

EXECUTIVE DIRECTOR'S REPORT

MFCMA Amendments

Amendments to the MFCMA, based on Council testimony, have been introduced in both the House and the Senate. Copies of both bills are available, but we did not copy them for inclusion in the briefing books. I have not had a chance to thoroughly study either bill. It appears that they do respond to almost all of the requests made by the Councils. We have not had a chance to compare the Senate Bill to the House Bill. I have been told by Congressional staffers that they are almost identical. We will have a more detailed report for you at the January meeting.

Allocations of Fish Surplus to U.S. Needs Off Alaska Being Made At This Time

This is probably the only chance the Council will have to discuss allocations and make recommendations to the Department of State. The Department of Commerce and the Congressional people have been coming down firmly on all of the nations fishing off the U.S., asking them to increase (by several orders of magnitude) their over-the-side purchases of raw fish from American fishermen. Proposals range from as much as 20% of a foreign allocation being available only for over-the-side purchases (this in addition to whatever JVP is established for the fishery) to suggestions of several hundred thousand tons of over-the-side purchases by single countries.

Agenda Item D-1, the review of permit applications, may be the appropriate time for the Council to consider this subject.

Seward Approved as Base for Polish Fleet

Seward has been approved as a base for the Polish fishing fleet as indicated by the article from the Kodiak Daily Mirror of November 20 [item B-1(b) in your books.]

Appointments to NACOA

Five appointments were recently made to the National Advisory Committee on Oceans and Atmosphere (NACOA). They are Carl Brady of Anchorage, John E. Knauss, chairman appointee, S. Fred Singer, appointed vice-chairman, Fitzgerald Beemis, and Vernon Schiede. There is still one vacancy on the Committee. Lee Alverson is a candidate for that position, but current thinking in Washington is that the appointment won't be made for at least another couple of months. They are advertising in the Federal Register for candidates for the six positions that will be available in July of 1982. Those seats are now held by Paul Bock, Michael Ness, Jim Waddell, Don Walsch, Bob White, and Jack van Lopeck.

Marine Mammal Commission Appointments

Three appointments were recently made to the Marine Mammal Commission: James Nofziger, a mariculture consultant from California, Donald K. MacCallum, a professor of anatomy at the University of Michigan, and Robert Weeden, University of Alaska. Weeden was reappointed after filling the tail-end of the term of an appointment made late in the Carter Administration. The first two are replacing Doug Chapman and Murray Johnson.

Advisory Panel Resignation

Charles Parsons of Homer has submitted his resignation from the Advisory Panel, letter enclosed [B-1(c)].

Council Workbooks

We are putting together small workbooks for use by Council family members on a permanent basis. They will include chartlets showing the various regulatory areas, frequently updated tables for OY, DAH, catches and so on, and such other ready reference material as you deem desirable. We would like to have your suggestions on what should be included and what your preferred format would be for convenience of carrying and reference.

Japanese Reaction to Over-the-Side Purchase

I am including a Japanese newspaper article reacting rather negatively to the statements made by U.S. officials on how they would like to see other nations involved in joint ventures [B-1(d)].

FMP Status Report

Attachment B-1(a) under this agenda item is a status report on the Council FMP's. More details will be available on each of the FMP's under the specific agenda item.

Foreign Fee Schedule for 1982

Attachment B-1(e) is the proposed foreign fee schedule for 1982. It shows substantial increases in the fees charged for fish taken by other nations in the FCZ. Comments should be received before December 14. If we want to make any comments, we must do it at this meeting.

The proposed fees seem reasonable in light of the ex-vessel value of the various species and the cost to the United States of management and enforcement of the foreign fishery in the FCZ.

12/1/81

STATUS OF FISHERY MANAGEMENT PLANS

1. Salmon FMP

At this meeting the Council will review Court activities related to the Confederated Tribes v. Baldrige case and will act upon a request for Indian membership on the Salmon PMT and PDT. No action is expected until January on the FMP.

The proposal period for the 1982 fishery began in July 1981 and will end with the Council's January meeting. Public hearings were held in Seattle and Sitka to gather public comments. The Salmon PMT will meet on January 3 to write a position statement on a report of the Court's technical group which should be available in mid-December. Along with this statement, the PMT will present to the Council in January a package of proposals originating from ADF&G, NMFS, the industry, and Tribes. These proposals can then be sent to public review following the January meeting. The Council should choose their preferred options at the January meeting before the proposals go out to public review. Final Council action is scheduled for March.

Concerning the re-write of the FMP, writing assignments were made last March and a progress meeting will be held sometime after the December Board meeting to evaluate next steps.

2. Herring FMP

At this meeting the Council will, with the Board, hear ADF&G staff reports on the 1981 fishery and discuss proposed regulations for 1982 and the general state of the resource and the fishery.

After Council approval at the September meeting, a letter requesting withdrawal of the FMP from Secretarial review was sent to NMFS-D.C. on October 1. The PMT met on November 20 to review problems with the plan and recommend changes. The PMT's summary statement will be reviewed by the SSC at their December meeting. The PMT will have final wording on changes to the FMP available for the Council meeting in January.

3. King Crab FMP

At this meeting the Council needs to review the wording of the cover letter transmitting the FMP package to Washington, D.C. and discuss scheduling of a joint public hearing with the Board in Seattle, possibly in early March.

The King Crab Plan and supporting documents have just been returned from NMFS-Region and, after some minor revisions and this Council meeting, will be sent to Washington, D.C. to commence Secretarial review.

4. Tanner Crab FMP

At this meeting the Council will review the problems OMB has had with the reporting requirements in Amendment #6. This amendment was implemented on November 19, minus the reporting requirements.

12/1/81

Amendment #7, setting new OY's, was published as a Proposed Rule on September 3. A considerable amount of public comment from the Japanese industry and the need for NMFS response have delayed publishing of the Final Rule until at least February 1982.

5. Gulf of Alaska Groundfish FMP

At this meeting the Council will review Amendment #11 concerning sablefish OY's. The PMT is requesting that the public comment period be extended to allow adequate public review of recent documents bearing on the setting of sablefish OY's. The Council may also need to initiate an amendment to change DAH for 1982.

Amendment #10, curtailing foreign trawling in the Eastern Regulatory Area, was signed by Byrne on November 12, 1981 after 207 days of Secretarial review. It should be published as a Proposed Rule on December 4 and implemented on March 18, 1982.

Amendment #9, implementing the Lechner Line around Kodiak, became effective on October 2, 1981.

Part 5 to Amendment #8 has been unofficially disapproved, but we are still awaiting a formal response from NMFS. This section of the amendment would have given the Regional Director authority to make emergency closures to resolve gear conflicts. Amendment #8 was submitted for Secretarial review on June 25, 1980 and implemented on November 1, 1980. Part 5 was separated from the amendment and sent to an NMFS-D.C. "think tank" on August 27, 1980, about 467 days ago.

6. Bering Sea/Aleutian Islands Groundfish FMP

At this meeting the Council may need to initiate an amendment to change DAH for 1982.

Amendment #3 on reducing prohibited species was given final Council approval in September. The amendment package will be sent to Washington, D.C. as soon as the proposed regulations and Regulatory Impact Review are completed.

Amendments #1-a and #2 were published as Proposed Rules on October 29, 1981 and should be implemented on January 1, 1982.

Amendment #1 on managing groundfish as a complex commenced Secretarial review on September 2, 1981. This review has been suspended temporarily to allow the PDT to re-examine the amendment with regard to certain problem areas that have been uncovered by the review.

