

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/10/2009

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Suzanne Hilding
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 12/12/2008

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200811-0648-005
AGENCY ICR TRACKING NUMBER:
TITLE: U.S. Fishermen Fishing in Russian Waters
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0228

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 07/31/2012

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	1	1	0
New	1	1	58
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	58
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
U.S. Fishermen Fishing in Russian Waters - Permit application and reporting requirements	NA	Application instructions and reporting forms	

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

<p>1. Agency/Subagency originating request</p>	<p>2. OMB control number b. <input type="checkbox"/> None a. _____ - _____</p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement instructions</p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p>
	<p>5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____</p>
<p>7. Title</p>	
<p>8. Agency form number(s) (<i>if applicable</i>)</p>	
<p>9. Keywords</p>	
<p>10. Abstract</p>	
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting burden</p> <p>a. Number of respondents _____</p> <p>b. Total annual responses _____</p> <p> 1. Percentage of these responses collected electronically _____%</p> <p>c. Total annual hours requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs _____</p> <p>b. Total annual costs (O&M) _____</p> <p>c. Total annualized cost requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p> 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p> 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p> 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Agency Contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: _____</p> <p>Phone: _____</p>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
U.S. FISHERMEN FISHING IN RUSSIAN WATERS
OMB CONTROL NO. 0648-0228**

A. JUSTIFICATION

This request is for renewal of this information collection.

1. Explain the circumstances that make the collection of information necessary.

Regulations at 50 CFR Part 300, Subpart J, govern United States (U.S.) fishing vessels and nationals operating in the Russian Federation Economic Zone, and implement provisions of the "Agreement between the Government of the United States of America and the Government of the Russian Federation on Mutual Fisheries Relations" (Agreement).

The Agreement provides that U.S. fishermen may apply to be granted access to allocations of surplus stocks in the Russian Federation Economic Zone (EZ), a zone extending up to 200 nautical miles off the coast of the Russian Federation. As part of the Agreement, the U.S. agreed to take appropriate measures to ensure that its nationals and vessels conduct fishing operations within the Russian EZ consistent with Russian national law and regulations.

The information collection requirements in the regulations have evolved over the years since the regulations were initially published in 1989. As an example, the regulations did not originally include penalties for not complying with the application procedures. The National Marine Fisheries Service (NMFS) was aware that various Russian national and local authorities issued a number of permits to owners of U.S. vessels who did not follow procedures and submit their applications in accordance with prescribed procedures. We therefore had little information on the activities of certain U.S. vessels that were operating in the Russian EZ. Additionally, Russian authorities apparently authorized or otherwise permitted U.S. vessels to fish or receive fish such as halibut, Tanner crab and groundfish in the Russian EZ. They did not, however, advise U.S. authorities of the vessels permitted for such activities, the amounts authorized, or the areas in which such fishing was to occur, etc. In addition, we had no knowledge of Russian "size limitations," or seasons in which such fishing could occur in the Russian EZ. The result was that U.S. vessels claiming to have been authorized to fish in the Russian EZ were entering and transiting the U.S. Exclusive Economic Zone (EEZ) and landing production that may or may not have been taken legally under Russian law, the Magnuson-Stevens Fishery Conservation and Management Act, and related U.S. regulations.

It was impossible for NMFS enforcement agents to ascertain whether some or all of the production being landed by U.S. vessels claiming to have fished in the Russian EZ under Russian permits was not caught in the U.S. EEZ and/or, perhaps, during closed seasons. A particularly sensitive problem was the landing of undersized halibut, claimed to be caught in the Russian EZ, at U.S. ports located in Alaska south to Los Angeles.

Therefore, NMFS revised the regulations to require additional information from the U.S. vessel owners; to wit, reports on fish production carried aboard when departing the EEZ off Alaska and the west coast and the production aboard when reentering that portion of the EEZ. This

information was, and continues to be, needed to identify the vessels entering the EEZ that operated in the Russian EZ, and the amount of fish the vessels transport from the Russian EZ. Reported catches when reentering the EEZ are compared with landings data to determine if fishing occurred after the vessel reentered the EEZ. NMFS enforcement also confirms U.S. reports with counterpart offices in Russia.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Application forms and copies of applicable laws and regulations of the Russian Federation may be obtained from the NMFS Office of International Affairs. The application must be submitted to NMFS for review and transmittal to the Department of State, who will then forward it to the authorities of the Russian Federation. The questions relate to the type of fishing operation being proposed, and require that the U.S. applicant specify the type of fishing activity, area, species, gear, and season for which approval is sought. Russian authorities indicate they evaluate these applications to make decisions on their approval and whether special conditions or restrictions should apply. Certain other specific information is also required, such as the vessel's identification number, measurements, engine power, radio communications equipment, and other characteristics.

Data reported to NMFS in depart/return reports include quantities of fish and fish products aboard the vessel. Thus, submission of these reports enables NMFS to identify and track U.S. vessels that will be returning to the EEZ with production from the Russian EZ on board. Fishing activity data is also to be reported to the Russian Federation in daily reports and other reports. The information collection is required pursuant to the Agreement and failure to collect the basic information could result in denial of fishing privileges for U.S. vessels in the Russian EZ, or a failure to detect serious violations of the Magnuson-Stevens Act.

The collection of application data and submission of a copy of the permit is expected to occur only once annually, at the time an application is filed and within seven days of a permit being issued. Depart/return reports and vessel activity reports must be made on a real time basis to allow appropriate enforcement action. NMFS estimates that each vessel will fax two such reports per trip and one abstract of the permit information per operating year as required by § 50 CFR Part 300.154(b). Owners of U.S. vessels must also maintain records of reports for a period of three years.

It is anticipated that information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy and electronic information. See the response in Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet applicable information quality guidelines. Prior to

dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Russian authorities require that applications be submitted as original documents. Activity reports to Russia must be faxed. U.S. vessel owners submit copies of permits and vessel abstract reports by fax. Depart and Return messages are submitted by fax. A form for the Vessel Permit Abstract Report and the Depart and Return messages are available electronically at the following NMFS website: http://www.nmfs.noaa.gov/gpea_forms/forms.htm.

4. Describe efforts to identify duplication.

Data collected are unique to each U.S. vessel's particular circumstances.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection will not have a significant impact on small businesses, organizations, or governmental entities.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Failure to be prepared to collect the information would make it impossible for NMFS to carry out its responsibilities under the Agreement.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

This information collection is consistent with OMB guidelines.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice, published on July 2, 2008 (73 FR37930) solicited public comments on this renewal. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are given.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Data submitted based on this information collection will be accorded confidentiality pursuant to 50 CFR Part 600, Subpart E as stated in the requirements.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are included in this information collection.

12. Provide an estimate in hours of the burden of the collection of information.

A response time of 30 minutes is estimated for the application and 30 minutes for these documents sent to Russia: permit abstracts, depart/return reports, and activity reports. However, due to political and fishery management issues in the Russian Federation, no Russian fishery resources have been available to U.S. vessels for several years. Therefore, while the regulations at 50 CFR Part 300, Subpart J, must remain in place in case circumstances change and Russian fishery resources become available to U.S. vessels, the estimated burden for this collection at this time is zero. Accordingly, we request a placeholder burden of one hour be assigned for this collection.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Assuming a single fax transmission to Russia is \$10 and to the U.S. , \$2.50, and assuming a single fishing trip of 5 days which requires 5 daily report faxes to Russia, 1 permit abstract report fax, 1 depart report fax, and 1 return report fax, the estimated cost to the public is \$57.50 (\$58).

14. Provide estimates of annualized cost to the Federal government.

The estimated cost to the Federal government is zero.

15. Explain the reasons for any program changes or adjustments.

Previously, the estimated cost to the public was zero, but this estimate was corrected to include the costs of faxing the permit application and reports, as indicated in the response to Question 13.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to formally publish the information collected, but if requested, aggregated information will be released to interested parties.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The expiration date will not be displayed on the Russian license application form, as the U.S. cannot alter the form.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used.

