

**ADDRESSES:** Copies of the Research Plan and the environmental assessment/regulatory impact review (EA/RIR) prepared for the Research Plan may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510. Copies of the Observer Plan may be obtained from Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori J. Gravel.

**FOR FURTHER INFORMATION CONTACT:** Susan Salveson, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

**Background**

Regulations implementing the Research Plan became effective October 6, 1994 (59 FR 46126, September 6, 1994). The purpose, and description of, the Research Plan are contained in the preamble of the **Federal Register** action publishing the implementing regulations. A correction subsequently was published in the **Federal Register** that delayed specified parts of the regulations until January 1, 1995 (59 FR 51874, October 13, 1994).

A proposed rule was published in the **Federal Register** November 21, 1994 (59 FR 59983) that would revise the regulations implementing the Research Plan to remove regulatory ambiguity and inconsistency identified by NMFS. Comments on the proposed rule were invited through December 3, 1994. No written comments were received during the comment period.

NMFS has determined that the following changes to the regulations implementing the Research Plan are consistent with the intent of the Research Plan, and consequently approves them:

1. The 1995 observer coverage requirements set out at § 677.10(a)(1)(i)(C) are clarified to continue to exempt from observer coverage any vessel that delivers unsorted codends to a processor.

2. The definition of "processor" under the Research Plan is amended to make clear NMFS' interpretation that buying stations are not considered processors for purposes of the Research Plan, and that fishermen who transfer fish to persons outside of the United States are included in the definition.

3. The requirement for a Federal Processor Permit is also revised. Certain persons, although considered processors under the definition of that term, are not required to obtain this permit. Fishermen who sell fish directly to a restaurant or to another individual for use as bait or personal consumption or

fishermen who transfer fish to a person outside the United States are not required to have a processor permit.

4. The Federal Processor Permit Application (Form FPP-1) is revised to reflect changes referenced in items 2. and 3., above; and

5. The definition of "round weight or round-weight equivalent" is revised to reflect the recent amendment of the definition of this term in 50 CFR 672.2 and 675.2 (59 FR 50699, October 5, 1994).

A further description of and justification for these regulatory amendments are explained in the preamble to the proposed rule.

As presented in the preamble to the proposed rule, NMFS also notes that the following sections of the Observer Plan remain effective during the first year of the Research Plan (1995): (1) Standards of observer conduct (attachment number 3); and (2) the description, specifications, and work statement for certified domestic observer contractors, including conflict of interest standards for NMFS-certified observers and contractors and conditions for contractor and observer certification revocation (attachment number 4). Copies of the Observer Plan dated May 1994 are available from NMFS (see **ADDRESSES**).

After the first year of the Research Plan, standards and criteria for conduct, certification, conflict of interest, and revocation of certification of observers and observer contractors will be included as part of the contractual arrangements between NMFS and observer contractors.

**Changes in the Final Rule From the Proposed Rule**

NMFS has implemented one change in the final rule from the proposed rule to address more effectively the need for revision of the definition of "processor." The proposed rule clarified that tender vessels are not processors for purposes of the Research Plan, because these vessels are used to simply receive unprocessed groundfish from a vessel for delivery to a shoreside processor or mothership and do not process that fish. However, NMFS is aware of operations other than tender vessels that provide this delivery service and, therefore, also should be excluded from the definition of "processor" for purposes of the Research Plan. As a result, the term "tender vessel" is replaced with the term "buying station" at § 677.2 in order to exclude these other operations from the definition of "processor."

**Classification**

This final rule includes minor revisions to the instructions accompanying the collection of information approved by the Office of Management and Budget (OMB), OMB control number 0648-0206 (Processor Permit Application). No new information is being collected. The number of persons required to comply with the collection-of-information requirements is reduced.

The North Pacific Fishery Management Council, NMFS, and the Alaska Department of Fish and Game prepared a final Regulatory Flexibility Analysis as part of the RIR prepared for the Research Plan. A copy of this analysis is available from the Council (see **ADDRESSES**).

NMFS finds that this final action should be implemented as soon as possible so that clear instructions may be sent out to the industry that reflect what will be in place for the 1995 fee collection program authorized under the Research Plan. Delay in implementing the revisions would create unnecessary confusion within the fishing industry concerning implementation of the Research Plan during 1995. Because this is a substantive rule that relieves a restriction on catcher vessel owners to apply for a Federal Processor Permit, the 30-day delayed effectiveness provision of the Administrative Procedure Act, 5 U.S.C. 53(d), does not apply.

This final 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: December 30, 1994.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 677 is 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 § 677.2, the definitions of "processor" and paragraph (1) of "round-weight or round-weight equivalent" are revised and the definition of "buying station" is added, in alphabetical order, to read as follows:

**§ 677.2 Definitions.**

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