

prepares to the Secretary of Commerce (Secretary) for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving a fishery management plan or amendment, immediately publish a notice that the fishery management plan or amendment is available for public review and comment. The Secretary will consider the public comments received during the comment period in determining whether to approve the FMP or amendment.

If approved, Amendment 21b would establish the Chinook Salmon Savings Areas (CHSSA). The CHSSA would be closed to fishing with trawl gear upon attainment of an annual incidental catch of 48,000 chinook salmon and remain closed through April 15. These management measures are intended to limit chinook salmon bycatch in the Bering Sea and Aleutian Islands management area trawl fisheries.

Dated: August 25, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-21568 Filed 8-25-95; 3:39 pm]

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50 CFR Part 677

[Docket No. 950815208-5208-01; I.D. 080295B]

RIN 0648-AE78

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands; North Pacific Fisheries Research Plan; Electronic Transmission of Observer Data

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations that would require all catcher/processor or mothership processor vessels that process groundfish and that are subject to observer coverage requirements to have satellite communication equipment and the necessary hardware and software for electronic transmission of observer data. The proposed regulations would also require all shoreside processors that are subject to observer coverage and that process groundfish to have the necessary computer hardware and software to send data electronically via a modem. This equipment is intended for use by

observers. Electronic submission of observer data is necessary to reduce both the time and expense of collecting fishery information by providing real-time data and improving the overall efficiency of fisheries management.

DATES: Comments must be received at the following address by September 29, 1995.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel. Individual copies of the environmental assessment/regulatory impact review (EA/RIR) prepared for this action may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION:

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska and the Bering Sea and Aleutian Islands (BSAI) management area are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act. The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620. Regulations governing the groundfish observer program appear at 50 CFR part 677.

Timely communication between the fishing industry and NMFS is a critical element of successful fisheries management. Industry submits various reports to NMFS through the fisheries management. Observers also submit reports of catch to the NMFS Observer Program. These reports are crucial to effective inseason management of the groundfish quotas and bycatch allowances. At present, most industry and many observer reports are submitted by fax. Faxed reports often must be resubmitted to obtain a readable report. Catch data from these reports must then be verified and entered into an inseason management database. As a result, transmission and processing of faxed reports is costly, time-consuming, and can be inefficient for both NMFS and the industry. Because of the method by which reports are currently submitted and the burden of data entry, information available for management is often not current with the real-time

status of the fishery. Electronic communication of reports would greatly improve management efficiency and reduce the costs associated with report submission and processing. Implementation of requirements for hardware and software that would support electronic transmission of inseason data in a more timely and efficient way would benefit both NMFS and the industry.

At its June 1995 meeting, the Council recommended that NMFS issue regulations that would require all processor vessels that process groundfish to have on board either an INMARSAT Standard A, B, or C unit, as well as the computer hardware and software that would enable observer reports to be sent electronically. Shoreside processors would be required to have certain computer hardware and software for the observers to submit data electronically, using a computer modem. The management measure recommended by the Council is detailed below.

Catch and bycatch data collected by observers are used for inseason management of groundfish total allowable catch amounts and prohibited species catch limits. This information is provided on a weekly or daily basis by the observers. Data received from observers are typically verified and entered into electronic data files. The delays and expense of the current methods used to finalize observer data create a burden on the resources of the NMFS Observer Program Office. Data transmission is also costly to processors (e.g., approximately \$144/week).

Entering of observer data is an expensive and time-consuming process. Delays in processing inseason data detract from the ability of NMFS to keep pace with the real-time activities of the fisheries fleet. This results in less efficient management.

NMFS has had success with the use of electronic data transmission from some vessels at sea that use shipboard-based computers, communications software, and communications satellites. The time required by the Observer Program Office to verify observer data is greatly reduced and the time required to enter data into an inseason database is essentially eliminated. As a result, information is transmitted to inseason managers in a more timely manner. Industry benefits through reduced transmission costs and overall increased efficiency of fisheries management.

Under this proposed regulation each processor vessel that is subject to observer coverage under regulations at § 677.10, and that processes groundfish

would be required to have an INMARSAT Standard A, B, or C satellite communication unit. These units are all capable of performing the necessary data transmission functions; although each one has some unique features that might make it more appropriate on some vessels compared to others. Those operators of vessels with Standard C units must ensure that the unit is capable of transmitting binary files. The computer equipment for at-sea processors includes a personal computer (PC) with a full 486DX or better processing chip, a DOS version 5.0 or greater operating system, 50 megabytes or greater of free hard disk storage, 8 megabytes or greater of RAM, a data entry program and communications package provided by NMFS, Windows 3.1 or a comparable system, and a mouse. With the Standard A and B units, a 14400-baud Hayes-compatible modem is necessary.

