were developed by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), and implemented by regulations appearing at 50 CFR 611.92 and 611.93 and Parts 672 and 675.

The Council invited management proposals from the general public, other agencies, and the two FMP Plan Teams, and set a deadline of December 12, 1986, for receiving proposals that would amend the FMPs for Groundfish of the Gulf of Alaska and for the Groundfish Fishery of the Bering Sea and Aleutians Islands Area.

Proposals received by the deadline were ranked by the Council's Plan Teams for the two FMPs. The Plan Teams prepared draft EA/RIR/IRFAs for the proposals for public comment as required by the National Environmental Policy Act of 1969, Executive Order 12291, and NOAA policy. The Council reviewed these documents at its March 18–20, 1987, meeting and decided to release for public comment the analyses of those proposals that the Council determined should be considered further. At its May 20–22, 1987, meeting, the Council considered public testimony and the recommendations of its Advisory Panel (AP), Scientific and Statistical Committee (SSC), and the Plan Teams.

Common to both FMPs were proposals to change current reporting requirements of catcher/processor and mothership processor vessels—regulations governing both the Gulf of Alaska and the Bering Sea-Aleutians Islands Area.

Current regulations require operations of catcher/processor and mothership processor vessels to (1) notify the Regional Director of the times and positions of fishing activity when such vessels start or stop fishing activity and (2) submit to the Regional Director weekly groundfish catch and receipt reports. These regulations, which implement Amendment 14 to the GOA FMP and Amendment 10 to the BSAI FMP, are found at §§ 672.5(a)(3) and 675.5(a)(3), respectively (50 FR 43193, October 24, 1985; and 52 FR 5892, March 19, 1987).

NMFS uses the weekly catch and receipt reports during management of the groundfish fisheries as they progress during the fishing season. These reports are considered to be estimates of the amounts of groundfish caught and/or received, and are not in lieu of the requirements for submission to the Alaska Department of Fish and Game of State of Alaska fish tickets, which serve as the official confirmation report of groundfish caught and/or received. When catcher/processor and mothership processor vessels land their catches shoreside, the accuracy of catch information reported on State of Alaska fish tickets, which can be verified by observing the off-loading, shorting, and weighing of the catch at processing establishments, is used to confirm the

review the newly reorganized text of the GOA FMP.

At its September 23–25, 1987, meeting, the Council adopted the recommendations of its subcommittee on reporting requirements and reviewed the other parts of GOA Amendment 16. On the basis of advice from the AP and the SSC, and public testimony, the Council approved for submission to the Secretary of Commerce the following parts of Amendment 16 to the GOA FMP: (1) Reorganized FMP text to make it easier to read and implement, including changing the term "target quota" to "total allowable catch"; (2) added a new definition of acceptable biological catch (ABC), (3) added a new section to the FMP on vessel safety; and (4) changed reporting requirements. The changes to reporting requirements adopted by the Council are the same as those in Amendment 11a to the BSAI FMP.

A description of and the reasons for the two management proposals that would be implemented by this proposed rule are as follows:

1. Changes in reporting requirements for catcher/processor and mothership processor vessels to (1) notify the Regional Director of the times and positions of fishing activity when such vessels start or stop fishing activity and (2) submit to the Regional Director weekly groundfish catch and receipt reports. These regulations, which implement Amendment 14 to the GOA FMP and Amendment 10 to the BSAI FMP, are found at §§ 672.5(a)(3) and 675.5(a)(3), respectively (50 FR 43193, October 24, 1985; and 52 FR 5892, March 19, 1987).

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operators could subsequently change the onboard transfer log for economic gain.

The Council, therefore, proposes more effectively to manage the groundfish fisheries by requiring catcher/processor and mothership processor vessels to maintain aboard a Cargo Transfer/Offloading Log and to report transferred or off-loaded products on a Product Transfer Report as follows:

A. New requirement for an onboard Cargo Transfer/Offloading Log.

Operators of catcher/processor and mothership processor vessels will be required to maintain aboard their vessels a Cargo Transfer/Offloading Log. For each transfer or off-loading of any fishery product from a regulated vessel in the EEZ, outside the EEZ, within any States' territorial waters, or within the internal waters of any State, the Cargo Transfer/Offloading Log will contain the following information: (1) The time, date, and location of the transfer of off-loading; (2) the product weight and, if applicable, by species or species group; (3) the name and permit number of the vessel receiving the product or, if to a shoreside location, the name of the location and commercial facility receiving the product; and (4) the port or destination of the receiving vessel if transferred to another vessel.