The FMP is under Department of Commerce review prior to publishing as a Final Rule. Implementation is scheduled for January 1, 1982.

CP

DEC81/U2

Seward approved as base for Polish fishing fleet

WASHINGTON, D.C.—The U. S. State Department has approved Seward as a port of call for the Polish fishing fleet in the Gulf of Alaska, Senator Ted Stevens announced Tuesday.

The decision will result in a substantial economic benefit for the Seward community, according to Stevens, who earlier this year endorsed the application by the Polish fleet to use the port.

The Alaska senator requested

Secretary of State Haig to approve Seward as a port of call for the fleet after the North Pacific Fishery Council approved the initial request.

"I was happy to endorse the NPFC position earlier and am delighted to announce the final decision by the State Department", Stevens said. "It will result in about \$8 million in revenue annually for Seward, which will be providing food, gas, repair work and other

support services for the fleet."

According to the State Department letter from Assistant Secretary Kronmiller to the Polish commercial attache, Dr. Pala, Seward is being added to the list of allowable ports of call, while Seattle is being dropped.

Stevens cited today's decision as a "good example of the role of the NPFC in directing Alaska's fishing policy." The fishery councils were created under the

200-mile limit law—the Fishery Conservation and Management

Act—of which the Alaska senator was an original sponsor.

NOV 19 1981

AGENDA B-1(c)
December 1981

ACTION	ROUTE TO	DATE
		3
	11/3/81	

ANCHOR MARINE

Box 456 • HOMER, ALASKA 99603

North Pacific Fishery Management Council

P.O. Box 3136 DT

Anchorage, AK 99510

Attn. Mr. Jim H. Branson

Dear Mr. Branson:

This is a very belated letter of resignation regarding my position on the Advisory Panel.

I was Outside From March until August having my vessel modified, and expected that my position was terminated after missing so many meetings.

After returning home, the various reports and notices of meetings, kept arriving and I began to entertain the idea of still serving.

However the fishery that I am in, has evolved into a desperate struggle for survival which is going to take all my time and energy. I am further handicapped by the lack of an alternate skipper;

which would permit me to attend
the meetings.

Please advise me regarding
the disposal of this formidable

collection of reports and papers.

I am sorry for this long delay
in advising you of my intentions.

Sincerely,

Charles C. Cannon

(EH) [Signature]

NOV 12 1981

NOV 10 1981

Summary translation of a daily Japanese fisheries newspaper
Regional Fisheries Attache, American Embassy, Tokyo
No. 81-17

JAPANESE TRAWL INDUSTRY is in opposition to such views expressed by the Alaska fishing industry at a recent open house of NMFS's Northwest & Alaska fisheries Center as "we should make it clear to Japan that the Japanese allocation would be reduced unless Japan expands over-the-side purchase," and to such an extreme proposal made by an influential Congressman in his letter to the USG as "the initial allocation to Japan be set at one-tenth of an estimated annual Japanese allocation, and the remaining nine-tenths be allocated quarterly depending on results of Japan's over-the-side purchase and violations." A few in the Japanese industry are now inclined to say that "Japan must restrict imports of U.S. fish should the U.S. side take such strong measures against Japan."

(Suisan Tsushin, 11/5/81)

FILE	ACT.	INFO	ROUTE TO	DATE
	✓		DR.	11/5/81
	✓		R.O.	11/5/81

Y.N.
11/5/81
cc to DeOron
Jim Brown
plsc

5. Section 611.90 is amended by revising paragraph (e)(2) and adding paragraph (e)(3) and Appendix I to read as follows:

§ 611.90 North Pacific Ocean and Bering Sea; general provisions.

(e) * * *

(2)(i) *Daily cumulative catch/effort/production log.* All foreign fishing vessels subject to this Subpart must maintain a daily catch/effort/production log instead of the daily cumulative catch log required by 50 CFR 611.9(d). This log will be supplied by the Alaska Region, NMFS, via the designated representative and must be maintained in English and in accordance with the instructions set out in Appendix I of this section. This log must have recorded on a trawl-by-trawl or set-by-set basis and on a daily and a cumulative basis the round weight of all catches of all allocated species during the permit period. The log must have recorded on a daily and cumulative basis the actual weight of all fish products by allocated species during the permit period. The log must also contain on a trawl-by-trawl or set-by-set basis the particulars of each trawl or set as outlined in Appendix I. The log must be maintained aboard the vessel for the duration of the permit period or until all fish or fish products produced during the period are transferred, whichever is longer. Information for each fishing day shall be maintained on a separate page of the log. All entries in this log must be in ink, individual pages of the log must be completed in consecutive order, and the original copy of this log must be presented to an "Authorized Officer" on demand for inspection.

(ii) *Use of NMFS supplied daily cumulative catch/effort/production log.* Each vessel that catches or processes fish in the FCZ seaward of the State of Alaska shall use the daily cumulative catch/effort/production log supplied by NMFS. A separate log shall be maintained for each fishery listed in § 611.90. The original copy of this daily cumulative catch/effort/production log must include any and all pages which have been signed, altered, or otherwise annotated by an "Authorized Officer." No pages shall be removed or omitted except by an "Authorized Officer." Entries in the log must not be erased or altered; if any incorrect entry is made, a line must be drawn through the entire entry and initialed and dated by the person correcting the entry. No entries shall be made or pages omitted to account for days when no fishing occurs. No entries shall be made in this log for fish taken outside the FCZ. entries shall

be made in this log for the transfer of fish or fish products produced from fish caught in the FCZ off Alaska, regardless of the location of the transfer.

(iii) *Surrender of the daily cumulative catch/effort/production log.* The original copy of the daily cumulative catch/effort/production log (including all pages annotated by the "Authorized Officers") must be submitted through the designated representative to the Regional Director (address: NMFS, P.O. Box 1668, Juneau, Alaska 99802). The log must be submitted by March 31 following the end of the permit period which the log covers or within 90 days following the transfer of all fish or fish products produced in the preceding permit year.

(3) *Cumulative catch/effort/production log, weekly catch report, and weekly report of marine mammal incidental catch.* (i) The requirements of paragraph (e)(2) of this section that each vessel maintain a cumulative catch/effort/production log, of § 611.9(e) that each vessel submit the weekly catch report, and of § 611.9(g) that each vessel submit the weekly report of marine mammal incidental catch are waived, except as provided herein, for fishing vessels that are not equipped with processing facilities and deliver all catches to a factory ship, provided that a consolidated cumulative catch/effort/production log is maintained by the factory ship which accounts for all such fish received, and provided that the required data for the fishing vessels are consolidated and reported by the factory ship in the manner specified in paragraph (e)(2) of this section and § 611.9(e) and (g). The factory ship shall log the catch of each delivering vessel on a daily basis instead of on a trawl-by-trawl basis. the prohibited species and marine mammal portion of Section Two shall be maintained on a daily basis by the factory ship for the fleet of delivering vessels instead of on an individual vessel basis. The factory ship shall also maintain Section Three of the log (see Appendix I). Each vessel for which reporting requirements are waived under this section shall maintain Section One of the daily cumulative catch/effort/production log aboard the vessel during the permit period.

(ii) Each vessel that receives catches from U.S. vessels must maintain a consolidated daily cumulative catch/effort/production log which accounts for all fish received from U.S. vessels. The receiving vessel shall log the catch of each delivering vessel on a daily basis and the prohibited species and marine mammal portion of Section Two shall be maintained for the fleet of delivering

vessels instead of on an individual vessel basis. The receiving vessel should also maintain Section Three of the log (see Appendix I).

