

Buyer to whom they plan to deliver their fish.

This rule changes the time limit for the PNOL from 6 hours to 3 hours before landing. This action relieves restrictions on vessel operators by providing them additional time to seek markets prior to reporting the time and location of a landing. This rule also changes the requirement from naming a specific Registered Buyer to naming the place of landing. Requiring vessel operators to report a "location of landing" rather than a "Registered Buyer" provides shoreside data-collection and OLE personnel with the location of the landing while not requiring a vessel to deliver to a specific processor. This provides vessels additional flexibility to market their product.

#### IFQ Departure Report

The departure report was created as a prerequisite notice to a vessel clearance. If a vessel operator intended to obtain a vessel clearance at Bellingham, Washington, he or she would first submit an IFQ departure report to an OLE clearing officer by toll-free telephone. The IFQ departure report was submitted only after completion of all IFQ fishing and prior to departing the waters of the EEZ adjacent to the jurisdictional waters of the State of Alaska, the territorial sea of the State of Alaska, or the internal waters of the State of Alaska. This action removes the vessel clearance, and thus changes the function of the departure report. Instead of being a prerequisite to a vessel clearance, the departure report now will be the complete report submitted to OLE

by a vessel leaving the jurisdiction of the Council.

#### U.S. Vessel Activity Report (VAR)

A fisher is required to submit a VAR if his or her vessel is carrying fish or fish product onboard before the vessel crosses out of the jurisdiction of the Council. Some changes are made to the regulatory text for this form to incorporate "CDQ halibut" and to compensate for the removal of the vessel clearance.

#### Response to Comments

A Notice of Availability of Amendment 72/64 was published in the **Federal Register** on October 29, 2002 (67 FR 65941), inviting comments on the FMP amendment through December 27, 2002. NMFS received no comments. On January 24, 2003, the Secretary of Commerce approved Amendment 72/64 in its entirety.

NMFS published a proposed rule in the **Federal Register** on January 24, 2003 (68 FR 3485), which described the proposed regulatory amendment and invited comments from the public. No public comments were received on the proposed rule.

#### Changes from the Proposed Rule

Some technical, non-substantive changes are made in the final rule that were not presented in the proposed rule. These changes are the result of further review, intended to improve the rule for final publication. Fishery participants have requested guidance from NMFS on where to find separate R&R procedures for groundfish, IFQ and CDQ programs, as these programs become more integrated and thus more complicated.

Overviews are provided of the three programs to assist the reader to find detailed information on specific programs. Clarification is provided on where to find information that already exists in different parts of the regulations.

The changes from the proposed rule are organized in three categories. Each of the three categories affects many paragraphs. The affected paragraphs are arranged below in order of appearance in the 50 CFR part 679 regulatory text.

#### CDQ Halibut

The IFQ and CDQ permits and cards are issued separately, under the IFQ Program and the CDQ Program. However, the IFQ halibut, CDQ halibut, and IFQ sablefish fisheries are managed and monitored by the IFQ Program. The Registered Buyer permit authorizes receipt of CDQ halibut in the same manner as receipt of IFQ halibut or IFQ sablefish. Some of the revisions clarify the administrative procedures that currently exist for halibut accounting in the IFQ Program and in the CDQ Program but which do not appear in regulatory text. Wherever CDQ halibut formerly was "understood" to be included in the phrase IFQ halibut, the regulatory text is revised to specifically state "CDQ halibut." In addition, a distinction is made between "halibut CDQ," which is a type of fish allocation and "CDQ halibut," which is a type of fish. CDQ halibut is treated the same administratively as IFQ halibut, and has been since the beginning of the CDQ halibut program. The following table 1 shows how CDQ halibut changes are incorporated into the regulatory text.

TABLE 1.—CHANGES TO REGULATORY TEXT DUE TO THE ADDITION OF "CDQ HALIBUT"

Paragraph	From	To
Revise § 679.2, definition for "dockside sale".	Transfer of IFQ transfer of IFQ sablefish .....	Transfer of IFQ halibut, CDQ halibut or IFQ sablefish.
Revise § 679.2, definition of "Transfer" ...	(1) <i>Groundfish fisheries of the GOA and BSAI</i> * * * of any groundfish product * * *. (2) <i>IFQ halibut, CDQ halibut, IFQ sablefish.</i> Any loading, offloading, shipment or receipt of any IFQ halibut, CDQ halibut, or IFQ sablefish product,	(1) <i>Groundfish fisheries of the GOA and BSAI</i> * * * of any IFQ groundfish product * * *. (2) <i>IFQ halibut and CDQ halibut fisheries.</i> Any loading, offloading, or shipment of any IFQ halibut or CDQ halibut product,
In the proposed rule, the wording of this definition was changed to read "Any loading, offloading, shipment or receipt of any IFQ halibut, CDQ halibut, or IFQ sablefish product * * *" This is incorrect because receipt of IFQ halibut or CDQ halibut is not considered a transfer, so the text is corrected in this rule to read "Any loading, offloading, or shipment of any IFQ halibut or CDQ halibut product * * *" The two subparagraphs of the definition of "transfer" are changed such that paragraph (1) refers to IFQ sablefish and any other groundfish, while paragraph (2) refers to IFQ halibut and CDQ halibut.		
Revise § 679.4(d)(3)(i) .....	To receive and make an IFQ landing by an IFQ permit or card holder.	To receive and make an IFQ landing by an IFQ permit or card holder or to receive and make a CDQ halibut landing by a CDQ permit or cardholder.