If either a catcher/processor or mothership processor vessel were to receive product from another vessel it must be logged in as being "received". This is necessary for at-sea inspections. If product were not logged, the vessel would appear to be under-logging its catch (i.e., product that is not accounted for in the weekly catch/receipt reports). Vessels receiving product, such as a refrigerated transport vessel, are not required to maintain the Cargo Transfer/Offloading Log unless they are also operating as a catcher/processor or mothership/processor.

B. New requirement of reports of transferred product weight.

Operators of catcher/processor and mothership processor vessels will be required to submit a Product Transfer Report. This report will be required for any Sunday through Saturday period if a transfer was made. It must include the product weight and the number of cartons transferred or off-loaded by product type or species or species group.

Part of the recommendations made by the Council's appointed subcommittee and adopted by the Council for inclusion in Amendments 16 and 11a included a requirement for operators of catcher/processor and mothership processor vessels to report information on the number of cartons and the representative weight of a carton by product type. The subcommittee intended that NMFS should use this information to compare currently reported round weights of groundfish caught or received to build a database for future use in determining conversion rates from round weight to product weight.

Vessel operators do not weigh the raw groundfish catch prior to processing it. They determine round weight by counting product weight and converting the product weight back to round weight by use of product recovery rates determined by the vessel operator. The reporting of product weight and carton number simply identifies the operator's basis for determining round weight. The inclusion of product weight and carton numbers is largely at the request of industry representatives who wish to clarify the basis for their round weight determinations. To accurately report round weight requires vessel operators to use an accurate product recovery rate, which they have determined on a seasonal and geographic basis as opposed to any arbitrary rates that the government might set at this time.

Fishermen are very familiar with the conversion methods and accounting employed in the proposed system. Thus, these new reporting requirements will allow NMFS to acquire information on conversion factors representing many fishing seasons, product types, and fishing areas. Once the degree of variability is understood, NMFS will be better able to compare processed amounts in vessels' holds with reported catches to determine accuracy of reported catches. NMFS would better understand production aboard vessels to determine whether gross violations in reporting had occurred.

The Council believes that this information would effectively improve management of the groundfish fisheries over the long term and proposes changes in the current requirements for weekly catch reports by catcher/processor and mothership processor vessels as follows:

The presently required weekly catch report by catcher/processor and mothership processor vessels would be renamed "Weekly Catch/Receipt and Production Report". In addition to other currently required information, the proposed regulation would require information on the number of cartons and unit net weight of a carton of processed fish by species or species group.

The Council finds that the above changes in reporting requirements will
markedly increase NMFS's ability to meet its groundfish management responsibilities. The Cargo Transfer/Offloading Log would be a permanent record maintained aboard the vessel that would be completed by vessel personnel and presented to enforcement officers at sea for inspection. It contains the basic information that the vessel will normally transmit by radio or telex to its home office. Upon receipt of the radio or telex information, the home office would then use that information to prepare the weekly summary or Product Transfer Report for submission to NMFS either by telex, phone, or mail. Although the vessel operator could transmit the report directly to NMFS, in practice the vessel operator usually transmits to his home office, which then forwards a completed report to NMFS. There is no requirement to maintain the Product Transfer Report aboard the vessel, only the Cargo Transfer/Offloading Log, which is the basis for the Product Transfer Report. The Cargo Transfer/Offloading Log is a physical document that is maintained aboard the vessel for inspection at sea.

The Product Transfer Report contains detailed information that is not in the Weekly Catch/Receipt and Production Report, which only provides quantities received but not the source or time and place of receipt that may be necessary to resolve illegal logging violations. Cargo transport vessels are not required to submit weekly reports, since they are not "catcher/processor" or "mothership processor" vessels. Although the Cargo Transfer/Offloading Log does provide the same type of information as the Product Transfer Report, it is a cumulative report, whereas the Product Transfer Report is a summary. To eliminate the need to transmit all of the information in the Cargo Transfer/Offloading Log, which is used only for at-sea enforcement, the Product Transfer Report requires only summary information for the week and does not require detailed data such as latitude and longitude or product listing for each transfer during the week. The Product Transfer Report can also be used to verify on-board logs and insure that they are not changed at a later date to reflect false information.

