consular officer or a designated nationality examiner. A designated nationality examiner may accept and approve/disapprove applications for registration and accept and approve/disapprove applications for passports and issue passports. Under the supervision of a consular officer, designated nationality examiners shall accept, adjudicate, disapprove and provisionally approve applications for the Consular Report of Birth Abroad. A Consular Report of Birth Abroad may only be issued by a consular officer, who will review a designated nationality examiner's provisional approval of an application for such report and issue the report if satisfied that the claim to nationality has been established.

4. Section 50.3 is amended by revising paragraph (b) to read as follows:

§ 50.3 Application for registration.

* * * * *

(b) The applicant shall execute the registration form prescribed by the Department and shall submit the supporting evidence required by subpart C of part 51 of this chapter. A diplomatic or consular officer or a designated nationality examiner shall determine the period of time for which the registration will be valid.

5. Section 50.5 is amended by revising the introductory text to read as follows:

§ 50.5 Application for Consular Report of Birth Abroad of a Citizen of the United States of America.

Upon application by the parent(s) or the child's legal guardian, a consular officer or designated nationality examiner may accept and adjudicate the application for a Consular Report of Birth Abroad of a Citizen of the United States of America for a child born in their consular district. In specific instances, the Department may authorize consular officers and other designated employees to adjudicate the application for a Consular Report of Birth Abroad of a child born outside his/her consular district. Under the supervision of a consular officer, designated nationality examiners shall accept, adjudicate, disapprove and provisionally approve applications for the Consular Report of Birth Abroad. The applicant shall be required to submit proof of the child's birth, identity and citizenship meeting the evidence requirements of subpart C of part 51 of this subchapter and shall include:

* * * * *

6. Section 50.7 is revised to read as follows:

§ 50.7 Consular Report of Birth Abroad of a Citizen of the United States of America.

(a) Upon application and the submission of satisfactory proof of birth, identity and nationality, and at the time of the reporting of the birth, the consular officer may issue to the parent or legal guardian, when approved and upon payment of a prescribed fee, a Consular Report of Birth Abroad of a Citizen of the United States of America.

(b) Amended and replacement Consular Reports of Birth Abroad of a Citizen of the United States of America may be issued by the Department of State's Passport Office upon written request and payment of the required fee.

(c) When it reports a birth under § 50.6, the Department shall furnish the Consular Report of Birth Abroad of a Citizen of the United States of America to the parent or legal guardian upon application and payment of required fees.

7. Section 50.8 is revised to read as follows:

§ 50.8 Certification of Report of Birth Abroad of a United States Citizen.

At any time subsequent to the issuance of a Consular Report of Birth Abroad of a Citizen of the United States of America, when requested and upon payment of the required fee, the Department of State's Passport Office may issue to the citizen, the citizen's parent or legal guardian a certificate entitled ''Certification of Report of Birth Abroad of a United States Citizen.''

8. Section 50.9 is revised to read as follows:

§ 50.9 Card of identity.

When authorized by the Department, consular offices or designated nationality examiners may issue a card of identity for travel to the United States to nationals of the United States being deported from a foreign country, to nationals/citizens of the United States involved in a common disaster abroad, or to a returning national of the United States to whom passport services have been denied or withdrawn under the provisions of this part or parts 51 or 53 of this subchapter.

9. The authority citation for part 51 continues to read as follows:

Authority: 22 U.S.C. 211a, as amended, 22 U.S.C. 2658, 3926, sec. 122(d)(3), Pub. L. 98–164, 97 Stat. 1017; 31 U.S.C. 9701, E.O. 11295, 36 FR 10603; 3 CFR, 1966–70 Comp., p. 570; Pub. L. 100–690, sec. 129, Pub. L. 102–138, 105 Stat. 661; sec. 503, Pub. L. 102–140, 105 Stat. 820; Title V, Pub. L. 103–317, 108 Stat. 1724, unless otherwise noted.

10. Section 51.1 is amended by adding paragraph (h) to read as follows:

§ 51.1 Definitions.

* * * * *

(h) *Designated nationality examiner* means a person designated under § 50.1(g) of this subchapter.

11. Section 51.21 is amended by revising paragraph (b)(6) as follows:

§ 51.21 Execution of passport application.

