

resulting BSAI Pacific cod fixed gear split would translate to slightly different allocations among the fixed gear sectors, depending on which option was chosen. All vessel groups include small entities, and therefore, any difference between the allocation under Alternative 2 and the allocations under any of the options for Alternative 3 would adversely affect some groups with small entities and would have positive effects on other small entities. Thus, none of the Alternative 3 options has less of an adverse impact on small entities than Alternative 2. The option under Alternative 3 to eliminate or decrease the allocation to hook-and-line and pot catcher vessels under 60 feet would adversely impact a group of operations that are relatively small compared to those in other affected sectors.

NMFS adopted a suboption under Alternative 2, its preferred alternative, to reapportion the jig gear allocation (2 percent of the overall BSAI Pacific cod TAC) by four-month period, and reallocate unused jig quota to small catcher vessels. This option may have an adverse impact on the vessels in the hook-and-line catcher-processor and pot sectors which had formerly received 95 percent and 5 percent, respectively, of any jig rollovers. NMFS adopted this provision to benefit a group of small entities that were similar in socioeconomic profile to the jig fleet for which the quota was originally intended, and to benefit small coastal communities. The suboption chosen was added at the Council meeting and was a compromise. The last four-month period reallocation is unlikely to be used by catcher vessels less than 60 ft (18.3 m) LOA, and is likely to be reallocated to the hook-and-line catcher-processors which previously received any unused jig gear allocations.

Alternative 4, which was part of the preferred alternative along with Alternative 2, splits the BSAI Pacific cod pot allocation between the pot catcher vessel sector and the pot catcher-processor sector on the basis of relative harvests in the years 1998–2001. NMFS chose Alternative 4, Option 3. Three other options would have allocated Pacific cod among the two pot gear sectors in different ways. Each of these other options would have had an adverse impact on one or the other of the two groups.

Further analysis of the impacts of the alternatives on small entities is contained in the FRFA.

#### Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group

of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as “small entity compliance guides.” The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. This final rule serves as the small entity compliance guide. This action does not require any additional compliance from small entities. Copies of this final rule are available from NMFS (see **ADDRESSES**) and at the following website: <http://www.fakr.noaa.gov/>

#### List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

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■ For reasons set out in the preamble, 50 CFR part 679 is amended as follows:

#### PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

**Authority:** Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; Title II of Division C, Pub. L. 105–277; Sec. 3027, Pub. L. 106–31, 113 Stat. 57; 16 U.S.C. 1540(f).

■ 2. In § 679.20, paragraphs (a)(7)(i)(C), (a)(7)(ii)(B), (a)(7)(ii)(C), and (a)(7)(iii)(A) are revised to read as follows:

#### § 679.20 General limitations.

\* \* \* \* \*

(a) \* \* \*

(7) \* \* \*

(i) \* \* \*

(C) *Allocations among vessels using hook-and-line or pot gear.* (1) The Regional Administrator annually will estimate the amount of Pacific cod taken as incidental catch in directed fisheries for groundfish other than Pacific cod by vessels using hook-and-line or pot gear and deduct that amount from the portion of Pacific cod TAC annually allocated to hook-and-line or pot gear under paragraph (a)(7)(i)(A) of this section. The remainder will be further allocated as directed fishing allowances as follows:

(i) 80.0 percent to catcher/processor vessels using hook-and-line gear;

(ii) 0.3 percent to catcher vessels using hook-and-line gear;

(iii) 3.3 percent to catcher/processor vessels using pot gear;

(iv) 15.0 percent to catcher vessels using pot gear; and

(v) 1.4 percent to catcher vessels less than 60 ft (18.3 m) LOA that use either hook-and-line or pot gear.

(2) Harvest of Pacific cod by catcher vessels less than 60 ft (18.3 m) LOA using pot gear:

(i) Will accrue against the 15 percent specified in paragraph (a)(7)(i)(C)(1)(iv) of this section when the directed fishery for Pacific cod by catcher vessels equal to or greater than 60 ft (18.3 m) LOA using pot gear is open.

(ii) Will accrue against the 1.4 percent specified in paragraph (a)(7)(i)(C)(1)(v) of this section when the directed fishery for Pacific cod by catcher vessels equal to or greater than 60 ft (18.3 m) LOA using pot gear is closed.

\* \* \* \* \*

(ii) \* \* \*

(B) *Reallocation among vessels using hook-and-line or pot gear.* If, during a fishing year, the Regional Administrator determines that catcher vessels using hook-and-line gear or vessels less than 60 ft (18.3 m) LOA using hook-and-line or pot gear will not be able to harvest the directed fishing allowance of Pacific cod allocated to those vessels under paragraphs (a)(7)(i)(C)(1)(ii), (a)(7)(i)(C)(1)(iv), or (a)(7)(ii)(C)(1) of this section, NMFS may reallocate the projected unused amount of Pacific cod as a directed fishing allowance to catcher/processor vessels using hook-and-line gear through notification in the **Federal Register**.

(C) *Reallocation among vessels using trawl or non-trawl gear.* If, during a fishing year, the Regional Administrator determines that vessels using trawl gear, hook-and-line gear, pot gear or jig gear will not be able to harvest the entire amount of Pacific cod in the BSAI allocated to those vessels under paragraphs (a)(7)(i)(A), (a)(7)(i)(B) or (a)(7)(i)(C) of this section, NMFS will reallocate the projected unused amount of Pacific cod to vessels harvesting Pacific cod using the other gear type(s) through notification in the **Federal Register**, subject to the provisions below:

(1) *Reallocation of TAC specified for jig gear.* The Regional Administrator will reallocate any projected unused portion of a seasonal allowance of Pacific cod for vessels using jig gear under paragraphs (a)(7)(i)(A) and (a)(7)(iii)(A) of this section to catcher vessels less than 60 ft (18.3 m) LOA using hook-and-line or pot gear.

(2) *Reallocation of TAC specified for trawl gear.* The Regional Administrator will reallocate any projected unharvested amounts of Pacific cod