The Weekly Catch/Receipt and Production Report is for reports of catch in round weight, numbers of cartons of product, and total product weight produced for the week. Reports of catch include those by catcher vessels that are delivered to catcher/processor or mothership processor vessels. Such reports are made in behalf of the catcher vessels. The weekly report does not and is not intended to include products received from another vessel. The information on products received from another vessel is only required in the Cargo Transfer/Offloading Log and is needed so at-sea enforcement units can determine the products' origin during an inspection. The receipt of products information is not needed for inseason management and therefore is not required in the weekly reports.

2. Definition of prohibited species in the GOA FMP

The Council proposed a new definition of prohibited species for the Gulf of Alaska to address three problems. First, FMP section 8.4.1 presently defines unallocated species as "those species and species groups which must be immediately returned to the sea by vessels operating in the groundfish fishery." However, the FMP does not clearly specify these species as prohibited, and which must be avoided, and if caught, returned to the sea with a minimum of injury.

Second, the "unallocated species" definition is not consistent with references to prohibited species elsewhere in the FMP and its implementing regulations. Section 8.3.1.1(C) of the FMP currently specifies prohibited species restrictions simply as "in accordance with existing State and Federal statutes". Separate prohibited species restrictions are specified for foreign fisheries under FMP section 8.3.2.1(B). These restrictions are more explicit about avoiding and not retaining six species groups. However, explicit language does not exist that identifies unallocated species as prohibited species. Misconstruing unallocated and prohibited species as different categories of species is possible.

Third, reliance on "other applicable law" to define which species are prohibited created a potential enforcement problem. For example, citing groundfish fishermen found to be retaining incidentally-caught king crab from the Gulf of Alaska may have been unenforceable because king crabs are not listed as prohibited species in the GOA regulations at § 672.20(e)(1) [i], [ii], and [iii]. Further, in the absence of a king crab FMP, Federal regulations do not exist to restrict the catch of king crabs in the Gulf of Alaska. Thus, an offending vessel "may have to be registered in Alaska for State restrictions on king crab catches to apply. If the vessel were not registered in Alaska, no other existing State or Federal statutes or regulations would be violated with respect to retention of king crabs taken in the EEZ.

The Council recommends that four categories of species or species groups in the Gulf of Alaska should be defined in the GOA FMP, one of which is potentially prohibited species. Prohibited species include any of the species of Pacific salmon (Oncorhynchus spp.), steelhead trout (Salmo gairdneri), Pacific halibut (Hippoglossus stenolepis), Pacific herring (Clupea harengus pallasi), king crab (Paralithodes spp., and Lithodes spp.) and Tanner crab (Chionoecetes spp.). The other three categories are: Target species, "other species", and non-specified species. Target species include pollock, Pacific cod, Bounders, sablefish, rockfish, and thornyhead rockfish. "Other species" include Atka mackerel, squid, sculpins, sharks, skates, eulachon, smelts, capelin, and octopus. "Non-specified species" are those taken incidentally in the groundfish fisheries but which are not managed by the GOA FMP. Catch records for non-specified species need not be kept.

The Council proposes that the species identified above be designated as prohibited species. It also proposes the three other species categories.

3. Other GOA FMP modifications which require regulatory changes:

Regulatory changes are proposed to § 672.20 (c) and (i) to implement changes in sections 4.2.1.1 and 4.2.3.1 of the GOA FMP, which currently invites public comments on preliminary specifications and apportionments of groundfish target quotas, prohibited species catch (PSC) limits for fully utilized groundfish species and species groups, and PSC limits for Pacific halibut, respectively, for 30 days following publication of a notice in the Federal Register. Public comments are invited for 30 days following the date of filing of the notice with the Office of the Federal Register, rather than its date of publication. This change is intended to clarify when the public comment period begins. The intent is to establish a deadline for submitting comments that is closer to the Council's deadline, which is usually reached either on or before the Council meeting when final recommendations for specifications and apportionments for a new fishing year are made.