APPENDIX I

Daily Cumulative Catch/Effort/Production Log

A. Format

1. The log must contain one page for each day of fishing.
2. Each page must be divided into three sections. The sections must include:
 - (a) Section One: Vessel particulars, weather, and fishing effort.
 - (b) Section Two: Catch statistics.
 - (c) Section Three: Production statistics.
3. Each log must contain a cover page with vessel particulars as outlined in § 611.9(d)(2).

B. Form Entries

1. Cover Page.
 - (a) Name and call sign: Enter the vessel's name and international radio call sign (IRCS) as shown on the permit.
 - (b) Permit number: Enter the vessel's assigned permit number for the current year.
 - (c) Owner or company: Enter name of the individual or company owning the vessel.
 - (d) Gross tonnage: Enter the vessel's registered gross tonnage.
 - (e) Net tonnage: Enter the vessel's registered net tonnage.
 - (f) Length: Enter the vessel's registered length.
 - (g) Hold capacities: Enter the vessel's registered or certified grain and bale capacities (in cubic meters) of each cargo hold where fish products are stored.
2. Section One:
 - (a) Date: Enter the date based on Greenwich mean time (G.m.t.) on which the catch was taken.
 - (b) Vessel name: Enter name.
 - (c) IRCS: Enter international radio call sign.
 - (d) U.S. permit number: Enter vessel's permit number.
 - (e) Noon position: Enter the vessel's geographic coordinates (latitude/longitude) at noon (1200 hours) G.m.t.
 - (f) Wind direction/force: Enter the wind direction and force (in knots) at noon G.m.t.
 - (g) Bar: Enter barometric pressure (in millibars) at noon G.m.t.
 - (h) Sea state: Enter the swell height/direction (in meters) at noon G.m.t.
 - (i) Air/water temp: Enter air and surface water temperature (degrees centigrade) at noon G.m.t.
 - (j) Master: Enter master's signature.
 - (k) Trawl or set number: Enter consecutive numbers for each trawl or set made that day.
 - (l) Fishing area number: Enter the code number (see Section 611.9 Appendix II) of the statistical area where each trawl or set was made.
 - (m) Gear type: Enter the type of gear used such as: LL (longline), pots, Mtrl (midwater trawl), GN (gillnet), Btrl (bottom trawl), Ptrl (pair trawl), or DS (danish seine).
 - (n) Setting time: Enter the time based on G.m.t. at which each set or trawl was begun. For trawlers this should be the time the net

enters the water. For vessels using fixed gear this should be the time the set is started.

(o) Setting position: Enter the geographic coordinates (latitude/longitude) where each trawl or set was begun. For longline and gillnet vessels, this would be the position where the first section of gear is set.

(p) Course of set: Enter the vessel's course (degrees/magnetic or true) when each trawl or set was begun.

(q) Sea depth: Enter the average sea depth in meters.

(r) Depth of set: Enter the average depth in meters at which the gear was set or towed.

(s) Duration of set: Enter the elapse time in minutes of each set or trawl.

(t) Hauling time: Enter the ending time based on G.m.t. when each trawl or set was hauled. For trawlers this should be the time the net is received on deck of the vessel. For vessels using fixed gear, this should be the time that retrieval of fixed gear is complete.

(u) Hauling position: Enter the geographic coordinates (latitude/longitude) at which the set or trawl was hauled. For longline and gillnet vessels this would be the position of the last section or end of the gear.

(v) No. of pots or longline units: For longline or gillnet, enter the number of longline or gillnet units (300 fathoms per unit). For pot vessels, enter the number of pots set.

(w) No. of hooks per longline unit: Enter the number of hooks on 300 fathoms of groundline.

(x) Trawl speed: For trawlers, enter the average speed at which the gear was towed.

(y) Net mesh size: Enter the millimeter mesh size of the cod end (trawlers) or gillnet (inside measure when wet after use).

3. Section Two:

(a) Species: Enter the common name and species code for each species caught for which there is an applicable national allocation. Use appropriate species code from § 611.9 Appendix I.

(b) Set/trawl number: Enter number corresponding with sets or trawls listed in Section One.

(c) Catch: Enter the catch by species and by trawl or set, to the nearest tenth of a metric ton (0.1 m.t.) round weight.

(d) Daily disposition: For each species, specify the daily disposition as follows: Enter "C" for fish consumed on board and for fish which are frozen or otherwise processed other than for fishmeal; and enter "M" for whole fish which are processed for fishmeal; and enter "D" for fish which are discarded. The entries under "C" should be for round weight even though some part of the fish is used for fishmeal.

(e) Daily total: Enter the total daily catch by species, to the nearest tenth of a metric ton (0.1 m.t.) round weight.

(f) Cumulative total: Enter the cumulative total catch by species, to the nearest tenth of a metric ton (0.1 m.t.) round weight.

(g) Total catch:

(i) Daily total: Enter the daily total for all species to the nearest tenth of a metric ton (0.1 m.t.) round weight for each category of disposition (C, M, and D).

(ii) Cumulative total: Enter the cumulative total for all species to the nearest tenth of a metric ton (0.1 m.t.) round weight for each category of disposition (C, M, and D).

(h) Prohibited species: Enter the number of individual salmon (species code 210) and halibut (species code 722) or the round weight to the nearest tenth of a metric ton (0.1 m.t.) of herring (species code 209) discarded from each set or trawl, as required by §§ 611.9(d)(4) and 611.93(e)(2)(i). Enter the daily and cumulative total for each prohibited species that is required to be logged.

(i) Marine mammals: Enter the species code (see § 611.9 Appendix I), number of animals involved, and status code (see § 611.9 Appendix VI) for each incident.

4. Section Three:

(a) Species: Enter the species code for each species caught for which there is an applicable national allocation. Use appropriate species code from § 611.9 Appendix I.

(b) Products: Enter the production code for each frozen or canned product produced from § 611.9 Appendix VII.

(c) PRR %: Enter the product recovery rate to the nearest percentage (example: 27%) for each type of product per species. This is a ratio expressed as a percentage of the weight of processed product divided by the round weight of fish used to produce that amount of product.

(d) Daily total: Enter the daily total of each product produced per species to the nearest thousandth of a metric ton (0.001 m.t.).

(e) Cumulative total: Enter the cumulative total of each product produced per species to the nearest thousandth of a metric ton (0.001 m.t.).

(f) Amount transferred: Enter the cumulative total of each product per species transferred off the vessel either inside or outside of the FCZ (including products delivered to a port by the fishing vessel) to the nearest thousandth of a metric ton (0.001 m.t.).

(g) Balance: Enter the cumulative total of each product per species aboard the vessel to the nearest thousandth of a metric ton (0.001 m.t.).

(h) Total frozen product: Enter the total for all species to the nearest thousandth of a metric ton (0.001 m.t.) of the daily total, cumulative total, amount transferred and quantity remaining onboard.

(i) Meal and Oil:

(1) Meal:

Daily total: Enter the daily total produced to the nearest thousandth of a metric ton (0.001 m.t.).

Cumulative total: Enter the cumulative total produced to the nearest thousandth of a metric ton (0.001 m.t.).

Amount transferred: Enter the cumulative total transferred to the nearest thousandth of a metric ton (0.001 m.t.).

Balance: Enter the cumulative total remaining aboard the vessel to the nearest thousandth of a metric ton (0.001 m.t.).