Paperwork Reduction Act Statement

Submission of application information to the Russian Federation is mandatory in order to be considered for a permit and is used by the Russian Federation in determining if a permit should be issued. Data submitted based on this information collection will be accorded confidentiality pursuant to 50 CFR Part 600, Subpart E. Public reporting burden for this collection of information is estimated to be 30 minutes. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of reducing this burden to the Office of International Affairs, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland 20910.

Notwithstanding any other provision of 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 Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

The OMB Control Number for this collection is 0648-0228. This Control Number is valid through mm/dd/yyyy.

June 21, 1994

Embassy of the United States of America
Moscow

MEMORANDUM

The Committee of the Russian Federation on Fishery presents its compliments to the Embassy of the United States of America and has the honor to inform the following:

In order to regulate the work of foreign fishing vessels, as well as of Russian enterprises with foreign investment, in the economic zone and the area of continental shelf of the Russian Federation, the Committee of the Russian Federation on Fishery has worked out the order and regulations of issuing foreign legal entities and natural persons, as well as Russian enterprises with foreign investment, with licenses for fishery in the economic zone and the area of the continental shelf of the Russian Federation.

The Committee of the Russian Federation on Fishery is handing over the above document and respective supplements to the U.S. side with the request to inform of its contents all concerned competent organizations.

The Committee of the Russian Federation on Fishery avails itself of this opportunity to extend to the Embassy of the United States of America renewed assurances of its highest consideration.

Order and Regulations of Issuing Foreign Legal Entities and Natural Persons with Licenses for Fishery in the Economic Zone and the Territory of Continental Shelf of the Russian Federation.

1. Fishery in the economic zone and the area of continental shelf of the Russian Federation (hereinafter referred to as "the economic zone") shall be permitted for those foreign legal entities and natural persons, as well as Russian enterprises with foreign investment, who are granted with respective licenses issued to each trawler by the fish-protection agencies of the Committee of the Russian Federation on Fishery.

The original of the license must be available on every trawler engaged in the work in the economic zone.

2. "The work" stands for fishing, acceptance, processing, storage of fish and other sea products (as well as the products of their processing), and providing trawlers with fuel, water, tare, and other materials.

3. Competent organizations of foreign states which concluded agreements or reached any other form of accord with the Russian Federation concerning fishery in the economic zone in accordance with the established fishery regulations, fishing quotas, and restrictions on the number of trawlers shall submit to the Committee of the Russian Federation on Fishery applications for working the economic zone of the Russian Federation.

Russian enterprises with foreign investment, which concluded agreements on fishing quotas, the number of trawlers under the Russian flag and foreign ones, as well as concerning other conditions of the work, with the Committee of the Russian Federation on Fishery, shall submit to the Committee applications for the fishery licenses, supplemented by the copies of the agreements and contracts coordinated with the Committee of the Russian Federation on Fishery.

Russian organizations and enterprises which concluded commercial contracts with foreign legal entities and natural persons with the permission of the Committee of the Russian Federation for Fishery shall submit applications for the fishery licenses with the attachment of the copies of commercial contracts.

The form and the order of presenting applications for fishery licenses shall be given in Supplements 1 and 2.

4. The Committee of the Russian Federation on Fishery shall in a ten-day period consider and take decisions concerning the issue of licenses of the established form (given in Supplement 3) to trawlers for working in the economic zone of the Russian Federation or shall refuse to meet the applications.

5. The Committee of the Russian Federation on Fishery shall inform the applicants on its decisions and the place, time, and order of getting licenses.

6. Respective fish-protection agencies, as well as the Frontier Guard Forces of the Russian Federation, shall be immediately informed of all licenses issued by the Rosrybvod.

7. In cases of violations of the fishery rules and regulations established by Russian legislation, as well as of the terms of intergovernmental agreements or contracts, by the trawlers granted with licenses for working in the economic zone in accordance with Paragraph 3 of the present Regulations, the officials of the bodies involved in the protection of the economic zone may suspend or cancel the licenses before the term of their expiration. If the license is cancelled, the trawler which has violated the Regulations, shall be deprived either of its fishing quota (in cases when individual quotas are established for trawlers) or the part of the shipowner's quota in proportion to the number of working trawlers.

8. Trawlers under foreign flags, including those which work under contracts with Russian enterprises granted with licenses for working in the economic zone must comply with the following requirements:

8.1. 24 hours before each entry or leaving the economic zone of Russia, the fish-protection bodies should be informed of the fact by fax or cable. When entering or leaving the economic zone of Russia, trawlers must pass through the points of control (see Supplement 4).

8.2. The fish-protection bodies should be informed of the results of the work by fax or cable (see Supplements 5,6,7,8) every day and every ten days.

8.3. A fishing log must be kept.

8.4. Special identification signs must be available (see Supplements 9,10).

8.5. Fixed gears must be marked on both ends. The marking should include the vessel's name, the name of the country which owns the vessel, the license number, the ordinal number of the gear.

8.6. Each trawler must have an VHF radio station which should constantly work in the mode of reception on International Channel 16.

8.7. Each trawler must have a plan of its holds certified by the shipowner and containing the data on the holds' volumes and dimensions.

8.8. Each trawler must comply with the order of making changes in the texts of their licenses, the order of presenting applications and issuing certificates on changing the fishing quotas (see Supplements 12,13,14,15,16). Each trawler must have aboard the form of the guarantee (see Supplement 17) which after its presentation makes possible the release of the vessel and its crew on the decision of the Russian inspector in cases when vessels and their crews are detained for violations of the regulations of fishery in the economic zone of the Russian Federation and other rules and conditions established by Russian legislation (except as the responsibility of such a vessel and its crew is established by court). A trawler must also have aboard the form of notification of a penalty payment (see Supplement 18).

8.9. Each trawler should comply with the safety regulations on taking aboard the officials of the competent bodies of the Russian Federations and providing the undamaged state of their boats.

9. By the first and the fifteenth of each month, regional fish-protection directorates shall provide the Rosrybvod with information about the work of the foreign fish fleet in the economic zone of the Russian Federation with a breakdown for the work under international agreements (or other arrangements) and the work under contracts.

The information shall include the following data: the region of fishing, name of the joint venture, number of the contract, type of the work, target sea life, volume of the quota, total catch, balance of the quota, names of foreign vessels, terms of beginning and finishing the work.

10. Prior to beginning the work in the economic zone of the Russian Federation, vessels under foreign flags and Russian vessels owned by enterprises with foreign investment must take aboard the representatives of the regional fish-protection directorate responsible for the area where these vessels are going to work.

Note: Licenses for fishing in the economic zone of the Russian Federation shall be issued only to those foreign legal entities and natural persons whose states have concluded agreements on fishery with the Russian Federation. In other cases, a special order of the Government of the Russian Federation shall be necessary to obtain the license.

Supplement 1

License Application
for Fishing in the Economic Zone
and on the Continental Shelf
of the Russian Federation

Vessel's Nationality _____
Shipowner's Name and Address : _____

Grounds for Issuing the License: _____

1. Type of Work _____
2. Region of Fishing _____
3. Target Sea Life _____
4. Fishing Gear _____
5. Terms of Fishing _____
6. Established Total Quota _____

#	License #	Vessel's Name, Type, Registration #, Home Port	Captain's Name and Address
1	2	3	4

Characteristics of the Vessel						
Tonnage (in gross- register tons)	Engine Capacity (HP)	Maximum Speed (knots)	Length (m)	Width (m)	Draught (m)	Crew Number
5	6	7	8	9	10	11

Radio Communication Aids		
Call Signs	Pilot and Operating Frequencies	Radiophone Frequencies
12	13	14

Cargo- carrying Capacity of Holds, Their Type, Number, and Tonnage	Regions of Fishing (Coordi- nates)	Target Sea Life	Fishing Quota	Permitted Fishing Gear	Terms of Fishing
15	16	17	18	19	20

Note: A specific type of permitted work should be indicated in Line 1 (fishing, fishing-related investigations, transport of the catch, auxiliary operations, etc.)