For consistency with regulations implementing the BSAI FMP, the term target quota (TQ) has been replaced with total allowable catch (TAC) throughout the regulations. The Council recommends removal of the reserve category for certain species of groundfish, because the reserve category is no longer necessary. The relevant species are sablefish, "other rockfish", shelf demersal rockfish, and thornyhead...
rockfish. In 1986 and 1987, the Secretary had apportioned the reserves for these species to domestic fisheries for domestic processing (DAP) at the start of the year, since they were determined to be "fully utilized" by domestic fisheries for domestic processing (DAP) fishermen. Hence, the reserve category served no useful purpose. Reserves, therefore, shown in Table 1 of 50 CFR Part 672, are proposed to be set at twenty percent of the TAC only for pollock, Pacific cod, flounders, and "other species".

4. Regulatory changes in addition to those implementing the FMP amendments:

The Secretary proposes a regulatory change to § 672.20 explicitly to authorize reapportionments of surplus domestic annual processing (DAP) to joint venture processing (JVP). Current regulatory language at § 672.20(d) only explicitly pertains to apportionment of surplus domestic annual harvest (DAH) to total allowable linked foreign fishing (TALFF). Although previous reapportionments of excess DAP to JVP have been made, based on the implied authority of existing regulations and the Magnuson Act, the Council has concluded that such reapportionments would be less confusing to the public and the affected industry if the regulations expressly stated that authority. This proposed regulatory change is consistent with and implements existing GOA FMP text at section 5.5.2.3 (reorganized section 4.4.2) providing that "should the initial DAP exceed timely expectations of actual harvest, the Regional Director shall reapportion the excess DAP to JVP, if needed."

This regulatory change, of itself, will not impact the industry since it serves only to clarify potential regulatory actions; it does not alter current management procedures, and it does not reduce amounts available to domestic processors; rather, it allows available amounts to be transferred to JVP operations only when it has been verified that DAP operators will not use their full allocations.

Classification

This proposed rule is published under section 304(e)(1) of the Magnuson Act, as amended by Pub. L. 99-659, which requires the Secretary of Commerce to publish regulations proposed by a Council within 15 days of receipt of the amendment and regulations. At this time the Secretary has not determined that the amendments that regulations would implement are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making these determinations, will take into account the data and comments received during the comment period.

The Council prepared an environmental assessment (EA) for these amendments describing the impact on the environment as a result of this rule. A copy of the EA may be obtained from the Council at the address above and comments on it are requested. The proposed regulations establishing reserves for certain groundfish species, changing the public comment period for proposed annual specifications, changing TQ to TAC, and expressly authorizing season-time reapportionments of excess DAP to JVP are categorically excluded from the requirement to prepare an EA by NOAA Directive 02-10.

The Administrator of NOAA determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the RIR/IRFA by the Council. A copy of the RIR/IRFA may be obtained from the Council at the address above.

The Council prepared an IRFA as part of the regulatory impact review which concludes that this proposed rule, if adopted, would have significant effects on small entities. These effects have been discussed in the RIR/IRFA. A copy of this analysis may be obtained from the Council at the address listed above.

This rule contains new collection-of-information requirements subject to the Paperwork Reduction Act (PRA). A request to collect this information has been submitted to the Office of Management and Budget for review under section 3504(h) of the PRA.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

List of Subjects

50 CFR Part 611
Fisheries, Foreign fishing.
50 CFR Parts 672 and 675
Fisheries, Reporting and recordkeeping requirements.


James E. Douglas, Jr.,
Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 611, 672, and 675 are proposed to be amended as follows:

PART 611—AMENDED

1. The authority citation for 50 CFR Part 611 continues to read as follows:


2. In § 611.92, paragraph (b) and Table 1 and paragraph (c)(1) heading and (c)(1)(i) are revised to read as follows:

§ 611.92 Gulf of Alaska groundfishery.

(b) Categories of species. Four categories of species are recognized for regulatory purposes and they are set forth in Table 1. The term "groundfish" means species in all categories except the "prohibited species" category.

(1) The term "target species" means, for purposes of this section, species that are commercially important and are generally targeted upon by the groundfish fishery. They include pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish. Records of the catch or receipt of each target species or species group must be kept.

(2) The term "other species" means, for purposes of this section, species that currently have only slight economic value and are not generally targeted upon, but which are significant components of the ecosystem or have economic potential. They include sculpins, sharks, skates, eulachon, smelts, capelin, octopus, Atka mackerel, and squid. The total allowable catch (TAC) for these species as a category is set at five percent of the combined quotas of the TACs of the target species. Records of the catch or receipt of "other species" must be kept.