(2) Oil:

Daily total: Enter the daily total produced to the nearest thousandth of a metric ton (0.001 m.t.).

Cumulative total: Enter the cumulative total produced to the nearest thousandth of a metric ton (0.001 m.t.).

Amount transferred: Enter the cumulative total transferred to the nearest thousandth of a metric ton (0.001 m.t.).

Balance: Enter the cumulative total aboard the vessel to the nearest thousandth of a metric ton (0.001 m.t.).

C. Log maintenance. The effort section (all of Section One) of the daily cumulative catch/effort/production log is to be updated within 2 hours of the hauling time. The species code and catch (m.t.) for each trawl or set (Section Two) shall be entered within hours of the hauling time. The production portion (Section Three) of the log shall be updated within 12 hours following the end of the day on which the catch was taken. The date of catch shall be based on the day and time (G.m.t.) the gear is hauled. Entries as to catch weights shall be based on the most accurate method available to the vessel, either scale round weights or factory weights converted to round weights. Entries as to product weights shall be based on the number of production units (pans, boxes, cans, or bags) and the actual weight of the production unit with reasonable allowances for water added. Allowances for water added shall not exceed 5 percent of the unit weight. Product weights shall not be based on the "commercial or arbitrary wholesale weight of the product" but on the actual weight of the product.

[FR Doc. 81-32881 Filed 11-10-81; 9:45 am]
BILLING CODE 3510-22-M

SUMMARY: The National Marine Fisheries Service proposes: (1) Amendments to its foreign fishing reporting requirements, and (2) new log keeping requirements for vessels fishing in the Gulf of Alaska and Bering Sea. Improved reports and recordkeeping by foreign fishermen are needed. The proposed amendments would improve the accuracy of the catch and effort information required of foreign fishing vessels and would facilitate the audit of vessels' catches and records at sea by U.S. enforcement officers.

DATE: Comments must be received no later than December 28, 1981.

ADDRESS: Send comments to Alfred J. Bilik, Acting Chief, Permits and Regulations Division, F/CM7, National Marine Fisheries Service, 3300 Whitehaven St. NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, 202-632-7432.

SUPPLEMENTARY INFORMATION: Under authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act), regulations applied to foreign fishermen in the U.S. fishery conservation zone (FCZ) were promulgated on December 19, 1978 (43 FR 59292). Section 611.4, Vessel Reporting, requires all foreign fishing vessels to report certain activities while operating within the FCZ. Section 611.9, Reports and Recordkeeping, requires foreign fishing vessels to maintain a transfer log and a daily cumulative catch log, and to provide weekly catch reports. The weekly catch reports are submitted by each foreign nation on a vessel-by-vessel basis. These reports and recordkeeping requirements were designed to provide essential catch and effort information needed to manage the various fisheries in the FCZ, but experience has shown that the data maintained and reported by the foreign fishing vessels should include catch, the transformation of the catch into various fish products, the storage of products in holds of various sizes, and the transfer of all or part of the products to different vessels.

This proposed amendment would replace the current daily cumulative catch log with a daily cumulative catch/effort/production log for foreign vessels. This new log will be used in the Alaska region on a trial basis before it is extended to the rest of the FCZ. This change in recordkeeping will not create an undue burden on the foreign fleets, since the required information is already being recorded independently in the current daily cumulative catch log, the

fishing log and the production log maintained by each vessel.

The proposed amendment also would require foreigners to report cargo transfers. Current regulations require the vessels to log, but not report, the transfer of any fish or fishery product. The proposed changes to the regulations would require that those logs be maintained in English, and that any vessel receiving fish or fishery products report the type of product by species received or discharged in the FCZ within 12 hours after the transfer operation is completed.

The proposed amendment would shift the responsibility for submitting accurate weekly catch reports to individual fishing vessels and away from the agents of vessel's flag nations. This change would not create any additional burden on the fishing vessels because such vessels prepare the original reports. However, this change would allow enforcement actions to be taken against vessels for submitting inaccurate reports.

Finally, the proposed amendment would require foreign vessels operating in the Northwest Atlantic Ocean Fishery to deliver "begin" and "cease" notices to the U.S. Coast Guard 72 hours in advance in order to allow U.S. observers to prepare for boarding.

The Administrator, NOAA, has determined that this rule is not a major rule requiring a regulatory impact analysis under E.O. 12291, since it is merely a reporting requirement. Nor is an environmental assessment or environmental impact statement required under the National Environmental Policy Act. Under the Paperwork Reduction Act, the Office of Management and Budget is reviewing all of the information collection and recordkeeping requirements proposed in this notice. The proposed rule will not be finalized until OMB has approved the information collection, and has assigned a control number.

The Assistant Administrator for Fisheries, NOAA, has determined that this rulemaking is consistent with the provisions of the Magnuson Fishery Conservation and Management Act.

Dated: November 6, 1981.

Everett Craig Felber,
National Marine Fisheries Service.

PART 611—FOREIGN FISHING

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

For the reasons set out in the preamble, 50 CFR Part 611 is proposed to be amended as follows:

1. Section 611.4 is amended by adding paragraph (a)(6), and revising

paragraphs (c) and (d) to read as follows:

§ 611.4 Vessel reporting.

(a) * * *
(6) The time, position, and quantity of fish or fish products in metric tons *offloaded* or *received* by species and processing code (see Section 611.9, Appendix VII) and, in addition, the quantity of fish or products remaining aboard the offloading vessel by species and processing code (action code TRANSFER).

(c) The notices required by paragraphs (a)(1) and (a)(5) of this section must be *delivered* to the appropriate Coast Guard Commander at least 24 hours prior to beginning or ceasing fishing, except as otherwise required in §§ 611.50(f) and 611.1(d). The notice required by paragraph (a)(6) of this section must be *transmitted* within 12 hours of the completion of a transfer and *delivered* within 72 hours of the completion of the transfer. The other notices required by paragraph (a) of this section must be *transmitted* prior to the event requiring notice and *delivered* within 72 hours of the event.

(d) The notices required by this section must contain the following information: The message identifier "VESREP" to indicate it is a vessel report, vessel name, international radio call sign, date (month and day based on G.m.t.), time (hour and minute G.m.t.), latitude and longitude (degrees and minutes), fishing area (use code specified in Appendix II to § 611.9), and the appropriate action code (see paragraphs (a) (1)-(6) of this section).

(1) In notices required by paragraphs (a)(1), (a)(3) and (a)(4) of this section (action codes BEGIN, RETURN and SHIFT) the fishing area, position, date and time to be reported shall be the area and position to which the vessel is proceeding and the date and time it will start fishing.

