

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 07/30/2002
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 06/13/2002.

TITLE: Northeast Region Dealer Purchase Reports

AGENCY FORM NUMBER(S): 88-30,88-142

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0229

EXPIRATION DATE: 07/31/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	6,214	3,572	0
New	63,520	3,451	15
Difference	57,306	-121	15
Program Change		591	5
Adjustment		-712	10

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

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.

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

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
NORTHEAST REGION DEALER PURCHASE REPORTS
OMB CONTROL NO. 0648-0229**

A. JUSTIFICATION

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

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), initially implemented in 1976 and most recently amended in 1996 with the passage of the Sustainable Fisheries Act, the Secretary of Commerce (Secretary) has the responsibility for conservation and management of the nation's marine fishery resources. Much of this responsibility has been delegated to the National Oceanic and Atmospheric Administration (NOAA)/ National Marine Fisheries Service (NMFS). Under this stewardship role, the Secretary is authorized to adopt such regulations as may be necessary to create sustainable fisheries by eliminating overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

One of the regulatory steps taken to ensure that these measures are based on the best available scientific information is the collection of data from the users of the resource. Thus, as Regional Fishery Management Councils develop specific fishery management plans (FMP), the Secretary has set forth rules for the collection of fishery-dependent data from dealers/processors and vessels to monitor, evaluate and enforce the fishery regulations intended to achieve sustainable fisheries. The continuing need for this information is explicit in the management goals and objectives established by the Mid-Atlantic Fisheries Management Council (MAFMC) and the New England Fisheries Management Council (NEFMC) as well as in the Magnuson-Stevens Act, the Sustainable Fisheries Act and NMFS' recently finalized long-term Fisheries Strategic Plan.

In an effort to achieve the goals of the Magnuson-Stevens Act, several fisheries are now being managed by harvest limits including quotas, annual target total allowable catches (TACs) and domestic annual harvest (DAH) limits. These fisheries often have short fishing seasons and require in-season management measures, such as closures and trip limits, to ensure that harvest levels established in each FMP are not exceeded. Therefore, as more fisheries are being managed by harvest limits, the timely collection of data from dealers and vessel operators is and will continue to be a necessary component of most management regimes, as evidenced in several FMPs.

All federally-permitted dealers of Atlantic mackerel, squid, butterfish, Atlantic sea scallop, Atlantic surf clam, ocean quahog, Northeast (NE) multispecies, monkfish, summer flounder, scup, black sea bass, Atlantic bluefish, spiny dogfish, Atlantic herring, or tilefish must have been issued and have in their possession a federal dealer permit in order to purchase such species from fishing vessels. Federally-permitted dealers in the above fisheries are required to submit certain information regarding their fish purchases to NMFS through a combination of written forms and the Interactive Voice Response (IVR) system. The written reports provide the comprehensive

data that are necessary for successful long-term management of each fishery while the IVR system provides real-time monitoring of certain quota-managed species.

Section 303(a)(5) of the Magnuson-Stevens Act specifically identifies the kinds of data to be collected for FMPs. Comprehensive trip-by-trip written reports submitted by dealers include individual vessel information, purchases by species and market category, and pricing information. The use of forms to collect the information is an essential ingredient in the management of fishery resources because they provide the means to collect that information on which management decisions are made.

Dealers not permitted in one of the fisheries requiring mandatory reporting are asked to submit written reports of their fish purchases on a voluntary basis. The information collected through the voluntary program is generally the same as the information collected via the mandatory program.

While the use of written reports to collect landings information from the industry is necessary for the management of fishery resources, it is difficult to collect and process the forms within the time frame needed for effective management of quota-managed species. Therefore, dealers permitted in certain fisheries managed by quota or other harvest limits are required to submit weekly reports through the IVR system. Species subject to IVR reporting include summer flounder, scup, black sea bass, regulated NE multispecies, Atlantic mackerel, *Illex* and *Loligo* squid, and butterfish. The IVR system uses a toll-free number that federally-permitted dealers call to report a weekly summary of purchases, by species, within three days of the end of the reporting week, enabling NMFS to determine when harvest limits have been reached.

The Regional Administrator has the authority to defer IVR reporting requirements for any quota managed species if landings are not expected to reach levels that would cause the applicable harvest limit for that species to be achieved. This determination is based on the purchases reported, by species, in the comprehensive written reports submitted by dealers and other available information.

In all fisheries requiring mandatory reporting, 'negative reporting' by dealers is required if no fish was purchased during the reporting period. Negative reports are necessary in order to accurately identify dealers who have not purchased fish as opposed to those who have failed to report their purchases. If no purchases of any species were made during an entire calendar month, a written negative report, using NOAA Form 88-30, must be submitted. If no purchases of any IVR monitored species were made during the weekly reporting period, a negative report must be submitted via the IVR system.

All large vessel at-sea processors of Atlantic mackerel that have been issued and have in their possession a federal at-sea processor permit may purchase mackerel from fishing vessels at sea for processing, provided the large vessel did not harvest the mackerel. These federally-permitted vessels are required to submit certain information regarding their fish purchases to NMFS through a combination of written forms and the IVR system, if and when mackerel is no longer deferred from IVR reporting requirements. The written reports provide the comprehensive data that are necessary for successful long-term management of the fishery while the IVR system

provides real-time monitoring of certain quota-managed species. Currently, IVR reporting of Atlantic mackerel is deferred, so these vessels would be required to submit only written reports.