**The Order and Conditions of Presenting License Applications
for Foreign Ships' Working in the Economic Zone
and on the Continental Shelf of the Russian Federation**

1. Competent bodies of a foreign state shall present their applications in triplicate both in Russian and in the language of the country presenting the applications.

The applications shall be directed to the Rosrybvod.

2. A separate application shall be presented for each vessel.

3. Vessels' tonnage shall be given in gross-register tons.

4. Vessels' call signs shall be given in Arabic numerals and Latin letters.

5. Columns 1-17 and column 20 should be filled out in applications for mother ships, factory ships, transport ships, and auxiliary ships. Accordingly, columns "Permitted Fishing Gear" and "Fishing Quotas (in tons)" shall not be filled out in the licenses issued to the above vessels.

6. In cases when the space of columns 16-20 is not enough, the information may be written down on a separate page attached to the application.

7. In cases when applications are presented for a large number of vessels, they shall be grouped in accordance with the types and regions of the work.

Committee of the Russian Federation on Fishery

LICENSE # _____
for Fishery Works in the Economic Zone
of the Russian Federation

Grounds for issuing the License (agreement; contract): _____

Total quota under the contract for the target sea life
stipulated in the application: _____

1. Type of fishery works: _____

2. Name and hull No of the vessel: _____

3. Type of the vessel: _____

4. Vessel's nationality and home port: _____

5. Shipowner's name and address: _____

6. Captain's name and address: _____

7. Vessel's characteristics:

(a) Tonnage: _____

(b) Engine capacity (HP): _____

(c) Maximum speed (kn): _____

(d) Crew Number: _____

(e) Radio communication conditions:

(1) Call sign: _____

(2) Pilot frequencies: _____

(3) Operating frequencies: _____

(4) Radiophone frequencies: _____

(f) Cargo capacities:

(1) Freezing chambers:

Number _____

Capacity _____

(2) Cargo holds:

Number _____

Capacity _____

8. Conditions of the work:

Regions of Work	Target Sea Life	Quota (in tons)	Fishing Gear	Terms of Work
-----------------	-----------------	-----------------	--------------	---------------

Date of issue: _____

Name of the organization which has issued the license: _____

/Stamp/

/Signature/

The Order of Passing Through Established Areas for Foreign Vessels Granted with Licenses for Working in the Economic Zone of the Russian Federation

1. The areas of passing shall be established for foreign vessels granted with licenses for working in the economic zone of the Russian Federation. These areas represent zones of 2 nautical miles in diameter with their center in established points.

The areas of passing shall be established by fish-protection agencies, and concerned natural persons and legal entities shall be informed of the fact in due terms.

2. Irrespectively of the presence or absence of inspector boats in these areas, passing through them shall be mandatory for every foreign vessel granted with a license for working in the economic zone of the Russian Federation in every case of entering the above zone with fishery purposes or leaving it.

3. When entering or leaving the economic zone, vessels must pass through the nearest control areas on their way and inform the fish-protection agencies 24 hours before passing the control areas.

4. When approaching any of the above control areas, the captain of a foreign vessel must use Channel 16 VHF of the radiophone to call a Russian fish-protection inspector from a fish-protection vessel or a frontier guard boat in this area and inform of the name of his ship, its registration number, number of the license, and his intentions.

5. On establishing contact with the captain, the inspector shall inform him whether the vessel will be checked or given a permit to keep passing freely. At the same time with giving a permission to proceed freely, the inspector may demand from the captain any information concerning the work in the economic zone of Russia and the captain shall be obliged to furnish it.

6. After passing through the control area, the captain of a foreign vessel must make a respective entry in the fishing log. The entry must contain the following information: the date, time, coordinates, name of the fish-protection vessel and number of the frontier guard boat, name of the inspector. The captain must also specify whether the check was conducted or the vessel was given a permission to keep going freely. If a check was conducted, the inspector also may make a respective entry in the fishing log.

7. In cases when the fish-protection vessel or the frontier

guard boat can not be found visually or by means of radionavigational equipment, the captain of a foreign vessel must keep calling the inspector for 10 minutes on Channel 16 VHF of the radiophone. In this case, if the captain fails to establish contact with the inspector, the vessel may pass through the area without delay. A respective entry shall be made in the fishing log concerning the date, coordinates, time of beginning and finishing of the attempts to make contact with the inspector on Channel 16 of the radiophone.

DAILY REPORT
on Fishery Works in the Economic Zone
of the Russian Federation

Type of information:

1. The date of works, license number, region of works, coordinates.
2. Catch volume for the reported day, target sea life, haul volume.
3. Total catch volume (in increasing figures), target sea life, haul volume.

Notes: 1. The above information must be submitted by the captain of a foreign vessel or by the shipowner by fax to the regional fish-protection directorate in the period of four days after the reported one.

2. Vessels granted with licenses though not performing any fishing works shall provide the daily information concerning Paragraph 3 only.

3. The daily and total catch volume shall be given in figures to 0.1 of a ton.

4. Copies of reports certified by the captain shall be kept on the vessel for the period of one year.

5. In the report, the vessel's coordinates at the moment of finishing the last fishing operation of the reported shall be given.

TEN-DAY REPORT
on Fishery Works in the Economic Zone
of the Russian Federation

1. The date of submitting information, region of works, association's name, number of vessels actually working during the reported ten-day period, number of vessel-days.

2. The total catch (in increasing figures), target sea life, haul volume.

3. Plans for the next ten-day period, the region of works, planned number of vessels for the net ten-day period.

Notes: 1. The above information must be submitted by fishing organizations by fax in three days after the reported decade.

2. The total catch shall be given in figures to 0.1 of a ton, as well as by the piece.

EXPLANATORY ENTRIES
in the Reports of Foreign Fishing Vessels Working
in the Economic Zone of the Russian Federation

The reports of foreign fishing vessels on their work in the economic zone of the Russian Federation shall contain the following service information:

The date of telex message transmission Time of transmission
Hours _____ Minutes _____

Sender's address

Receiver's address

Text of the message

Service information of the transmitting side

MONTHLY REPORT
on Fishery Works of Foreign Vessels in the Economic Zone
of the Russian Federation

Country _____

Agreement or Contract No _____

Date of presenting information:
_____ (day) _____ (month), _____ (year)Name of fish-industry organization, its address: _____
_____Type and region of fishery works in _____ (month) _____ (year):

_____Work Progress (the total catch in tons, including the catch in _____ in
tons): (month)

#	License #	Vessel's Name	Vessel's Registration Number	Shipowner's Name	Total Number of Days Worked	
					After Beginning Work	For the Reported Month
1	2	3	4	5	6	7

Catch Volume (in tons) with Breakdown for Species of Fish and Fishing Gear (Specify the Number of Fishery Operations)		Number of Other Operations by Their Types	Total
In Total:			
After Beginning Work	For the Reported Month		
8	9	10	11

Note: 1. Monthly reports shall be submitted 10 days after the end of a month.

2. The "Number of Working Operations" means:

- for trawl fishing: the number of trawlings;
- for fishing with board traps: the number of hauls;
- for long-line fishing: the number of baskets;
- for purse seining: the number of casts.

LIST OF NECESSARY INFORMATION
WHICH MUST BE PROVIDED IN THE FISHING LOGS
OF FOREIGN FISHING VESSELS

1. Vessel's name, type (in accordance with the type of work), registration number, year.
2. Vessel's nationality and home port.
3. Date (day and month).
4. Coordinates of every place where the fishing gear was cast (for trawl fishing: the coordinates of the place where the trawl was cast and where its hauling-in was completed).
5. Time when the cast of fishing gear began and their hauling-in was completed (hours and minutes).
6. Fishing Gear Characteristics:
 - (a) Type and number of fixed gear, type of fishing gear;
 - (b) Minimum size of meshes.
7. Weight of the catch, including the breakdown for species (in tons to 0.01 with rounding of thousandths; by the piece):
 - (a) for each trawling, haul of the long-line, etc;
 - (b) in the space of a day;
 - (c) since the beginning of the year.
8. Place (coordinates or port) and date of delivery or acceptance of raw fish or fish products for processing, as well as the quantity of the raw fish or fish products.