* * * * *

(b) * * *

(6) A diplomatic officer, a consular officer, an overseas nationality examiner, a consular agent or a notarial officer abroad; or

* * * * *

Dated: July 25, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 96–21468 Filed 8–21–96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960612171–6227–02; I.D. 060496A]

RIN 0648–AI57

Fisheries of the Exclusive Economic Zone off Alaska; Allowing Quota Shares and Individual Fishing Quota To Be Used on Smaller Vessels

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Amendment 42 to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska and Amendment 42 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, and a regulatory amendment to the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off Alaska. These FMP and regulatory amendments will allow quota shares (QS) and their associated IFQ assigned to vessels in larger size categories to be used on smaller vessels. This action is necessary to increase the flexibility of QS use and transfer while maintaining the management goals of the IFQ Program. It is intended to relieve certain restrictions in the IFQ Program.

EFFECTIVE DATE: August 16, 1996.

ADDRESSES: Copies of the final rule and the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) for this action may be obtained from Fisheries Management Division, ATTN: Lori Gravel, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: James Hale, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

The Bering Sea and Aleutian Islands and Gulf of Alaska groundfish FMPs and their implementing regulations govern the sablefish fisheries in Federal waters off Alaska. The FMPs were developed by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Northern Pacific Halibut Act of 1982 (Halibut Act) authorizes the Council to develop, and NMFS to implement, regulations to allocate halibut fishing privileges among U.S. fishermen.

Under these authorities, the Council developed the IFQ Program, a limited access system to manage the fixed gear Pacific halibut and sablefish fisheries. NMFS approved the IFQ Program in November 1993 and fully implemented it beginning in March 1995. The Magnuson Act and the Halibut Act authorize amendments to the IFQ Program as necessary to conserve and manage these fisheries. These amendments allow QS and IFQ assigned to vessels in larger size categories to be used on smaller vessels. A description of these amendments follows.

The IFQ Program assigns QS and IFQ to vessel categories specified by length overall (LOA) and authorization to process IFQ species or not as follows: Category A—which authorizes an IFQ cardholder to catch and process IFQ species on a vessel of any length; Category B—which authorizes an IFQ cardholder to catch IFQ species on a vessel greater than 60 ft (18.3 m) LOA; Category C—which authorizes an IFQ cardholder to catch sablefish on a vessel less than or equal to 60 ft (18.3 m) LOA, and catch halibut on a vessel less than or equal to 60 ft (18.3 m) but greater than 35 ft (10.7 m) LOA; or Category D—which authorizes an IFQ cardholder to catch halibut on a vessel less than or equal to 35 ft (10.7 m) LOA. Current regulations at § 679.42(a) require that IFQ be fished only on vessels in the category to which the pertinent QS have been assigned.

An exception to this rule allows Category B, C, or D IFQ to be fished on a Category A vessel provided its LOA is consistent with the vessel category of the IFQ being fished and it neither processes any species of fish nor concurrently fishes Category A IFQ with the use of Category B, C, or D IFQ (§ 679.42(i)(2)(i)). The Council prohibited QS transfer across vessel categories to preserve the social and cultural character of the small boat fisheries prior to limited access.

During the first year of fishing under the IFQ Program in 1995, IFQ fishermen and their representatives reported to the Council that the prohibition against using or transferring QS across vessel categories limited their ability to improve the profitability of their operations. Many fishermen reported that they had received QS that represented far fewer pounds than their recent catch history prior to the IFQ Program. Small boat fishermen reported the scarcity of medium- and large-size QS blocks greater than or equal to 5,000 lb (2.3 mt) available to smaller vessels and requested that the Council enable them to purchase shares from QS holders in larger vessel size categories. Also, Category B vessel operators reported difficulties in using or marketing small Category B blocks and requested the opportunity either to downsize operations or to sell smaller QS blocks to owners of smaller vessels.

These amendments address the above concerns by allowing QS initially assigned to a larger vessel category to be used on smaller vessels, while continuing to prohibit the use of QS or its associated IFQ assigned to smaller vessel categories on larger vessels. QS will continue to be assigned to vessel categories by existing criteria at § 679.40(a)(5) (i) through (vi) and will retain original vessel category assignments. However, halibut and sablefish QS and their associated IFQ assigned to vessel Category B can be used on vessels of any size; halibut QS assigned to vessel Category C likewise can be used on vessels of categories C and D. The regulations continue to prohibit the use of QS and IFQ on vessels larger than the maximum LOA of the category to which the QS was originally assigned.