(3) The term "prohibited species" means, for purposes of this section, Pacific herring (Clupea harengus pallasi); salmonids (Salmonidae); Pacific halibut (Hippoglossus stenolepis); king crab (Paralithodes spp. and Lithodes spp.); and Tanner crab (Chionoecetes spp.). Except to the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the sea immediately in accordance with § 611.11 of this part. Records must be maintained as required by §§ 611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as "prohibited species" and records must be maintained of any catches or receipts of these species, except for "non-specified species." Catches or receipt of "non-specified species" must be
treated in the same manner as "prohibited species" but records are not required of catches or receipts of these species.

(4) The term "non-specified species" means, for purposes of this section, species that are not listed in paragraphs (b)(1), (2), and (3) of this section and are not managed under authority of other fishery management plans or under authority of the International Pacific Halibut Commission. Catch records need not be kept.

### TABLE 1.—CATEGORIES OF SPECIES INVOLVED IN THE GULF OF ALASKA GROUNDFISH FISHERY

<table>
<thead>
<tr>
<th>Target species</th>
<th>&quot;Other species&quot;</th>
<th>Prohibited species</th>
<th>Non-specified species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish.</td>
<td>Sculpins, sharks, skates, eulachon, smelts, capelin, octopus, Atka mackerel, and squid.</td>
<td>Pacific herring (Clupea harengus pallasi); salmonids (Salmonidae); Pacific halibut (Hippoglossus stenolepis); king crab (Paralithodes spp. and Lithodes spp.); Tanner crab (Chionoecetes spp.).</td>
<td>All species not included in these categories.</td>
</tr>
</tbody>
</table>

1. Commercially important; specific TAC applies to each species or species group; records must be maintained.
2. The target quota for these species as a category is set at five percent of the combined target quotas of the target species. Records of the catch or receipt of "other species" must be kept.
3. To the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the immediately in accordance with §611.11 of this part. Records must be maintained as required by these §§611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as "prohibited species" and records must be maintained of any catches or receipts of these species, except for non-specified species.
4. The term "non-specified species" means for purposes of this section those species that are not listed in paragraph (b)(1), (2), and (3) of this section and are not managed under authority of other fishery management plans or under authority of the International Pacific Halibut Commission. Catch records need not be kept.

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(c) * * *

1) TACs, TALFFs, Reserves, and PSC limits.

(i) See 50 CFR 672, Subpart B, for procedures to determine total allowable catches (TACs), domestic annual processing (DAP), joint venture processing (JVP), reserves, and annual allowable level of foreign fishing (TALFF), and prohibited species catch (PSC) limits. Species listed in paragraph (b)(3) and Table 1 of this section as "prohibited species", species listed in paragraph (b)(4) of this section as "non-specified species", and species for which the TALFF is zero, including species for which a PSC limit has been specified, will be treated in the same manner as prohibited species under § 611.11.

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### PARTS 672 AND 675—AMENDED

3. The authority citation for 50 CFR Parts 672 and 675 continues to read as follows:

Authority: 16 U.S.C. 1901 et seq.

4. In § 672.3, paragraph (a) is revised to read as follows:

§ 672.3 Relation to other laws. (a) Federal law. For regulations governing foreign fishing for groundfish in the Gulf of Alaska, see 50 CFR 611.92; for those governing foreign fishing for groundfish in the Bering Sea and Aleutian Islands, see 50 CFR 611.93. For regulations governing fishing for groundfish in the Bering Sea and Aleutian Islands by vessels of the United States, see 50 CFR Part 675; for those governing salmon fishing off Alaska, see 50 CFR Part 674; for those governing permits and certificates of inclusion for the taking of marine mammals, see 50 CFR 216.24. For regulations governing fishing for halibut by vessels of the United States, see the regulations of the International Pacific Halibut Commission at 50 CFR 301.

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5. In § 672.5, paragraph (a)(3)(iv) introductory text and (a)(3)(iv)(E) are revised and new paragraphs (a)(3)(iv)(G) and (a)(3)(v) are added to read as follows:

§ 672.5 Reporting requirements.