THE ORDER OF KEEPING A FISHING LOG

1. Each fishing log must be corded, sealed, and signed by the shipowner's signature; the log's pages must be numbered.
2. The fishing log must be permanently stored aboard and reflect the whole period of fishery works during the given year.
3. The fishing log shall be kept and stored aboard till the end of the year separately for each type of fishery works. Vessels involved in two or more types of fishery works shall keep separate fishing logs for each of them.
4. Information shall be entered in the fishing log from the moment of beginning fishing operations till the moment of their completion.
5. Every fishing operation must be reflected in the fishing log.
6. When entering the catch information mentioned in Paragraph 7 of the List of Necessary Information (Supplement 9) in the fishing log, a deviation of up to 5 percent from the actual volume of catch shall be permitted.
7. Entries in the fishing log must be signed and sealed by the captain daily not later than at midnight. The fishing logs of squid-catching vessels and ships fishing *saira* (a small mackerel-like fish) with board traps shall be filled out and certified daily not later than at 12 noon.
8. Information about leaving a port (the date of leaving and name of the port) and returning there (the intended date of return and the name of the port) shall be given in the note.
9. A single fishing log is kept aboard the vessels working in two or more fishing regions with separate entries for each region.

In this case, the regions' numbers and respective pages of the log shall be given on the first page of the log.
10. Corrections, erasures, or other changes in the entries shall be not allowed, except slips and other unintentional errors which may be corrected by the person who made it or by the captain who must certify such corrections by his signature and seal within twenty-four hours. Wrong entries shall be crossed out, and the right ones shall be made beside. Crossing out of the whole line or page shall be admissible.
11. The fishing log may not be filled out in pencil.

12. In cases when a foreign vessel enters the economic zone of the Russian Federation with a catch gotten outside this zone, a respective entry specifying the origin and weight of this catch (or fish products) and its composition by species shall be made in the column titled "Notes". The captain should put a strike-through if there is no catch aboard.

13. In the fishing logs of mother ships, factory ships, and transport ships, only Paragraphs 1,2,3, and 8 of the List given in Supplement 9 shall be filled out.

14. The catch of other sea life shall be indicated by species.

15. The captain of a vessel shall be personally responsible for accurate keeping of the fishing log.

16. Square clips of paper shall be glued upon the ends of the fishing log's cords. Three sides of such paper clips must be sealed.

17. The captain of a vessel must register the catch of non-target sea life in the fishing log with including this data in the total fishing quote for the given species of fish provided for the vessel or cooperative. In cases of throwing away these products, their weight shall be put down in parenthesis in the respective columns of the fishing log with the cast of the increasing total.

18. A single fishing log shall be kept on vessels working on a mutual basis, as well as on a payment basis. Separate entries on each type of the work shall be made in the logs of such vessels.

In such cases, the type of work and respective pages shall be specified on the first page after the log's cover.

19. On the first page after the cover of the fishing logs of vessels working with bottom long-lines, the number of workers available on the vessels and of spare long-lines at the beginning of every fishing voyage shall be specified. Fishing vessels using automated systems shall make the entry "Automated systems" in the column "Type of Fishing Gear". The number of hooks in each long-line shall be specified to an accuracy of +5 hooks. Fishing vessels using automated systems shall specify the number of hooks to an accuracy of +60 for a set. The number of cast long-lines shall be specified when the entry of cast sets is made. The entry on the number of long-lines hauled in shall be made for 24 working hours. In cases when long-lines are lost or damaged during the work and spare long-lines are used, a respective entry shall be made in the column "Notes" of the fishing log.

Supplement 11

IDENTIFICATION MARKS ON FOREIGN FISHING VESSELS

Foreign fishing vessels working in the economic zone of the Russian Federation must have the following identification mark testifying that a respective vessel was granted with the fishing license:

HK2-0123

Notes: 1. HK2-0123 represents an example of the registration number which must be painted on a vessel's board or bridge.

2. The paint for identification marks must contrast with the background color; the identification marks must be easily-discernible.

3. Identification marks must be not less than 0.5 m high. At vessels with a tonnage exceeding 300 tons - not less 1.0 m high.

4. Squid-catching vessels must have identification marks painted on a special plate and mounted above their routine lights. Squid-catching boats with a tonnage of less than 30 tons and saira-fishing vessels must have identification marks painted in the same way and mounted in a lit place which is not obstructed by any fishing gear.

5. Private and rented vessels of joint ventures working in the economic zone of the Russian Federation under license must have the red identification sign "СП", which stands for "Joint Venture", on their board. The sign shall be painted next to a vessel's hull number.

Supplement 12

THE ORDER OF MAKING CHANGES IN LICENSE ENTRIES

In order to simplify the procedure of redrawing-up of the licenses, the corrections of slips of the pen or misprints in the license entries, as well as other changes, shall be made in the following order:

1. A shipowner intending to make changes in the license entries shall submit to the competent agencies a respective application (see Supplement 13).

2. Such an application may be accepted for consideration in the following cases:

(a) When it is necessary to correct misprints and errors in figures and letters;

(b) When it is necessary to make changes in the data on a vessel's tonnage, engine capacity, home port;

(c) When the address of the fishery organization or the employer has changed;

(d) In cases of changing call signs and operational frequencies of radiophones, as well as of changing pilot frequencies;

(e) In cases of changing a vessel's cargo capacity.

3. In cases when the applications for making changes in the license entries are refused, the regional fish-protection directorate shall in five days inform the shipowner by cable or in some other way.

Supplement 13

APPLICATION FOR MAKING CHANGES IN LICENSE ENTRIES

1. Change of entries:

- (a) The vessel's name;
- (b) The license number.

2. Type of the change:

- (a) Data entered before the change;
- (b) Data entered as a result of the change.

The signature of the official of the competent agency submitting the application.

An example of the Application for Making Changes:

Head of Primorrybvod
Vladivostok

Making changes in the license entries

1. Taye-Maru, 32-15

- (a) Engine capacity: 100 HP
- (b) -/-/-/-/-/-/-/-/-/ 150 HP (The date when the application is submitted).

THE ORDER OF APPLICATION AND ISSUE OF CERTIFICATES
ON FISHING QUOTA CHANGE

1. Application for changing a fishing quota.

1.1. In cases when it is necessary to change a fishing quota distribution among vessels and organizations, as well as among vessels of different organizations during the period of fishery works, a respective application containing the explanation of the reasons of the change must be submitted.

1.2. The applications shall be submitted to the Committee of the Russian Federation on Fishery by the competent bodies of a foreign state.

1.3. The table of fishing quota changes shall be attached to the application. The table shall be drawn up by fish-industry organizations with a breakdown by vessels and regions of fishery works (Supplements 15,16).

2. Issue of certificates on a fishing quota change:

After receiving an application for a fishing quota change, the Committee of the Russian Federation on Fishery shall consider it, and if the application is recognized well-grounded, the Committee shall order the Rosrybvod or a regional fish-protection directorate to issue a certificate on the fishing quota change.

3. Keeping aboard a certificate on a fishing quota change:

A certificate for a fishing quota change shall be kept aboard together with the fishing license. The certificate on a fishing quota change shall represent an integral part of the fishing license.

TABLE OF CHANGES OF FISHING QUOTA DISTRIBUTION
AMONG THE VESSELS OF ONE ORGANIZATION

1. Name and address of the organization controlling the process of submitting applications by the types of fishery works.
2. Region of fishery works.
3. Type of works.
4. Period of works.
5. Total fishing quota by the types of target sea-life (in tons).
6. Balance of the total fishing quota by the types of target sea-life (in tons).
7. Fishing quota and its distribution among vessels after changing.