An illustration of a sample report is as follows: The stern trawler NAVIS, LTUX, will begin fishing on March 11 at 1320 G.m.t. at position 59°30' N. latitude, 142°30' W. longitude in the Yakutat fishing area of the Gulf of Alaska. The required message would be transmitted as follows:

FROM: M/V NAVIS, LTUX
TO: 17TH COAST GUARD DISTRICT,
JUNEAU, ALASKA, ALASKA REGION,
NMFS, JUNEAU, ALASKA
VESREP
NAVIS/LTUX/0311/1320/5930N/14230 W/
64/BEGIN//

(2) In notices required by paragraphs (a)(2) and (a)(5) of this section (action

codes DEPART and CEASE) the fishing area, position, date and time to be reported shall be the area and positions from which the vessel is departing and the date and time it will stop fishing. An illustration of a sample report is as follows: The stern trawler NAVIS, LTUX, will cease fishing on July 8 at 1215 G.m.t. at position 57°30'N. latitude, 178°30'W. longitude in the Bering Sea Area I fishing area of the Bering Sea. The required message would be transmitted as follows:

FROM: M/V NAVIS, LTUX
TO: 17TH COAST GUARD DISTRICT,
JUNEAU, ALASKA, ALASKA REGION,
NMFS, JUNEAU, ALASKA
VESREP
NAVIS/LTUX/0708/1215/5730N/17830W/51/
CEASE//

(3) In the notice required by paragraph (a)(6) of this section (action code TRANSFER) the fishing area, position, date and time to be reported shall be the area, position, date and time of the completion of the transfer. An illustration of a sample report is as follows: The stern trawler NAVIS, LTUX, transfers fish and fish products to the support vessel SAVIN, LXYZ, on March 11 in position 59°30'N. latitude, 142°30'W. longitude in the Yakutat fishing area of the Gulf of Alaska. Transfer operations were concluded at 1320 G.m.t. and the following product was transferred: 200 m.t. of dressed, frozen pollock; 100 m.t. of whole, frozen Atka mackerel, and 157.4 m.t. of fish meal. The following products remained aboard the NAVIS: 50 m.t. of dressed, frozen pollock and 8 m.t. of fishmeal. The required message from the vessel SAVIN would be transmitted as follows:

FROM: M/V SAVIN, LXYZ
TO: 17TH COAST GUARD DISTRICT,
JUNEAU, ALASKA, ALASKA REGION,
NMFS, JUNEAU, ALASKA
VESREP
SAVIN/LXYZ/0311/1320/5930N/14230W/64/
TRANSFER FROM NAVIS/LTUX//701/
200/DH//207/100/W//157.4/MEAL//

The required message from the vessel NAVIS would be transmitted as follows:

FROM M/V NAVIS, LTUX
TO: 17TH COAST GUARD DISTRICT,
JUNEAU, ALASKA, ALASKA REGION,
NMFS, JUNEAU, ALASKA
VESREP
NAVIS/LTUX/0311/1320/5930N/
14230W/64/TRANSFER TO/
SAVIN/LXYZ//701/200/DH//207/
100/W//157.4/MEAL//
REMAINING//701/50/DH//8
MEAL//

2. Section 611.9 is amended by revising paragraphs (a), (b), (c), (d)(1), (d)(2)(vi), (e)(1), (f)(1), (g)(1), and adding paragraph (d)(2)(ix) as follows:

§ 611.9 Recordkeeping and reports.

(a) The operator of each foreign fishing vessel must maintain an accurate log of catch, production, and effort information in accordance with the regulations for the fishery in which the vessel is engaged.

(b) *Transfer log.* Within 12 hours of the completion of each transfer of any fish or fishery product, the operators of both the transferring and receiving vessels must record in their respective transfer logs in English:

(1) The date, time, and location (in geographic coordinates) to the transfer;

(2) The weight by species and product type (as listed in Appendices III and VII) of all fish transferred; and

(3) The name, nationality, and permit number of the other vessel involved in the transfer.

(c) *Communications log.* The operator of each foreign fishing vessel must record in English, in a communications log, the Greenwich mean time and content of each notification made under § 611.4.

(d) *Daily cumulative catch log.* (1) Except as provided in §§ 611.90(e)(2)-(3), 611.61(e)(2) 611.81(e)(1) and 611.81(e)(3), all foreign fishing vessels must maintain a daily cumulative catch log in English. This log must have recorded on a daily and a cumulative basis the round weight of all catches of all allocated species and be maintained during the permit period or until all fish or fish products produced during the permit period are transferred, whichever is longer. Information for each fishing area must be maintained on a separate page of the log.

(2) * * *

(vi) Daily catch by allocated species to nearest tenth of a metric ton (0.1 m.t.), regardless of whether retained or discarded; * * *

(ix) The vessel's registered or certified grain and bale capacities (in cubic meters) of each cargo hold where fish products are stored.

(e) *Weekly catch report.*

(1) Except as provided in § 611.90(e)(3), each permitted vessel must submit a weekly report stating the catch in round weight of the species allocated to that nation, for the weekly period Sunday through Saturday, G.m.t. The report must be submitted through the vessel's designated representative. In the Washington, Oregon, California trawl fishery, the Gulf of Alaska groundfish fishery, and the Bering Sea and Aleutian Islands groundfish fishery, the numbers of salmon and halibut caught must be also reported. Also, in the Bering Sea and Aleutian Islands

groundfish fishery, weight of the prohibited species herring (code 209) to the nearest 1/10 (tenth) of a metric ton must be recorded (see § 611.93(e)(2)).

(f) *Weekly reports of receipts of U.S. harvested fish.*

(1) Each permitted vessel must submit, through the designated representative, a weekly report stating any receipt of U.S. harvested fish for the weekly period Sunday through Saturday, G.m.t. No report is required for vessels which receive no U.S. harvested fish during the reporting period.

(g) *Weekly report of marine mammal incidental catch.*

(1) Except as otherwise provided in § 611.90(e)(3), each permitted vessel must submit, through the designated representative, a weekly report stating any incidental catch of marine mammals for the weekly period Sunday through Saturday, G.m.t. No report is required for vessels which have no incidental catch of marine mammals during the reporting period.

3. Section 611.9 is amended by adding the following Appendix VII:

APPENDIX VII.—PRODUCTION CODES

Code	Product type
W	Frozen whole.
DH	Frozen dressed/head and guts removed.
DT	Frozen dressed/head, guts and tail removed.
H	Frozen/head only removed.
P	Pectoral collars frozen separately from trunk.
FW	Filets with skin/two filets per fish.
FWO	Filets without skin/two filets per fish.
BFW	One piece filet (butterfly) with skin.
BFWO	One piece filet (butterfly) without skin.
S	(Flounders) frozen steaks/diagonal cut from midsection of fish.
ST	(Flounders) stamped or punched piece from midsection of fish.
HDS	Heads frozen separately from remainder of fish.
R	Roe frozen separately from remainder of fish.
I	Intestinal organs frozen separately from remainder of fish.
CN	Canned meat.
Surimi	Frozen minced fish product (Japan).
Tara Shiniku	Frozen minced fish product (Japan).
Otoshimi	Frozen minced fish product (Japan).
O	Other product (specify) (not including meal and oil).

4. Section 611.50 is amended by adding paragraph (f) to read as follows:

§ 611.50 Northwest Atlantic Ocean Fishery.

(f) *Vessel Reporting.* (1) The notices required by § 611.4 (a)(1) and (a)(5) of this Part must be delivered to the Coast Guard Atlantic Area at least 72 hours prior to beginning or ceasing fishing.

settled.) NOAA finds that the total Federal costs of administering the Magnuson Act are as follows:

	Fiscal year 1981	Subtotals
NMFS:		
Category A:	16,788,800	
Category B:	21,132,800	
Category C:	15,509,500	
(Less observer program)	(1,664,000)	
		\$51,767,100
NOAA		4,210,000
State Department		250,000
Coast Guard		56,673,900
Costs (total)		112,901,000

Basis for determining foreign catch ratio

Commenters addressed the derivation of the ratio used to calculate the portion of total Magnuson Act costs to be paid by foreign vessels. Specifically, commenters questioned the meaning of the phrase "territorial waters of the United States". NOAA agrees that the domestic catch of marine fish in internal waters should be included in the calculations. Domestic catches delivered at sea to foreign processing vessels ("joint ventures") are included in the U.S. catch. Fish caught by Canadian vessels in the Georges Bank "disputed zone" are included in the foreign catch. This is because nondomestic fishermen are harvesting fish in waters the United States considers to be the FCZ. Pacific halibut and Fraser River sockeye and pink salmon are included in the calculations since the Magnuson Act does not differentiate between those species and other fish which are harvested in the FCZ or in territorial waters of the United States.