Each shoreside processing facility that is subject to observer coverage under regulations at § 677.10, and that processes groundfish, would be required to have the capability to transmit data over telephone lines using a computer modem. These processors would be required to obtain a PC with a full 486DX or better processing chip, with at least a 14400 baud Hayes-compatible modem, and a phone line, DOS 5.0 or greater operating system, 50 megabytes or greater of free hard disk storage, 8 megabytes or greater of RAM, a data entry program and communications package provided by NMFS, Windows 3.1 or comparable system, and a mouse.

Currently 105 out of 190 processor vessels equal to or greater than 60 ft (18.29) length overall (LOA) (i.e., those that are currently subject to observer coverage requirements) have Standard A satellite communication units and an additional 41 processor vessels equal to or greater than 60 ft (18.29) LOA have Standard C units.

As indicated, a large proportion of the fleet currently has this satellite communication equipment and uses it for routine operations. NMFS is not, therefore, imposing management measures, for most vessels, that differ significantly from their current communication systems. Figures are not available for how many vessels and shoreside processing plants currently have the appropriate computer hardware and software. However, the cost of this computer equipment ranges from \$1,000–2,500, which would not result in significant additional costs for those processors that do not have this equipment.

Some hardware and software requirements in this proposed rule have

been upgraded from those set out in regulations implementing Amendment 35 to the BSAI FMP (60 FR 34904, July 5, 1995). The regulations implementing Amendment 35 require similar satellite communications capability on certain mothership processor vessels and computer equipment on certain mothership processor vessels and shoreside processors. These changes are necessary to accommodate improvements in the data-entry software developed by NMFS. Conforming to these changes should not pose undue hardship on the motherships that currently have the equipment specified under Amendment 35.

Equipment that differs from these specifications would not operate the data-entry software that allows electronic data transmission to NMFS. Not all computer hardware and software and satellite systems are compatible, and it would be economically and practically inefficient to set up multiple systems to transmit and collect the same information. These equipment requirements are consistent with the applicable specifications for uniform standards for fishing vessel monitoring systems published by NMFS in the **Federal Register** (March 31, 1994, 59 FR 15180). Fleet-wide installation of electronic communication equipment would benefit the industry through improved inseason management of the fisheries.

This equipment would be used initially by observers to enter and transmit data electronically. However, at a future date, NMFS may also implement electronic reporting requirements for processors for industry reports such as the weekly production reports, check in/out reports, and vessel activity reports. These requirements would be proposed under separate rulemaking, but NMFS intends that the same or similar satellite communication equipment and computer hardware be required for processors under that proposed rule. NMFS is currently developing software appropriate for those processor reports.

Classification

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Although this regulation has the potential to affect greater than 20 percent of the total universe of small entities, it would not result in a reduction in annual gross revenues by

more than 5 percent, annual compliance costs that increased total costs of production by more than 5 percent, or compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. As a result, a regulatory flexibility analysis was not prepared.

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

List of Subjects in 50 CFR Part 677

Fisheries, Reporting and recordkeeping requirements.

Dated: August 24, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 677 is proposed to be amended as follows:

PART 677—NORTH PACIFIC FISHERIES RESEARCH PLAN

1. The authority citation for part 677 continues to read as follows:

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

2. In § 677.10, paragraphs (c)(3)(ii), (c)(3)(iii) and (d)(3)(ii) are revised to read as follows:

§ 677.10 General requirements.

* * * * *

(c) * * *

(3) * * *

(ii) Ensuring that each catcher/processor or mothership processor vessel that is subject to observer coverage under § 677.10 and that processes groundfish is equipped with either an INMARSAT Standard A, B, or C satellite communication unit. The Standard C unit must be capable of transmitting binary files. A 14400-baud Hayes-compatible modem must be supplied with the Standard A and B units. The operator of each catcher/processor or mothership processor vessel shall also make available for use by the observer the following equipment or equipment compatible therewith: A personal computer with a full 486DX or better processing chip, a DOS 5.0 or greater operating system, 50 megabytes or greater of free hard disk storage, 8 megabytes or greater of RAM, a data entry program and communications package provided by NMFS, Windows 3.1 or Windows 3.11, and a mouse.

(iii) Ensuring that the communication equipment that is on catcher/processor or mothership processor vessels as specified at paragraph (c)(3)(ii) of this section, and that is used by observers to

transmit data is fully functional and operational.

* * * * *

(d) * * *

(3) * * *

(ii) Ensuring that each shoreside processing facility that is subject to observer coverage under § 677.10 and that processes groundfish makes available to the observer the following equipment or equipment compatible therewith: A personal computer (PC) with a full 486DX or better processing chip, with at least a 14400-baud Hayes-compatible modem and a phone line, DOS 5.0 or greater operating system, 50 megabytes or greater of free hard disk storage, 8 megabytes or greater of RAM, a data entry program and communications package provided by NMFS, Windows 3.1 or comparable system, and a mouse.

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