(1) Vessels cutting the fishing quota:

#	License Number	Vessel's Name	Initial Quota /by Target Sea Life Types/ /1/	Quota Balance /by Target Sea Life Types/ on___(year, month,date)	Quota Cut /by Target Sea Life Types/ /2/	Fishing Quotas after Changing /by Target Sea Life Types/ /1/-/2/	Notes
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Total:

(2) Vessels increasing the fishing quota:

#	License Number	Vessel's Name	Initial Quota /by Target Sea Life Types/ /1/	Quota Balance /by Target Sea Life Types/ on___(year, month,date)	Quota Increase /by Target Sea Life Types/ /2/	Fishing Quotas after Changing /by Target Sea Life Types/ /1+/2/	Notes
---	----------------	---------------	---	---	--	--	-------

Total:

TABLE OF CHANGES OF FISHING QUOTA DISTRIBUTION
AMONG THE VESSELS OF DIFFERENT ORGANIZATIONS

1. Name and address of the organization controlling the process of submitting applications by the types of fishery works.
2. Region of fishery works.
3. Type of works.
4. Period of works.
5. Fishing quota after making changes by the organization controlling the process of submitting applications.

(1) Organizations controlling the process of submitting applications for cutting the fishing quota:

#	Organi- zation's Name	Initial Quota /by Target Sea Life Types/ /1/	Quota Balance /by Target Sea Life Types/ on__(year) month,date)	Quota Cut /by Target Sea Life Types/ /2/	Fishing Quotas after Changing /by Target Sea Life Types/ /1/-/2/	Notes
---	-----------------------------	---	---	---	---	-------

Total:

(b) Organizations controlling the process of submitting applications for increasing the fishing quota:

#	Organi- zation's Name	Initial Quota /by Target Sea Life Types/ /1/	Quota Balance /by Target Sea Life Types/ on__(year) month,date)	Quota Increased /by Target Sea Life Types/ /2/	Fishing Quotas after Changing /by Target Sea Life Types/ /1+/2/	Notes
---	-----------------------------	---	---	---	--	-------

Total:

Head of Rosrybvod
Moscow

GUARANTEE

I hereby request soonest possible release of the undermentioned infringer and guarantee the Chief of Rosrybvod that in accordance with the Decree of the Presidium of the Supreme Soviet of the USSR "On the Economic Zone of the USSR" of February 28, 1984, the fine in the sum of _____ rubles, including the compensation for the inflicted damage, will be remitted to the account of Rossel'khozbank, Moscow, 01227594.001.00 CREDIT LIONNAIS BUILDING 1301 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10019 TELEX 62410 CRED, 82723 CRED NY for the benefit of the Committee on Fishery of the Russian Federation, checking account 07005060.

_____ day _____ month, _____ year

Name of organization providing the guarantee _____

Address of the organization providing the guarantee _____

RECORD

1. Name of the infringer _____

2. Name of the vessel, fishing license number _____

3. Relation between the guarantor and the infringer _____

4. Date of check: _____ day _____ month, _____ year

Supplement 18

Notification on the payment of a penalty, addressed to a regional fish-protection directorate, shall contain the following information:

1. Name of the vessel which committed an infringement and its license number.
2. Date of infringement.
3. Remitted sum of the penalty.
4. Date when the sum was remitted.
5. Signature.

EXAMPLE

The vessel Eisei-Maru #38, license #90-15, for the infringement on May 21, 1991, the shipowner remitted to the account of Rossel'khozbank, Moscow 01.227594.001.00 CREDIT LYONNAIS BUILDING 1301 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10019 TELEX 62410 CRED, 82723 CRED NY for the benefit of the Committee of the Russian Federation on Fishery, checking account 07005060, 10,000 rubles on June 19, 1991. Signature.

EXAMPLE OF A CABLE

PRIMORRYBVOD VLADIVOSTOK

/1/ VIOLATION VESSEL NAME AND PERMIT #38 EISEI-MARU 90-15

/2/ VIOLATION DATE 21 MAY 1991

/3/ SUM OF PENALTY REMITTANCE 10,000 RUBLES

/4/ DATE OF REMITTANCE 19 JUNE

TRAWLER

Vessel Permit Abstract Report

- 1) Vessel name: _____ Date of report: _____
- 2) Russian Federation permit number: _____
- 3) Duration of permit: _____
- 4) Authorized areas: _____
- 5) Authorized quota: _____
- 6) Authorized gear: _____
- 7) Permit type: _____

Depart Report

- Vessel name/IRCS: _____ Date of report: _____
- Sender/FAX/TELEX/COMSAT: _____
- Date, time, position to depart EEZ: _____
- Products onboard/weight: _____

Return Report

- Vessel name/IRCS: _____ Date of report: _____
- Sender/FAX/TELEX/COMSAT: _____
- Date, time, position to enter EEZ: _____
- Products onboard/weight/area of harvest: _____
- Intended date/port of landing: _____

Submission of vessel permit abstract reports and depart and return reports is mandatory for U.S. vessels fishing in the Russian Federation Economic Zone in order to meet the requirements of 50 CFR 300.154. Data submitted based on this information collection will be accorded confidentiality pursuant to 50 CFR Part 600, Subpart E. Public reporting burden for this collection of information is estimated to be 30 minutes. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of reducing this burden, to the Office of International Affairs, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland 20910. Notwithstanding any other provision of 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 Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) **REQUIRED PROVISIONS.**—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify—

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

109-479

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, economic information necessary to meet the requirements of this Act, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

109-479

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

(A) participants in the fisheries and fishing communities affected by the plan or amendment;

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

16 U.S.C. 1853
MSA § 303

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

109-479

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery, including its economic impact, and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors;

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(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery and;

109-479

(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may—

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to—

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

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(2)(A) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

- (i) is based on the best scientific information available;
- (ii) includes criteria to assess the conservation benefit of the closed area;
- (iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and
- (iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the—

- (A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);
- (B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and
- (C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

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(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;

109-479

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

- (A) present participation in the fishery;
- (B) historical fishing practices in, and dependence on, the fishery;
- (C) the economics of the fishery;
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries;
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities;
- (F) the fair and equitable distribution of access privileges in the fishery; and
- (G) any other relevant considerations;

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MSA § 303

(7) require fish processors who first receive fish that are subject to the plan to submit data which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research;

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(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and

(14)[sic]¹⁵ prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.—Proposed regulations which the Council deems necessary or appropriate for the purposes of—

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

¹⁵ So in original.

Title 50: Wildlife and Fisheries
PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart J—U.S. Nationals Fishing in Russian Fisheries

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

§ 300.150 Purpose.

This subpart regulates U.S. nationals fishing in the Russian fisheries and implements the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations, signed May 31, 1988.

§ 300.151 Definitions.

In addition to the terms defined in §300.2 and those in the Magnuson Act, the terms used in this subpart have the following meanings. If a term is defined differently in §300.2 or the Magnuson Act, the definition in this section shall apply.

Affiliates means two persons (including individuals and entities) related in such a way that—

- (1) One indirectly or directly controls or has power to control the other; or
- (2) A third party controls or has power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a reorganized entity having the same or similar management, ownership, or employees as a former entity.

Agreement means the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations, signed May 31, 1988.

Embassy of the Russian Federation means the Fisheries Attache of the embassy located in Washington, D.C.

Fishery resource means any fish, any stock of fish, any species of fish, and any habitat of fish.

Fishing or to fish means any activity that does, is intended to, or can reasonably be expected to result in catching or removing from the water fishery resources. Fishing also includes the acts of scouting, processing, and support.

Operator, with respect to any vessel, means the master or other individual on board and in charge of either the vessel, the vessel's fishing operation, or both.