(a) * * *

(c) * * *

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel’s entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch/receipt and product transfer report, including reports of zero tons caught, or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period. The catch/receipt and product transfer report must be sent to the Regional Director within one week following the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel’s permit under § 672.4 of this part. This report must contain the following information:

(E) The number of cartons of fish product, and the estimated unit net weight, in kilograms or pounds, of a carton of processed fish by species or species group produced by that vessel during the reporting period:

* * * * *

(G) The product weight, rounded to the nearest one-tenth of a metric ton (0.1 mt) and the number of cartons transferred or off-loaded by product type and by species or species group.

(v) For each transfer or off-loading of fish product in the EEZ, outside the EEZ, within any State’s territorial waters, or within the internal waters of any State, the operator or each vessel must record, in a separate transfer log, the following information within twelve hours of the completion of the transfer or off-loading:

(A) The time and date (GMT) and location (in geographic coordinates, or if within a port, the name of the port) the transfer or off-loading began and was completed;

(B) The product weight and product type, by species or species group of all fish product transferred or off-loaded to the nearest one-tenth of a metric ton (0.1 mt);

(C) The name and permit number of the vessel receiving the product or, if off-loaded to a shoreside location, the name of the location and commercial facility receiving the product; and

(D) The intended port of destination of the receiving vessel if transferred to another vessel.

* * * * *

6. In § 672.20, paragraph (a)(2)(i) is redesignated as (a)(2)(ii), paragraph (a)(2) introductory text is revised, a new
paragraph (a)(2)(i) is added, and Table 1 and paragraphs (c)(1), (d)(2) and (d)(5)(i), (e)(1), and the third sentence of (f)(2)(i) are revised to read as follows:

§ 672.20 General limitations.
  (a) * * *
  (2) Total Allowable Catch (TAC). The Secretary, after consultation with the North Pacific Fishery Management Council (Council), will specify the annual TAC for each calendar year for each target species and the “other species” category, and will apportion the TACs among DAP, JVP, reserves, and total allowable level of foreign fishing (TALFF).

(i) The sum of the TACs specified must be within the OY range of 16,000 to 800,000 mt for target species and the “other species” category. Initial reserves are established for pollock, Pacific cod, flounder, and “other species”, which are equal to twenty percent of the TACs for these species or species groups.

* * *

TABLE 1.—INITIAL (AS OF JANUARY 1, EACH YEAR) TOTAL ALLOWABLE CATCH (TAC), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. TAC DAH + RESERVE + TALFF; DAH DAP + JVP

<table>
<thead>
<tr>
<th>Species</th>
<th>Area</th>
<th>Code</th>
<th>DAH</th>
<th>DAP</th>
<th>JVP</th>
<th>Reserve</th>
<th>TALFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pollock</td>
<td>W/C</td>
<td>701</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside Shilof</td>
<td>E</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>701</td>
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<td></td>
</tr>
<tr>
<td>Pacific cod</td>
<td>W</td>
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<td></td>
</tr>
<tr>
<td>(Total)</td>
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<tr>
<td>Flounders</td>
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<tr>
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<td>(Total)</td>
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<td>703</td>
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<td>Other rockfish 2</td>
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<tr>
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<tr>
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<td>749</td>
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<td></td>
</tr>
<tr>
<td>Thornyheads</td>
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</tr>
<tr>
<td>Other sp. 4</td>
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<td></td>
</tr>
</tbody>
</table>

1 See Figure 1 of § 672.20 for description of regulatory area and districts.
2 W = Western, C = Central, E = Eastern, G-W = Gulf-Wide, SE = Southeast.
3 The category “other rockfish” includes all fish of the genus (Sebastes) except the category shelf demersal rockfish as defined in footnote 3 below and Sebastolobus (Thornyhead rockfish).
4 Shelf demersal rockfish include Sebastas paucispinus (Bocaccio), S. nebulosus (China rockfish), S. caunnus Copper rockfish, S. malliger (Quillback rock fish), S. proger (Redstripe rockfish), S. helvomaculatus (Rosethorn rockfish), S. brevispinis (Silvergrey rockfish), S. nigriculus (Tiger rockfish), S. ruberrima (Yelloweye rockfish), S. pinnigera (Canary rockfish).
5 The category “other species” includes sculpins, sharks, skates, eulachon, smelts, octopus, Alka mackerel, and squid. The TAC is equal to 5 percent of the TACs of the target species.