This rule does not apply to halibut in IFQ regulatory areas 2C or to sablefish east of 140° W. long. Halibut QS assigned to vessel Category B in IFQ regulatory areas 2C and sablefish QS east of 140° W. long. are prohibited from use on vessels less than or equal to 60 ft (18.3 m) LOA except in QS blocks equivalent to less than 5,000 lb (2.3 mt) based on the 1996 Total Allowable Catch (TAC).

For example, an individual who holds two blocks of QS assigned to vessel Category B in regulatory area 2C (for halibut) or east of 140° W. long. (for sablefish)—one block equivalent to 13,000 lb (5.9 mt) and the other equivalent to 3000 lb (1.4 mt) (according to the 1996 TAC)—would be able to transfer the smaller QS block or use its resulting IFQ on catcher vessels of any size, because the block is equivalent to less than 5,000 lb (2.3 mt). The larger QS block, which would result in IFQ of more than 5,000 lb (2.3 mt), would still be prohibited from use on any vessel other than one in vessel Category B. Unblocked QS of any amount assigned to vessel Category B in areas 2C and east of 140° W. long. would continue to be restricted to transfer or use on vessels in Category B only.

Further information on the amendments may be found in the preamble to the proposed rule (61 FR 32767, June 25, 1996). Written comments on the proposed rule and associated amendments were invited through August 5, 1996, and August 6, 1996, respectively.

Changes From the Proposed Rule to the Final Rule

No substantive changes have been made in the final rule from the proposed rule. Between publication of the proposed and final rules for this action, the regulations governing fisheries in the Exclusive Economic Zone off Alaska have been consolidated into one new CFR part (50 CFR part 679) as part of the President's Regulatory Reform Initiative (see 61 FR 31228, June 19, 1996). This final rule renumbers and otherwise adjusts the changes contained herein to be consistent with the new disposition of regulations in 50 CFR part 679.

Comments on the Proposed Rule

Sixteen letters of comment were received by NMFS regarding Amendments 42/42. Fourteen letters provided comments in support of the amendments. Of these, nine opposed the exception for halibut in regulatory areas 2C and for sablefish east of 140° W. long. Seven letters requested that NMFS expedite the regulatory review process, promoting the opportunity for fishermen with larger QS to take advantage of this action during the summer weather. One letter provided no comment. One letter indicated that these amendments would increase costs for consumers as a result of smaller, rather than larger, vessels delivering QS. These comments, which are summarized and responded to below,

were considered in the formulation of this final rule.

Comment 1: The amendments should improve the profitability of operations for fishermen in the IFQ Program.

Response: NMFS concurs in this comment. These amendments will provide small boat owners opportunity to acquire QS initially assigned to holders with larger vessels, and the amendments will make smaller Category B blocks more marketable.

Comment 2: The exception for the regulatory areas 2C for halibut and east of 140° W. long. is unnecessary.

Response: The exception is necessary. The imbalance in distribution of QS across vessel categories in these regulatory areas, with a predominant amount of shares assigned for use on smaller vessels, requires the exception to prevent excessive consolidation of QS among owners of smaller vessels. This action nevertheless provides some additional flexibility by allowing QS blocks equivalent to less than 5,000 lb (2.3 mt) to be used on smaller vessels.

Comment 3: These amendments will increase costs for consumers, because more small vessels will deliver IFQ catch. The concept of scale economies, in which a processing plant can spread its fixed costs over more quantity permitting it to sell at better prices, is lost. These amendments, therefore, will not be in the best interest of the local economy, the region, or the nation.

Response: Although the commenter may be theoretically correct with respect to any one processor, NMFS does not have information to compare price information with fixed costs in the aggregate for all processors. On balance, these amendments will benefit the Nation. National Standard 1 of the Magnuson Act requires measures, in part, to achieve the optimum yield (OY) from each fishery for the U.S. fishing industry. The determination of OY is a decisional mechanism for balancing the various interests that comprise the national welfare. Among these interests are social factors, including those relevant to small boat fisheries on which local Alaskan communities often depend. NMFS finds that these amendments promote these social factors, resulting in a positive benefit to the Nation.