Owner, with respect to any vessel, means any person who owns that vessel in whole or in part, whether or not it is leased or chartered to or managed by another person, or any charterer, whether bareboat, time, or voyage, and any person who acts in the capacity of a charterer, or manager, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel, any officer, director, manager, controlling shareholder of any entity described in this definition, any agent designated as such by any person described in this definition, and any affiliate of any person described in this definition.

Processing means any operation by a vessel to receive fish from a fishing vessel and/or the preparation of fish, including but not limited to cleaning, cooking, canning, smoking, salting, drying, or freezing, either on the vessel's behalf or to assist another vessel.

Regional Administrator means Director, Alaska Region, or a designee.

Relevant laws and regulations of the Russian Federation means those Russian laws and regulations that concern fishing for fishery resources over which Russia exercises sovereign rights or fishery management authority.

Russian and *Federation* mean the Russian Federation, its government, or any organ or entity of its government.

Russian continental shelf or continental shelf of Russia means the seabed and subsoil of the submarine areas over which, consistent with international law, Russia exercises sovereign rights.

Russian Economic Zone or Russian EZ means a zone of waters off the coast of Russia beyond and adjacent to the Russian territorial sea extending a distance of up to 200 nautical miles from the baseline from which the territorial sea is measured, within which, consistent with international law, Russia has sovereign rights over the fishery resources.

Russian Federation or Russia means the governing entity that succeeded the Union of Soviet Socialist Republics, and that is the successor party to the Agreement of May 31, 1988.

Russian fisheries, Russian fishery resources, or fishery resources over which Russia exercises sovereign rights or fishery management authority means fishery resources within the Russian EZ, fishery resources of the Russian continental shelf, and anadromous species that originate in the waters of Russia, whether found in the Russian EZ or beyond any exclusive economic zone or its equivalent.

Scouting means any operation by a vessel exploring (on behalf of the vessel or another vessel) for the presence of fish by any means that do not involve the catching of fish.

Support means any operation by a vessel assisting fishing by another vessel, including—

- (1) Transferring or transporting fish or fish products; or
- (2) Supplying a fishing vessel with water, fuel, provisions, fishing equipment, fish processing equipment, or other supplies.

§ 300.152 Procedures.

(a) *Application for annual permits.* U.S. vessel owners and operators must have a valid permit issued by the Russian Federation obtained pursuant to a complete application submitted through NMFS before fishing in the Russian EZ or for Russian fishery resources. Application forms and copies of applicable laws and regulations of the Russian Federation may be obtained from NMFS Headquarters.

(b) *Other application information.* Applications for motherships, processing or transport vessels must identify the type of fishing gear to be employed or the fishing quotas if the vessel has received or is requesting a quota. To facilitate processing, NMFS requests that permit applications for more than 10 vessels be grouped by type and fishing area, and provide the name, address, telephone, and FAX number(s) of an individual who will be the official point of contact for an application.

(c) *Review of Applications.* NMFS will review each application, and, if it is complete, forward it to the Department of State for submission to the competent authorities of the Russian Federation. NMFS will notify the permit applicant when the permit is submitted to the Russian Federation. NMFS will return incomplete applications to the applicant.

(d) *Direct Communication.* U.S. applicants may communicate directly with the Russian Federation with regard to the status of their applications or permits and are encouraged to do so. Owners and operators should make direct contact and work with Russian industry and government authorities.

§ 300.153 Permit issuance.

(a) *Acceptance.* Once the Department of State has accepted the conditions and restrictions proposed by the Russian Federation and all fees have been paid, the competent authorities of the Russian Federation will approve the application. The Russian Federation will issue a permit to the vessel owner for each fishing vessel for which it has approved an application. That vessel will thereupon be authorized by the Russian Federation to fish in accordance with the Agreement and the terms and conditions set forth

in the permit. The vessel owner is prohibited from transferring the permit to any other vessel or person. Any such transfer, or the sale or other transfer of the vessel, will immediately invalidate the permit. The vessel owner must notify NMFS of any change in the permit application information submitted to NMFS Headquarters under §300.152 within 7 calendar days of the change.

(b) *Copies.* The vessel owner and operator must mail a copy of each permit and any conditions and restrictions issued for that vessel by the Russian Federation within 7 calendar days of its receipt to NMFS Headquarters.

(c) *Validity.* Any permit issued by the Russian Federation with respect to a vessel subject to this subpart will be deemed to be a valid permit only if:

(1) A completed permit application has been forwarded to the competent authorities of the Russian Federation as provided in §300.152(b)(1).

(2) Such application has been approved and a permit issued by the competent authorities of the Russian Federation as provided in paragraph (a) of this section.

(3) The U.S. Department of State has notified the competent authorities of the Russian Federation that it has accepted the conditions and restrictions as provided in paragraph (a) of this section. The permit will be rendered invalid by: The transfer or sale of the permit specified in paragraph (a) of this section; the failure to submit to NMFS any changes in permit application information as required by paragraph (a) of this section; failure to submit to NMFS any permit copy required by paragraph (b) of this section or any other information or report required by any other provision of this subpart; or the failure to pay required permit fees.

(d) *Russian-imposed sanctions.* (1) The Russian Federation will impose appropriate fines, penalties, or forfeitures in accordance with its laws, for violations of its relevant laws or regulations.

(2) In the case of arrest and seizure of a U.S. vessel by Russian authorities, notification will be given promptly through diplomatic channels informing the United States of the facts and actions taken.

(3) The Russian Federation will release U.S. vessels and their crews promptly, subject to the posting of reasonable bond or other security.

(4) The sanctions for violations of limitations or restrictions on fishing operations will be appropriate fines, penalties, forfeitures, or revocations or suspensions of fishing privileges.

§ 300.154 Recordkeeping and reporting.

(a) *General.* The owner and operator of a vessel subject to this subpart are responsible for complying with all recordkeeping and reporting requirements in this part in a timely and accurate manner. Reports and records required by this subpart must be in English, in the formats specified, and unless otherwise specified, based on Greenwich mean time (GMT).

(b) *Vessel permit abstract report.* (1) The owner and operator of a vessel subject to this subpart must submit to NMFS Headquarters a permit abstract report containing the following information:

(i) Vessel name.

(ii) Russian Federation permit number.

(iii) Duration of permit (e.g., 1/1/91–12/31/91).

(iv) Authorized areas of fishing operations in geographic coordinates.

(v) Authorized catch quota in tons.

(vi) Authorized fishing gear.

(vii) Type of permit (e.g., catcher).

(2) The report must be telefaxed to (301) 713–0596 within 5 calendar days of receipt of the Russian permit.

(c) *Activity reports.* The owner and operator of a vessel subject to this subpart must submit to the Regional Administrator by telefax to (907) 586–7313, the following reports:

(1) *Depart Report* (Action code DEPART). At least 24 hours before the vessel departs from the EEZ for the Russian EZ, NMFS must receive the following information:

(i) The date (month and day), and time (hour and minute GMT), and position (latitude and longitude to the nearest degree and minute), at which the vessel will depart the EEZ for the Russian EZ.

(ii) The weight in metric tons (to the nearest hundredth of a metric ton) of all fish and fish product (listed by species and product codes) on board the vessel at the time it will depart the EEZ.

(2) *Return Report* (Action code RETURN). At least 24 hours before a vessel that has been in the Russian EZ enters the EEZ, NMFS must receive the following information:

(i) The date (month and day), time (hour and minute GMT), and position (latitude and longitude to the nearest degree and minute), at which the vessel will enter the EEZ.

(ii) The weight in metric tons (to the nearest hundredth of a metric ton) of all fish and fish products (listed by species and product codes) on board the vessel at the time it will enter the EEZ, and the areas (Russian EZ, U.S. EEZ, or other) in which such fish products were harvested or received.

(3) All reports must specify: The appropriate action code (“DEPART” or “RETURN”); the vessel’s name and international radio call sign (IRCS); the sender’s name and telephone number, and FAX, TELEX, and COMSAT numbers; the date (month and day) and time (hour and minute GMT) that the report is submitted to NMFS; and the intended date and U.S. port of landing. A list of species and product codes may be obtained from the Regional Administrator.