* * *

(c) * * *

(1) Notices of harvest limits and PSC limits. As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, will publish a notice in the Federal Register specifying preliminary annual TAC, DAP, JVP, TALFF, reserve, and applicable PSC amounts for each target species, the “other species” category, and species determined to be fully utilized by the DAP fisheries. The preliminary specifications of DAP and JVP will be the amounts harvested during the previous year plus any additional amounts the Secretary finds will be harvested by the U.S. fishing industry. These additional amounts will reflect as accurately as possible the projected increases in U.S. harvesting and processing and the extent to which U.S. harvesting and processing will occur during the coming year. Public comment on these amounts will be accepted by the Secretary for 30 days after the notice is filed for public inspection with the Office of the Federal Register. The Secretary will consider timely comments and, after consultation with the Council, specify the final PSC limits and annual TAC for each target species and the “other species” category, and apportionments thereof among DAP, JVP, TALFF, and reserves. These final amounts will be published as a notice in the Federal Register on or about January 1 of each year. These amounts will replace the corresponding amounts for the previous year.

(d) * * *

(2) Apportionment of surplus DAP to JVP and surplus DAH to TALFF. Under paragraph (d)(5) of this section, and as soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary will apportion to JVP any part of the DAP amounts that he determines will not be processed by U.S. processors, and may apportion to TALFF any part of the DAH amounts that he determines will not be harvested by U.S. fishermen during the remainder of the year.

* * *
The Secretary, under paragraphs (d)(1) and (d)(2) of this section, may apportion to TALFF only those amounts which he determines will not be harvested by vessels of the United States during the remainder of the fishing year, but will not be harvested by vessels of the United States during the remainder of the fishing year, and will apportion to JVP only those amounts he determines will be harvested by vessels of the United States during the remainder of the fishing year, and will apportion to TALFF only those amounts which he determines will not be harvested by vessels of the United States during the remainder of the fishing year, but will not be processed by U.S. processors. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, at the discretion of the Secretary, either be apportioned to DAP or JVP, or retained in the reserves as eligible for later apportionment under paragraph (d) of this section.

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PART 675—[AMENDED]

7. In § 675.5, paragraphs (a)(3)(iv) introductory text and (a)(3)(iv)(E) are revised and new paragraphs (a)(3)(iv)(C) and (a)(3)(v) are added to read as follows:

§ 675.5 Reporting requirements.

(a) * * *

(3) * * *

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel's entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch/receipt and product transfer report, including reports of zero tons caught or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period. The catch/receipt and product transfer report must be sent to the Regional Director within one week of the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel's permit under § 675.4 of this part. This report must contain the following information:

* * *

(E) The number of cartons of product, and the unit net weight, in kilograms or pounds, or a carton of processed fish by species or species group produced by that vessel during the reporting period;

* * *

(G) The product weight, rounded to the nearest one-tenth of a metric ton (0.1 mt) and the number of cartons transferred or off-loaded by product type and by species or species group.

(v) For each transfer or off-loading of fish product in the EEZ, outside the EEZ, within any State's territorial waters, or within the internal waters of any State, the operator of each fishing vessel must record, in a separate transfer log, the following information within twelve hours of the completion of the transfer or off-loading:

(A) The time and date (GMT) and location (in geographic coordinates, or if within a port, the name of the port) the transfer or off-loading began and was completed;

(B) The product weight and product type, by species or species group of all fish products transferred or off-loaded to the nearest one-tenth of a metric ton (0.1 mt);

(C) The name and permit number of vessel receiving the product or, if off-loaded to a shoreside location, the name of the location and commercial facility receiving the product; and

(D) The intended port of destination of the receiving vessel if transferred to another vessel.

* * *

§§ 611.92, 672.20, 672.22 and 672.24

[Amended]

8. In addition to the amendments set forth above, remove the initials "TQ", and add, in their place, the initials "TAC" in the following places:

§ 611.92(c)(2)(ii)(A); Newly redesignated § 672.20(a)(2)(ii) introductory text and (ii)(A) and (B), (b)(1), and (c)(2)(i) and (ii) and (iii)(A) and (B);

§ 672.22(a)(1)(iii), (2)(i)(B) and (iii), and (3)(vi);

§ 672.24(b)(1), (2), and (3)(i) and (ii).