Comment 4: The majority of letters implored NMFS to expedite the implementation of the amendments.

Response: NMFS notes the comment.

Classification

The Director, Alaska Region, NMFS, determined that Amendment 42 to the Fishery Management Plan for Groundfish of the Gulf of Alaska and Amendment 42 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area are necessary for the conservation and management of the groundfish and halibut fisheries off Alaska and that they are consistent with the Magnuson Act and other applicable laws.

The Assistant Administrator for Fisheries, NOAA finds that this final rule relieves a restriction, because fishermen with vessels in smaller size categories will be able to harvest, in 1996, QS and its associated IFQ assigned to larger vessels prior to the advent of poorer weather, thereby harvesting more of the available quota during safer fishing conditions. A delayed effectiveness under 5 U.S.C. section 553(d)(1), therefore, is not required.

The Council prepared an Initial Regulatory Flexibility Analysis (IRFA) as part of the Regulatory Impact Review (RIR); NMFS prepared an FRFA. These documents provide a statement of the need for and objectives of this rule as stated in the preamble. A maximum of 8,614 small entities, including 6,640 halibut quota share holders and 1,974 sablefish quota share holders, may be affected by this rule. This rule does not include any reporting or recordkeeping requirements. It is designed to relieve certain restrictions in the IFQ program and open new opportunities for owners of smaller vessels to improve the profitability of their operations by increasing the quota share holdings available for trade by 309 percent and the IFQ pounds available for trade by 2,547 percent. The rule is expected to have a positive economic impact on small entities consistent with the objectives of the ITQ program. Alternative 1 (the status quo) was rejected in favor of Alternative 3 (the preferred alternative) because Alternative 3 increases the flexibility of the IFQ program and provides additional economic opportunities to small entities. Alternative 2 (the alternative that would not include the exception for IFQ halibut in regulatory area 2C and for IFQ sablefish east of 140° W. long.) was rejected in favor of Alternative 3 because the preferred alternative would avoid excessive concentration of quota share among owners of smaller vessels, consistent with the objectives of the ITQ program; nonetheless, Alternative 3 does provide some additional flexibility by allowing quota share blocks of certain amounts to be used on smaller vessels. Comments were received on the proposed rule, but none discussed the IRFA or RIR specifically; those comments and responses to them are summarized in the preamble. A copy of the FRFA is available from NMFS (see **ADDRESSES**).

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

List of Subjects in 50 CFR Part 679

Fisheries, Recordkeeping and Reporting.

Dated: August 16, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set forth 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 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. In § 679.40, paragraph (a)(5)(ii) is revised to read as follows:

§ 679.40 Sablefish and halibut QS.

* * * * *

(a) * * *

(5) * * *

(ii) *Vessel categories.* QS and its associated IFQ assigned to vessel categories include:

(A) Category A QS and associated IFQ, which authorizes an IFQ cardholder to harvest and process IFQ species on a vessel of any length;

(B) Category B QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ species on a vessel of any length;

(C) Category C QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ species on a vessel less than or equal to 60 ft (18.3 m) LOA:

(D) Category D QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ halibut on a vessel less than or equal to 35 ft (10.7 m) LOA;

* * * * *

3. In § 679.42, paragraph (a) is revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

(a) *IFQ regulatory area and vessel category.* The QS or IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area. Except as provided in paragraph (k) of this section or in § 679.41(i)(1) of this part, the IFQ assigned to one vessel category must not be used to harvest IFQ species on a vessel of a different vessel category. Notwithstanding § 679.40(a)(5)(ii) of this part, IFQ

assigned to vessel Category B must not be used on any vessel less than or equal to 60 ft (18.3 m) LOA to harvest IFQ halibut in IFQ regulatory area 2C or IFQ sablefish in the IFQ regulatory area east of 140° W. long. unless such IFQ derives from blocked QS units that result in IFQ of less than 5,000 lb (2.3 mt), based on the 1996 TAC for fixed gear specified for the IFQ halibut fishery and the IFQ sablefish fishery in each of these two regulatory areas.

* * * * *

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