(d) *Recordkeeping.* The owner and operator of a vessel subject to this subpart must retain all copies of all reports required by this subpart on board the vessel for 1 year after the end of the calendar year in which the report was generated. The owner and operator must retain and make such records available for inspection upon the request of an authorized officer at any time for 3 years after the end of the calendar year in which the report was generated, whether or not such records on board the vessel.

§ 300.155 Requirements.

(a) *Compliance with permit requirements.* (1) U.S. nationals and vessels subject to this subpart must have a valid permit, as specified in §300.153(c) in order to fish for Russian fishery resources.

(2) U.S. nationals and vessels subject to this subpart that are fishing for Russian fishery resources must comply with all provisions, conditions, and restrictions of any applicable permit.

(b) *Compliance with Russian law.* U.S. nationals and vessels fishing for Russian fishery resources must comply with the relevant laws and regulations of the Russian Federation.

(c) *Protection of marine mammals.* U.S. nationals and vessels fishing for Russian fishery resources may not harass, hunt, capture, or kill any marine mammal within the Russian EZ, attempt to do so, except as may be provided for by an international agreement to which both the United States and Russia are parties, or in accordance with specific authorization and controls established by the Russian Federation. The provisions of the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361 *et seq.* also apply to any person or vessel subject to the jurisdiction of the United States while in the Russian EZ, and it shall not be a defense to any violation of the MMPA that the person or vessel was acting in accordance with any permit or authorization issued by the Russian Federation.

(d) *Cooperation with enforcement procedures.* (1) The operator of, or any person aboard, any U.S. vessel subject to this subpart must immediately comply with instructions and signals issued by an authorized officer of the Russian Federation to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record, and catch for purposes of enforcing the relevant laws and regulations of Russia.

(2) The operator of, and any person aboard, any U.S. vessel subject to this subpart, must comply with directions issued by authorized officers of the Russian Federation in connection with the seizure of the vessel for violation of the relevant laws or regulations of the Russian Federation.

(3) U.S. nationals and vessels subject to this subpart must pay all fines and penalties and comply with forfeiture sanctions imposed by the Russian Federation for violations of its relevant laws and regulations.

(4) The operator of, and any person aboard, any U.S. vessel subject to this subpart must immediately comply with instructions and signals issued by an authorized officer of the United States to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing records, and catch for purposes of enforcing the Magnuson Act, the Agreement, and this subpart.

(e) *Compliance with observer requirements.* The owner of, operator of, and any person aboard, any U.S. vessel fishing in the Russian EZ or for Russian fishery resources to which a Russian observer is assigned must—

(1) Allow and facilitate, on request, boarding of a U.S. vessel by the observer.

(2) Provide to the observer, at no cost to the observer or the Russian Federation, the courtesies and accommodations provided to ship's officers.

(3) Cooperate with the observer in the conduct of his or her official duties.

(4) Reimburse the Russian Federation for the costs of providing an observer aboard the vessel.

§ 300.156 Prohibited acts.

In addition to the prohibited acts specified at §300.4, it shall be unlawful for any U.S. national or vessel, or the owner or operator of any such vessel:

(a) To fish for Russian fishery resources without a valid permit issued by the competent authorities of the Russian Federation.

(b) To violate the provisions, conditions, and restrictions of an applicable permit.

(c) To violate the relevant laws and regulations of Russia.

(d) To harass, hunt, capture, or kill any marine mammal within the Russian EZ, or while fishing for Russian fishery resources, except as provided in §300.155 (c).

(e) To fail to comply immediately with enforcement and boarding procedures specified in §300.155 (d).

(f) To refuse to allow an authorized officer of the Russian Federation to board and inspect a vessel subject to this subpart for purposes of conducting any search, inspection, arrest, or seizure in connection with the enforcement of the relevant laws and regulations of the Russian Federation.

(g) To assault, resist, oppose, impede, intimidate, threaten, or interfere with, in any manner, any authorized officer of the Russian Federation in the conduct of any search, inspection, seizure, or arrest in connection with enforcement of the relevant laws and regulations of the Russian Federation.

(h) To fail to pay fines or penalties or comply with forfeitures imposed for a violation of the relevant laws and regulations of the Russian Federation.

(i) To refuse or fail to allow a Russian observer to board a vessel subject to this subpart while fishing in the Russian EZ, or for Russian fishery resources.

(j) To fail to provide to a Russian observer aboard a vessel fishing in the Russian EZ or for Russian fishery resources, the courtesies and accommodations provided to ship's officers.

(k) To assault, resist, oppose, impede, intimidate, threaten, interfere with, harass, or fail to cooperate, in any manner, with a Russian observer placed aboard a vessel subject to this subpart.

(l) To fail to reimburse the Russian Federation for the costs incurred in the utilization of Russian observers placed aboard such vessel.

(m) To possess, have custody or control of, ship, transport, offer for sale, sell, purchase, transship, import, export, or traffic in any manner, any fish or parts thereof taken or retained, landed, purchased, sold, traded, acquired, or possessed, in any manner, in violation of the relevant laws and regulations of the Russian Federation, the Magnuson Act, or this subpart.

(n) To enter the Russian EZ to fish unless a permit application has been submitted through NMFS to the competent authorities of the Russian Federation by the U.S. Department of State for such vessel as provided in this subpart.

(o) To fish for Russian fisheries or to possess fish taken in Russian fisheries on board a vessel subject to this subpart without a valid permit or other valid form of authorization issued by the competent authorities of the Russian Federation on board the vessel.

(p) To falsify, or fail to report to NMFS, any change in the information contained in a permit application subject to this subpart within 7 calendar days of such change.

(q) To attempt to do, cause to be done, or aid and abet in doing, any of the foregoing.

(r) To violate any other provision of this subpart.

§ 300.157 Penalties.

In addition to any fine, penalty, or forfeiture imposed by the Russian Federation, nationals and vessels of the United States violating the prohibitions of §300.156 are subject to the fines, penalties, and forfeitures and the adjudicative procedures provided in the Magnuson Act, 16 U.S.C. 1858, 1860, 1861, and any other applicable laws and regulations of the United States.

Title 50: Wildlife and Fisheries
PART 600—MAGNUSON-STEVENSON ACT PROVISIONS

Subpart E—Confidentiality of Statistics

§ 600.405 Types of statistics covered.

NOAA is authorized under the Magnuson-Stevens Act and other statutes to collect proprietary or confidential commercial or financial information. This part applies to all pertinent data required to be submitted to the Secretary with respect to any FMP including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing occurred, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, U.S. fish processors.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

§ 600.410 Collection and maintenance of statistics.

(a) *General.* (1) All statistics required to be submitted to the Secretary are provided to the Assistant Administrator.

(2) After receipt, the Assistant Administrator will remove all identifying particulars from the statistics if doing so is consistent with the needs of NMFS and good scientific practice.

(3) Appropriate safeguards as specified by NOAA Directives, or other NOAA or NMFS internal procedures, apply to the collection and maintenance of all statistics, whether separated from identifying particulars or not, so as to ensure their confidentiality.

(b) *Collection agreements with states.* (1) The Assistant Administrator may enter into an agreement with a state authorizing the state to collect statistics on behalf of the Secretary.

(2) NMFS will not enter into a cooperative collection agreement with a state unless the state has authority to protect the statistics from disclosure in a manner at least as protective as these regulations.

§ 600.415 Access to statistics.

(a) *General.* In determining whether to grant a request for access to confidential data, the following information will be taken into consideration (also see §600.130):

(1) The specific types of data required.

(2) The relevance of the data to conservation and management issues.

(3) The duration of time access will be required: continuous, infrequent, or one-time.

(4) An explanation of why the availability of aggregate or non-confidential summaries of data from other sources would not satisfy the requested needs.