Calculations for the new ratio of 31.6% are shown in Table 2; the ratio is based on 1980 commercial catch data and 1979 recreational catch data, which are the most recent years for which data are available.

TABLE 2.—ESTIMATE OF RATIO OF FOREIGN CATCH TO TOTAL CATCH, 1980
[Including internal waters]

	Metric tons
Total U.S. reported catch ¹	3,056,228
Exclusions:	
International waters (exc. Tunas)	14,778
Tunas	226,816
Freshwater (inc. Gt. Lakes Alewives)	66,399
Total	(307,993)
Adjusted U.S. commercial catch in territorial waters and fishery conservation zone	2,748,235
Add correction for molluscs ²	589,252
Add recreational catch in 1979 ³	185,068
Total U.S. catch, territorial waters and fishery conservation zone	3,532,555

TABLE 2.—ESTIMATE OF RATIO OF FOREIGN CATCH TO TOTAL CATCH, 1980—Continued
[Including internal waters]

	Metric tons
Add total foreign catch, fishery conservation zone ⁴	1,631,020
Grand total catch, territorial waters and fishery conservation zone	5,163,576
Ratio of foreign to total is 31.6 percent	

¹ This figure and all following figures for U.S. commercial catch are from pages 8-11, "Fisheries of the United States, 1980." Calculated in pounds and converted to metric tons; figures may not add exactly.

² Addition of mollusc shells. U.S. statistics for internal use include only edible portions of molluscs, but international standard is whole animal. Conversion factor varies for each species; they are available upon request.

³ From page 14, "Fisheries of the United States, 1980." Includes catch types A and B1, assumes that Pacific catch is 15 percent of total. Only 1979 figures are available.

⁴ "Fisheries of the United States, 1980"—page 26.

Midyear adjustment of fees. NOAA has decided that the fees will not be revised during 1982 after they are published in a final rulemaking. The proposed fees are NOAA's best estimate of a schedule that meets the requirements of section 204(b)(10) of the Magnuson Act. NOAA is not required to adjust the schedule if the harvest deviates from the predictions. The predictions are shown in the regulatory impact review.

Criteria for fees

Until 1982, five criteria were used in establishing the fee schedule. They were:

1. Fees will not be used as a management tool to restrict foreign fishing. Foreign fishing effort will be controlled by management plans and associated regulations.
2. The fees will not be so high as to prevent nations from utilizing the allocated surplus solely because of the fee level. The fees must be reasonable.
3. Fees will recover an appropriate part of the management costs related to foreign fishing.
4. The same rate must apply to all foreign nations and the rate will not change within a given calendar year.
5. Fees will be simple to compute and collect. Fees shall be paid as provided in the Magnuson Act.

The ANPR proposed new criteria to measure alternative methods of recovering the costs. A few commenters suggested changes, which are incorporated here. The major difference between the old criteria and the proposed criteria is that fees may be designed to recover the target costs. Other differences include a greater emphasis on administration, which includes verification of fees to be paid, and a clearer emphasis on the economics of foreign fisheries.

The revised criteria, in order of priority, are:

- (1) Be consistent with the Magnuson Act, Governing International Fishery Agreements, and other applicable law;
- (2) Achieve recovery of Magnuson Act costs;
- (3) Be easy to administer;
- (4) Be flexible enough to consider the economics of different fisheries;
- (5) Minimize disruption of traditional fishing practices, existing markets and consumer demand.

The overall sum to be collected in 1982 is 31.6% x \$112,901,000 or \$35,676,716. Of this total, NMFS estimates, based on applications received in FY 1981, that the fees collected for permit applications will be \$78,500. Thus, foreign fishing vessel owners must pay \$35.6 million in 1982 fees in addition to permit application fees. The ANPR suggested three options to collect this fee: (1) Continue the present system of using variable fees by species for actual catch; (2) charge an identical tonnage fee for all species allocated; and (3) base the fee on fishing effort. The first option was preferred by commenters to the ANPR, overwhelmingly. This is the option proposed.

Unlike previous years, the proposed poundage fees are not directly related to U.S. exvessel or other prices in 1982. Instead, the 1981 fees (46 FR 2079), which were discussed thoroughly with interested parties before being implemented, are used as a reference level. The 1982 fees are derived by multiplying each 1981 species fee by a factor of 1.66 in order to attain the aggregate fee collection target. (The factor 1.66 is derived by dividing a total fee based on the anticipated 1982 catch at the 1981 species fees into \$35.6 million.) NOAA believes that the proposed fee schedule: (a) Meets criterion #1; (b) satisfies criteria #2 and #5 insofar as it is not expected to disrupt traditional foreign fishing practices; and (c) will meet criterion #3 in larger measure as the result of experience with this system.

Fishing Vessel and Gear Damage Compensation Fund

The Assistant Administrator for Fisheries, NOAA, has determined that \$2,500,000 will be needed during 1982 to capitalize the Fishing Vessel and Gear Compensation Fund established by 22 U.S.C. 1980(f). It is proposed, therefore, to reduce the surcharge on poundage fees from 20 percent to 8 percent. While 7 percent of \$35.7 million would collect \$2,500,000, the rate of 8 percent is proposed in order to allow a buffer of

\$356,000 in the event that U.S. claims exceed predictions.

It is proposed to retain a 20 percent surcharge on the 1982 permit fees. The basic fee will be maintained at \$50 per vessel in 1982; together with the 20% surcharge, the charge for 1982 permits will be \$60. Most nations have already paid this surcharge with the 1982 permit applications. To reduce the surcharge to 8 percent would result in substantial bookkeeping costs to refund or credit the vessel owners or operators. The bookkeeping costs per permit would greatly exceed \$6.00, which is the difference between a surcharge of 8 percent and 20 percent on each application. This excess will be included in the buffer.

Classification

NOAA has prepared a regulatory impact review (RIR) that discusses the economic consequences and impacts of the proposed fee schedule and its alternatives. Copies of the RIR are available at the above address. Based on the RIR, the Administrator, NOAA, has determined that the proposed schedule does not constitute a major rule under E.O. 12291. The regulatory impact review demonstrates that the proposed fee schedule complies with the requirements of section 2 of E.O. 12291. NOAA has complied with the requirements of section 3(c)(3) of E.O. 12291 by transmitting to the Director of the Office of Management and Budget a copy of this proposed non-major rule, at least ten days prior to publication.

The RIR also demonstrates that the principal economic impact of the proposed fee schedule upon domestic small entities generally will affect only a small number of U.S. fishermen (about 25 vessels) engaged in joint venture operations with foreign processing vessels. It is not expected to affect U.S. fishermen who deliver fish to Soviet vessels because Soviet vessels do not receive allocations. Therefore, the NOAA Administrator has certified that the proposed fee schedule will not have a significant economic impact upon a substantial number of small entities for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This certification has been forwarded to the Chief Counsel for Advocacy of the Small Business Administration. Because the proposed fee schedule will not have a significant economic impact upon a substantial number of small entities, a regulatory flexibility analysis is not required.

