

**ADDRESSES**), and to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

In general, these actions would improve the efficiency of data collection required under existing IFQ regulations and stem from a joint collaboration of the NOAA Office of Law Enforcement (OLE), Alaska Region, and members of the affected industry. Together, they agreed to changes to the R&R requirements for the IFQ program. These changes were further reviewed by the United States Coast Guard, the Council, and the International Pacific Halibut Commission. An IFQ Implementation Team has recommended adoption of these measures to the Council.

These actions would result in removing the IFQ Shipment Report and IFQ Vessel Clearance. As a consequence of their removal, other forms such as the IFQ Landing Report, IFQ Prior Notice of Landing, IFQ Departure Report, the Product Transfer Report and Vessel Activity Report are proposed to be changed. Definitions for "authorized officer", "clearing officer" and "IFQ landing" would be revised. Overall, these changes will result in improved economic efficiency for the affected fisheries by allowing the vessel operators additional time to find competitive prices at the processors. Furthermore, the action would relieve burdens on small entities, as concluded in the Regulatory Impact Review (RIR), by simplifying, combining and clarifying reporting forms and requirements.

NMFS determined that this proposed rule warrants a Categorical Exclusion from National Environmental Policy Act (NEPA) requirements for an EA. The changes proposed in this action are consistent with the intent and purpose of the Halibut Act with respect to halibut, the Magnuson-Stevens Act with respect to sablefish, and the groundfish FMPs.

These proposed actions—FMP amendments and amendment to regulations promulgated under the Groundfish FMP and Halibut Act—have been evaluated to determine the appropriateness of a Categorical Exclusion for preparation of a NEPA analysis. According to agency NEPA

guidance found at NAO 216–6, Section 5.05b, to qualify for a categorical exclusion from NEPA analysis, this agency needs to determine if (1) a prior NEPA analysis for the same action demonstrated that the action will not have significant impacts on the quality of the human environment; or (2) the proposed action is likely to result in significant impacts as defined in 40 CFR 1508.27. Further, according to section 6.02 of NAO 216–6, an action is disqualified from Categorical Exclusions for several reasons, including: (1) The action may be reasonably expected to jeopardize the sustainability of any target or non-target species that may be affected by the action; (2) the action may reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitats defined under the MSA and identified in the FMPs; (3) the action may be reasonably expected to have a substantial adverse impact on public health or safety; (4) the action may be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species; (5) the action may be reasonably expected to result in cumulative effects that could have a substantial effect on the target species or non-target species; (6) the action may be expected to have a substantial impact on biodiversity and ecosystem function within the affected area; (7) if significant social or economic impacts are interrelated with significant natural or physical environmental effects than an Environmental Impact Statement (EIS) should discuss all the effects on the human environment; and (8) the degree to which the effects on the quality of the human environment are likely to be highly controversial.

For the following reasons, and in consideration of guidance under NAO 216–6, the prior NEPA analyses—the SEIS for Groundfish of the GOA and the SEIS for the Halibut IFQ program—provide sufficient analysis of the direct, indirect and cumulative impacts of the recordkeeping and reporting component to the IFQ fisheries affected here.

Further, none of the considerations under section 6.02 exist here given: (1) The nature of the action and its goals, that is that the action is a refinement of recordkeeping and reporting and seeks to reduce the time required for complying with such; and (2) that the action will reduce the window of time required for vessels to alert the agency that they will be offloading catch at processors.

As determined in the accompanying RIR and IRFA analyses, conservation and management goals will be

unaffected by the actions. The actions will not affect public health and safety and are not controversial. Because the actions do not alter fishing but rather landings and reporting, the actions will not affect the target or non-target species that are caught pursuant to the IFQ programs affected here. The actions do not establish any precedent or decision in principle about future proposals or result in cumulatively significant impacts nor have any adverse impacts on endangered or threatened species or their habitats.

In conclusion, these actions would improve the efficiency of data collection required under existing IFQ regulations and would implement those recommendations received from industry, enforcement and management. Based on the foregoing conclusions, these revisions to recordkeeping and reporting for the IFQ fisheries would not substantively alter environmental impacts already analyzed within existing environmental documents.

NMFS prepared an initial regulatory flexibility analysis that describes the impact this proposed rule, if adopted, would have on small entities.

The legislative authority for these actions is the Magnuson-Stevens Fishery Conservation and Management Act, Public Law (Pub. L.) 94–265, 16 U.S.C. 1801 (Magnuson-Stevens Act), and the Northern Pacific Halibut Act of 1982 (NPHA) Public Law 97–176, 16 U.S.C. 773 c (c).

#### Action 1

Under current regulations, operators of vessels making halibut or sablefish IFQ landings must notify the NOAA Fisheries Office for Law Enforcement six hours before the landing and must include the name of the Registered Buyer to whom they are delivering the IFQ fish. These regulations have been found to put IFQ fishermen at a disadvantage in their negotiations with Registered Buyers, to make it more difficult for Registered Buyers to market fresh product, and to reduce the ability of IFQ fishermen to respond to changing business conditions. The preferred alternative for this action would address these problems by reducing the notification time from six hours to three, and by eliminating the requirement that persons landing IFQ fish include the name of the Registered Buyer in the notification. Persons landing IFQ fish only would have to include the location of the landing in the notification.

The maximum number of directly regulated small entities would be approximately 3,485 holders of halibut QS, and 872 holders of sablefish QS. In addition, all six of the CDQ groups hold