(b) *Federal employees.* Statistics submitted as a requirement of an FMP and that reveal the identity of the submitter will only be accessible to the following:

(1) Personnel within NMFS responsible for the collection, processing, and storage of the statistics.

(2) Federal employees who are responsible for FMP development, monitoring, and enforcement.

(3) Personnel within NMFS performing research that requires confidential statistics.

(4) Other NOAA personnel on a demonstrable need-to-know basis.

(5) NOAA/NMFS contractors or grantees who require access to confidential statistics to perform functions authorized by a Federal contract or grant.

(c) *State personnel.* Upon written request, confidential statistics will only be accessible if:

(1) State employees demonstrate a need for confidential statistics for use in fishery conservation and management.

(2) The state has entered into a written agreement between the Assistant Administrator and the head of the state's agency that manages marine and/or anadromous fisheries. The agreement shall contain a finding by the Assistant Administrator that the state has confidentiality protection authority comparable to the Magnuson-Stevens Act and that the state will exercise this authority to limit subsequent access and use of the data to fishery management and monitoring purposes.

(d) *Councils.* Upon written request by the Council Executive Director, access to confidential data will be granted to:

(1) Council employees who are responsible for FMP development and monitoring.

(2) A Council for use by the Council for conservation and management purposes, with the approval of the Assistant Administrator. In addition to the information described in paragraph (a) of this section, the Assistant Administrator will consider the following in deciding whether to grant access:

(i) The possibility that Council members might gain personal or competitive advantage from access to the data.

(ii) The possibility that the suppliers of the data would be placed at a competitive disadvantage by public disclosure of the data at Council meetings or hearings.

(3) A contractor of the Council for use in such analysis or studies necessary for conservation and management purposes, with approval of the Assistant Administrator and execution of an agreement with NMFS as described by NOAA Administrative Order (NAO) 216-100.

(e) *Prohibitions.* Persons having access to these data are prohibited from unauthorized use or disclosure and are subject to the provisions of 18 U.S.C. 1905, 16 U.S.C. 1857, and NOAA/NMFS internal procedures, including NAO 216-100.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

§ 600.420 Control system.

(a) The Assistant Administrator maintains a control system to protect the identity of submitters of statistics required by an FMP. The control system:

(1) Identifies those persons who have access to the statistics.

(2) Contains procedures to limit access to confidential data to authorized users.

(3) Provides for safeguarding the data.

(b) This system requires that all persons who have authorized access to the data be informed of the confidentiality of the data. These persons are required to sign a statement that they:

(1) Have been informed that the data are confidential.

(2) Have reviewed and are familiar with the procedures to protect confidential statistics.

§ 600.425 Release of statistics.

(a) The Assistant Administrator will not release to the public any statistics required to be submitted under an FMP in a form that would identify the submitter, except as required by law.

(b) All requests from the public for statistics submitted in response to a requirement of an FMP will be processed consistent with the NOAA FOIA regulations (15 CFR part 903), NAO 205–14, Department of Commerce Administrative Orders 205–12 and 205–14 and 15 CFR part 4.

(c) NOAA does not release or allow access to confidential information in its possession to members of Council advisory groups, except as provided by law.

offices. The study will attempt to characterize the workflow, as observed, in these offices to identify sources of time delay in the different tasks performed in the workflow. This will help to identify the barriers for implementing EHR systems.

Affected Public: Business or other for-profit organizations.

Frequency: One-time only.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Jasmeet Sehra, (202) 395-3123.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Sehra, OMB Desk Officer, FAX number (202) 395-5806 or via the Internet at Jasmeet_K._Sehra@omb.eop.gov.

Dated: June 26, 2008

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-14931 Filed 7-1-08; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; Manufacturing Extension Partnership (MEP) Client Impact Survey

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 2, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW.,

Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Kenneth P. Voytek, National Institute of Standards and Technology, Manufacturing Extension Partnership, 100 Bureau Drive, MS 4800, Gaithersburg, MD 20899-4800, 301-975-4614 (phone), 301-963-6556 (Fax), kvoytek@nist.gov (e-mail).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Institute of Standards and Technology (NIST) sponsors the Manufacturing Extension Partnership (MEP), a national network of fifty-nine (59) locally based manufacturing extension centers working with small manufacturers to help them improve their productivity, profitability, and enhance their overall economic competitiveness.

NIST MEP surveys all clients provided substantive services and collects data on sales, investment, cost savings, and jobs impacts as well as a limited set of qualitative questions. NIST MEP surveys center clients for two primary purposes:

- To collect aggregate information on program performance indicators to report to various stakeholders on program performance. The survey provides information about the quantifiable impacts that clients attribute to the services provided by MEP centers. NIST MEP also conducts other episodic studies to evaluate the system's impact that corroborate and complement the survey results.

- To provide center-specific program performance and impact information for center use. Centers use this information to communicate results to their own stakeholders, at both the state and federal level. Center management and NIST MEP use these results to evaluate center performance and effectiveness. The MEP Center Review Criteria and review process place strong emphasis on a center's ability to demonstrate impacts based on the survey results.

The specific information obtained from clients about the impact of MEP services is essential for NIST officials to monitor and report on program performance and plan program improvements aimed at improving program efficiency and effectiveness. This information is not available from existing programs or other sources. The collection of information is currently conducted by a contractor. This submission under the Paperwork

Reduction Act represents a request for an extension of a currently approved collection.

II. Method of Collection

The survey data will be collected through a combination of phone and web-based surveys.

III. Data

OMB Control Number: 0693-0021.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 8,000.

Estimated Time Per Response: 8 minutes.

Estimated Total Annual Burden Hours: 1,067.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 26, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-14934 Filed 7-1-08; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; U.S. Fishermen Fishing in Russian Waters

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 2, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Christopher Rogers, (301) 713-9090 or christopher.rogers@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Regulations at 50 CFR part 300, Subpart J, govern U.S. fishing in the economic zone of the Russian Federation. Russian authorities may permit U.S. fishermen to fish for allocations of surplus stocks in the Russian Economic Zone. The permit application information is sent to the National Marine Fisheries Service (NMFS) for transmission to Russia. If Russian authorities issue a permit, the vessel owner or operator must submit a permit abstract report to NMFS, and also report 24 hours before leaving the U.S. Exclusive Economic Zone (EEZ) for the Russian Economic Zone and 24 hours before re-entering the EEZ after being in the Russian Economic Zone.

The permit application information is used by Russian authorities to determine whether to issue a permit. NMFS uses the other information to help ensure compliance with Russian and U.S. fishery management regulations.

II. Method of Collection

Forms are used for applications. Submission of copies of permits, vessel abstract reports, and departure and return messages are provided by fax.

III. Data

OMB Control Number: 0648-0228.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 26, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-14932 Filed 7-1-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NMFS Alaska Region Observer Providers

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 2, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625,

14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) Alaska Region Groundfish Observer Program (Observer Program) collects and disseminates catch, bycatch, and biological data necessary to support in-season monitoring and stock assessment of fisheries in the Exclusive Economic Zone off the coast of Alaska. Owners of vessels, shoreside processors, and stationary floating processors are required to carry observers and must arrange for observer services from an observer provider. Although the vessel and plant owners pay for the cost of the observers, the costs associated with managing the program are paid by NMFS. A list of observer providers is available from the Observer Program's home page at http://www.afsc.noaa.gov/refm/observers/observer_providers.htm. The main focus of this information collection continues to be the documentation required by NMFS from an observer provider. Observer providers are permitted by NMFS to hire and deploy qualified individuals as observers in the Alaska Region groundfish fisheries. Observer candidates are required to meet specified criteria in order to qualify as an observer and must successfully complete an initial certification training course, as well as meet other criteria, prior to being certified.

II. Method of Collection

Paper applications, electronic reports, and telephone calls are required from participants, and methods of submittal include Internet and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648-0318.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 205.

Estimated Time Per Response: 30 minutes for industry request for assistance in improving observer data quality issues; 60 hours for new permit application for observer provider; 15 minutes for update to provider