NOAA Directive 02-10 published at 45 FR 49312 (July 24, 1980) adopts internal procedures to implement the National Environmental Policy Act (NEPA), as

amended, 42 U.S.C. 4321 *et seq.* Under those procedures, programmatic functions with no potential for significant environmental impacts are generally excluded from NEPA requirements.

The proposed fee schedule has no direct impact on the fishery resources in the FCZ. At the most, a fee schedule might affect the harvesting strategy of foreign fishing vessels and result in a different species mix being removed from the environment; for example, under an effort-day fee schedule, temporal changes and pulse fishing could have a significant impact. However, the proposed schedule was selected in part because it meets the criterion that fees should minimize disruption of traditional fishing patterns. Since this fee schedule will not prevent harvesting the total allowable level of foreign fishing (TALFF), and the environmental impact of harvesting the TALFF is described for each fishery management plan, no further environmental assessment is necessary.

This proposed rule has no information collection provisions, for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Dated: November 5, 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

For the reasons set forth in the preamble, 50 CFR Part 611 is proposed to be amended to read as follows:

1. The authority citation is:

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

2. It is proposed to amend 50 CFR 611.22, by revising paragraphs (a)(1)(i) and (a)(2)(i), by removing paragraph (a)(2)(iv), and by revising paragraph (b), to read as follows:

§ 611.22 Fee schedule for foreign fishing permits.

(a) * * *

(1) *Permit fees.* (i) Each vessel permit application submitted under § 611.3 must be accompanied by a fee of \$60.00 per vessel. At the time the application is submitted to the Department of State, the fees must be sent to: Division Chief, Permits and Regulations Division, F/CM7, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. The permit fee payment must be accompanied by a list of the vessels for which payment is made.

(2) *Poundage fees.* (i) If a nation chooses to accept an allocation,

poundage fees must be paid at the rate specified in Table I, plus the surcharge required by paragraph (b) of this section.

TABLE 1.—SPECIES AND POUNDAGE FEE

(Dollars per metric ton)

Species	Poundage fee
1. Butterfish	118
2. Hake, red	15
3. Hake, silver	18
4. Herring, river	17
5. Mackerel, Atlantic	40
6. Other finfish (Atlantic)	80
7. Sharks (Atlantic)	59
8. Squid, <i>Illex</i>	23
9. Squid, <i>Loligo</i>	86
10. Shrimp, royal red	(1)
11. Atka mackerel	13
12. Cod, Pacific	45
13. Flatfish (Alaska)	17
14. Flounders (WOC)	81
15. Jack mackerel	12
16. Pacific ocean perch	73
17. Other groundfish (Alaska)	15
18. Other fish (WOC)	37
19. Pollock, Alaska	23
20. Sablefish (Alaska)	110
21. Sablefish (WOC)	118
22. Rockfish	43
23. Snails	32
24. Squid (Pacific)	17
25. Whiting, Pacific	10
26. Precious coral	(1)
27. Seamount groundfish	23
28. Dolphinfish (mahi mahi) (American Samoa)	86
29. Wahoo (American Samoa)	13
30. Sharks (Pacific) (American Samoa)	7
31. Sharks, Pacific (Hawaii) (Guam, Northern Marianas, U.S. possessions)	13
32. Swordfish (Hawaii)	372
33. Swordfish (American Samoa)	
34. Swordfish (Guam, Northern Marianas, U.S. possessions)	
35. Striped marlin (Hawaii)	430
36. Striped marlin (American Samoa)	58
37. Striped marlin (Guam, Northern Marianas, U.S. possessions)	258
38. Other Pacific billfish (Hawaii)	171
39. Other Pacific billfish (American Samoa)	58
40. Other Pacific billfish (Guam, Northern Marianas, U.S. possessions)	232

¹ Reserved.

(b) The owner or operator of each foreign vessel who accepts and pays poundage fees under paragraph (a)(2) of this section must pay a surcharge equal to 8 percent of the poundage fees. The Assistant Administrator may reduce or waive the surcharge if he determines that the Fishing Vessel and Gear Damage Compensation Fund is capitalized sufficiently.

[FR Doc. 81-32597 Filed 11-10-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 611

Foreign Fishing Regulations: Reports and Recordkeeping

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rulemaking.

OFFICE OF SCIENCE AND TECHNOLOGY

Gen. Docket 80-398	Broadcasting-Satellite Planning Conference; Edward Jacobs, 653-8102.	Yes _____ No X _____	Preparation of U.S. proposals to a 1983 ITU Region 2 Conference to plan the use of 12 GHz broadcasting-satellites in the Western Hemisphere.	Memorandum Opinion & Order was issued February, 1981 establishing an Advisory Committee. Comments and reply comments to 2nd NOI have been reviewed. Third NOI expected during first quarter 1982.
Gen. Docket 80-739	WARC-79 Implementation; Fred Thomas, 653-8171.	Yes _____ No X _____	The requirements of the Final Acts of WARC-79 necessitate an overhaul of § 2.106—Table of Frequency Allocations. The changes proposed make use of a draft table developed within IRAC Ad Hoc 172.	Comments on the 3rd NOI have been received and summarized. Fourth NOI was adopted on October 1, 1981, and released on October 16, 1981.
Gen. Docket 80-741	Space Services Planning Conference (Space WARC); Thomas S. Tycz, 653-8102.	Yes _____ No X _____	Preparations of U.S. proposals to a 1984/1985 (2nd session) ITU WARC on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It.	Memorandum Opinion and Order establishing a Public Advisory Committee has been issued. A second NOI will be complete in fourth quarter CY 1981.

PRIVATE RADIO BUREAU

18921	Multiple License Sharing of Private Land Mobile Radio Facilities on the Frequencies below 800 MHz; John Borkowski, 632-7597.	Yes X _____ No _____	The development of rules and policies to better define and govern the multiple licensing and sharing of private land mobile radio facilities operating below 800 MHz.	Tentative Decision and Further Notice of Proposed Rule Making adopted June 4, 1981.	April 1982
20846	Telephone Interconnection in Land Mobile Radio Services; Lewis Goldman, 632-6497.	Yes _____ No X _____	Proceeding to develop and prescribe specific rules for interconnection of private land mobile radio systems with the public switched telephone network.	A Report and Order is being prepared by the staff.	April 1982
79-140	Additional Personal Radio Service; Joe Johnson, 632-7597.	Yes _____ No X _____	Inquiry into need for new Personal Radio Service at 800 MHz, and technical and operational characteristics of such a possible service.	Staff will be drafting document proposing the termination of the proceeding.	April 1982
79-181	Release, Allocation and Criteria for Use of the 250 Remaining Channels in the 800 MHz band; Eugene Thomson/Lewis Goldman, 632-6497.	Yes X _____ No _____	Proceeding to develop rules to make the 250 reserve channels that remain in the 806-821/851-868 MHz bands available for use by private land mobile radio.	Further NPRM adopted June 16, 1981. Comments due October 30, 1981; reply comments due November 30, 1981.	July 1981

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-32378 Filed 11-10-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: The NOAA proposes a new schedule of fees for fish caught by foreign vessels in the U.S. fishery conservation zone in 1982. The proposed schedule complies with the requirements of the Magnuson Fishery Conservation and Management Act, as amended by the American Fisheries Promotion Act. The purpose of the rule is to have foreign vessels pay for the foreign share of the U.S. costs of administering the Magnuson Act, beginning January 1, 1982.

DATE: Comments must be received on or before December 14, 1981.

ADDRESS: Send comments to: Permits and Regulations Division, F/CM7, National Marine Fisheries Service, 3300

Whitehaven Street, N.W., Washington, D.C. 20235.

Copies of the regulatory impact review are available at this address.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, (202) 634-7432.

SUPPLEMENTARY INFORMATION: The NOAA proposes a new schedule of fees for fish caught in 1982 by foreign vessels in the U.S. fishery conservation zone (FCZ). The new fees will result in collections of approximately \$35.7 million. This amount is determined by the formula set forth in section 204(b)(10) of the Magnuson Act.

An advance notice of proposed rulemaking (ANPR) was published at 46 FR 37533 (July 21, 1981). A public hearing was held in Washington, D.C. on August 5. The purpose of the ANPR and the hearing was to set forth the NOAA interpretation of the Magnuson Act and to obtain information. Twenty-seven comments were received. The following summarizes relevant comments, suggestions, and actions taken after conclusion of the comment period.

Total Cost of Administering the Act

Many commenters questioned the methodology used to calculate the total cost of administering the Magnuson Act.

NOAA has reviewed the methodology and decided that its original interpretation is consistent with the Magnuson Act. Thus, National Marine Fisheries Service (NMFS) grouped all of its expenditures connected to Magnuson Act requirements under one of three categories. A fourth category (D) contained costs unrelated to the Act. Category A is a list of those costs that would not be incurred if the Magnuson Act were repealed, such as costs to support the Regional Fishery Management Councils. Category B includes activities that were performed before the Act under other authorizations, but are now directed towards carrying out the purposes of the Act, such as expanded research, more timely (and costly) assimilation of catch statistics, and development of various computer support programs. Category C is a list of activities which coincidentally provide support to fishery management plan development and implementation. Each NMFS field office reviewed its financial records and made decisions on the portions that belong in each category, including Category D. Thus, NOAA can demonstrate what portion of each line item cost is related to "carrying out the provisions of this

Act." The determination of NMFS's costs in categories A, B and C resulted in a total Magnuson Act cost estimate of \$51,767,100 after deducting reimbursed costs for the observer program. This is

grouped by region and activity in Table 1. A detailed summary of apportionments of costs by activity is available on request.

TABLE 1—FISCAL YEAR 1981 MAGNUSON ACT COSTS (NMFS AND NOAA)
[Dollars in thousands]

	Fishery conservation and management	Fisheries research	Enforcement	Administration	Total
NMFS:					
Alaska Region	1,067.8		882.0	472.0	2,421.8
Northeast Center	8,227.1	3,088.1		451.0	11,766.2
Northeast Region	1,026.7		1,221.0	185.0	2,432.7
Northwest Center	7,544.3			349.1	7,893.4
Northwest Region	922.5		262.0	32.4	1,216.9
Southeast Center	6,553.4		73.0	385.3	7,011.7
Southeast Region	339.7		545.7	48.4	931.8
Southwest Center	3,377.9			210.0	3,587.9
Southwest Region	813.1		608.3	100.7	1,522.1
Washington Office	13,076.5		1,125.7	585.0	14,787.2
Subtotal	42,949.0	3,098.1	4,717.7	2,816.9	53,581.7
Subtractions (costs recovered through other assessments):					
Observer Program	-1,814.6				-1,814.6
Total	41,134.4	3,098.1	4,717.7	2,816.9	51,767.1
NOAA:					
National Ocean Survey—fleet operations					146
National Ocean Survey—ship operations					2,836
Sea Grant					493
Procurement and Personnel					490
Environmental Data Services					245
Total					4,210

Included in the total Federal costs are the costs of other NOAA elements in support of NMFS fisheries management activities:

1. Funds appropriated under the Magnuson Act for management, operation, and maintenance of fisheries research vessels conducting activities within the FCZ: \$2,982,000.
2. Funds appropriated for support of university-conducted programs meeting specific fisheries management needs under the Magnuson Act: \$493,000.
3. Funds appropriated under the Magnuson Act to cover costs of increased personnel, procurement, and data archiving activities necessitated by Magnuson Act activities: \$735,000.

Several commenters focused on the words "this Act" used in the American Fisheries Promotion Act. The NOAA believes that "this Act" in context means the Magnuson Act. As so interpreted, some commenters believe that only the additional, or marginal, costs incurred since the Magnuson Act was implemented should be used in the section 204(b)(10) formula. However, many of the costs now incurred by NOAA in the FCZ were formerly incurred in the 3-200 mile area. Before the Magnuson Act, these costs were authorized under other activities and international or bilateral agreements. For example, foreign vessels fished in what is now the FCZ and received the

benefits of Federal appropriations under the Fish and Wildlife Act without charge. The U.S. Coast Guard enforced fishery provisions of the Bartlett Act (the 12-mile fishing zone), which was superseded by the Magnuson Act. The House report on the American Fisheries Promotion Act indicates that U.S. Coast Guard and the State Department costs are to be included.

Although one commenter objected to including the nationwide Marine Resources Monitoring, Assessment, and Prediction (MARMAP) system in the costs, the Senate Commerce Committee report on reauthorizations for FY 82 pointedly states that "the fishery management effort * * * under authority of the (Magnuson Act) * * * is supported by (MARMAP). The MARMAP program's collection and analysis of * * * information is essential to the Nation's ability to solve many of its fishery problems * * *". Thus, NOAA concludes that appropriations made under the Fish and Wildlife Act for activities such as MARMAP are relevant.

Commenters asked for a breakdown of the U.S. Coast Guard costs. The figures supplied by the U.S. Coast Guard on the cost of the administration of the Magnuson Fishery Conservation and Management Act were based on actual FY 1980 data. Operational input from the Coast Guard's fleet of vessels and

aircraft was combined with financial data using an algorithm called the Program Budget to compute the cost of the fishery program. In FY 1980, \$52,426,000 in direct Coast Guard costs were assigned to the fishery program. The operational costs of vessels and aircraft dominated this figure with costs totaling \$31,560,000 and \$12,934,000, respectively. An additional \$7,952,000 was also allocated to the fishery program for the direct portion of administrative costs.

The Coast Guard allocates the costs of its vessels and aircraft to the fishery program using the Abstract of Operations (a quarterly recap of the time spent by each operational unit performing various Coast Guard missions). Ratios are computed for the allocation of resource hours among the Coast Guard's thirteen operating programs. These ratios are then applied against each unit's total operating cost to compute individual program figures. For example, the Coast Guard Cutter *Chase* spent 588 hours performing fishery patrols in FY 1980. Dividing 588 hours by the total number of resource hours accounted for during the fiscal year (1,721 hours), the resulting fishery program ratio is 0.3300. This factor is then applied against the total operating cost of \$3,242,638.10 to provide a fishery program cost of \$1,070,071.

The individual unit program totals are then combined to project Coast Guard totals. The multi-mission character of the Coast Guard precludes a more precise estimate of program costs. There are no accounting mechanisms which identify specific costs for the numerous programs involved in multimissions. The preliminary calculations for actual FY 1981 costs are:

	Fiscal year 1981 preliminary estimate
Vessels	\$37,909,000
Aircraft	15,535,000
Administration	8,527,000
Total	62,971,000

Coast Guard attributed ten percent of this amount to fisheries enforcement for non-Magnuson Act items, such as marine mammals, the International Pacific Haibut Commission, and tunas (i.e., Coast Guard's equivalent of NMFS Category D costs). This ten percent is not included below.

Cost incurred by the Department of State, \$250,000, complete the computation of FY 1981 Federal costs (FY 1982 costs are not used because final budget and appropriations are not