In addition to the information collected from dealers, a small number of non-federally permitted vessels are asked to provide information on a voluntary basis regarding their fishing trips. Field Agents interview the vessel owner or operator to collect fishing effort and location data for a particular fishing trip, which is then associated with the species information supplied by the dealer for that trip. The interview information is recorded by the Field Agent on the top portion of Form 88-30.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

Almost every international, federal, state and local fishery management authority recognizes the value of fisheries statistics collections and uses them as part of their management systems. Fisheries statistics are used by economists, biologists and managers to develop, monitor and enforce controls on fishery harvests. Without the fundamental data obtained through this collection of information, NMFS would be unable to meet its statutory requirements under the Magnuson Act.

The information collected using these forms and through the IVR system is used by several offices of NMFS, the NEFMC, and the MAFMC to monitor the various fisheries so that conservation and management actions may be taken in a timely manner. Because many fisheries are at critical low points, accurate and timely reports of landings are especially important for monitoring commercial landings by species and evaluating the effectiveness of each FMP in achieving its fishing mortality targets.

In addition to the uses specifically relating to management of individual species, the statistics collected through these reports will be incorporated into the NMFS databases which are used in many analyses by NMFS, the Regional Fishery Management Councils, the U.S. Coast Guard, state fishery enforcement agencies, the Departments of State and Commerce, Office of Management and Budget (OMB), the Corps of Engineers, Congressional staffs, the fishing industry, and the public. The data also serves as input to a variety of uses such as biological analyses and stock assessments, E.O. #12866 Regulatory Planning and Review, quota and allocation selections and monitoring, economic profitability profiles, trade and import tariff decisions, allocation of grant funds among states and identification of ecological interactions among species.

NOAA Form 88-30, Purchases from Fishing Vessels-Northeast (Mandatory and Voluntary)

Purchases from fishing vessels are submitted by dealers on both a voluntary and mandatory basis, depending on the federal fisheries permits held by the dealer. Under both the mandatory and voluntary systems, the 88-30 forms are supplied to dealers free of charge for their recordkeeping needs, subject to the dealers providing NMFS with a copy. Dealers may substitute a form of their own if all of the relevant information is included and the form has been

approved by the Regional Administrator. The submission deadline for mandatory reports is within sixteen days after the end of the reporting week.

Information, such as purchase date, vessel name, species(by market category), pounds, and value is asked for in both the voluntary and mandatory program. This information is necessary to the accounting systems used by the dealers and is part of the dealer's own record keeping requirements. Additional information required for the mandatory reporting program include name and address of the dealer, dealer permit number, vessel permit number, trip identifier and the port landed. All of this information is needed in order to process the data, and to match each report with the corresponding Fishing Vessel Trip Reports (FVTRs) (OMB #0648-0212) submitted by the vessel owners, using these fields as the identifiers. Coordinating these two forms submitted by vessels and dealers is necessary for monitoring compliance by both parties and for providing verification of accurate reporting.

Species information on Form 88-30, such as landings by species and market(size) category, is the basic measure of fishing success from which fishermen, biologists and economists draw conclusions about the status of the fishery. The market categories are also for the convenience of the dealer because price is size-dependent and the catch is usually culled and sold by market category. Species landing information is needed because controlling the quantity of fish harvested is often the means for ensuring continued harvests over time. It should be noted that both species and price information are necessary for the dealer's own accounting operation, therefore reporting that information does not constitute a reporting burden. The composition of the species listed on Form 88-30 may vary depending on the geographic distribution of the species, the area landed, and the needs of the dealers. A different species list does not constitute a different form.

The spaces on the form allocated for pounds, price per pound, and total dollar value are used by the dealers and/or purchasers of the product as part of their own record keeping requirements. Dealers are required to report either the price per pound or the total value by species. Prices and values are used in estimating the earnings and profitability of each fishing trip by the vessel operator and in regulatory impact reviews and economic input-output models requiring such data to estimate the economic effects of changes induced by the biology or management of the fishery. Special economic studies are conducted to obtain detailed information on specific issues or fisheries when resources are available.

Interviews

Other fields on the top of Form 88-30 are coded by Field Agents using information collected through interviews with vessel captains, through vessel logbook entries, or by making an educated guess for un interviewed vessels. These fields include date sailed, date landed, crew, stern trawl indicator, gear, mesh size, statistical area, days absent, days fished, number of tows, tow duration, number of trips, depth, interview source, prorating, fishing zone, quarter degree, ten-minute square, trip type, time-lost and time of day. Field Agents conduct interviews only with vessels not required to submit FVTRs. Because the majority of vessels in the Northeast are now permitted in one or more of the fisheries requiring mandatory reporting, very few interviews

are conducted by Field Agents, therefore there is no duplication between the interviews and the FVTRs.

NOAA Form 88-142, Shellfish Dealer/Processor Report

All questions on form 88-142 are responded to by the dealer or processor purchasing clams from the vessel. Information such as vessel name and address is used to identify the respondent and the legal entity (owners) controlling the fishing practices of the vessel. Vessel fishing license information is used by Enforcement when inspecting the Shellfish Processor's Report (88-142) for violations of quota regulations, or during an at-sea boarding or shore-side inspection of the vessel catches and logbooks (OMB #0648-0212, NOAA Form 88-140). Violations may result in fines, suspension of a fishing permit or seizure of the catch. Since many vessels are owned by individuals or by corporations, identification and location of the company purchasing the product, and the identification of the vessel from which the product was purchased are necessary to enforce fishery regulations.

The 'sold to' column is used by dealers, who are defined as those entities that have bought product for whatever purpose, but are not the final processor of the product. This requirement comes from the industry practice of 'middle men' purchasing product, consolidating it under a single order and then selling it to a processor. This information will be used by NMFS to track specific product from the vessel to the processing plant to ensure an accurate tabulation against the amount of quota remaining for the quota holder. Requiring third parties to report lessens the likelihood of collusion in reporting harvest, based on the belief that it is more difficult to have many independent entities circumvent the regulations than one or two.

The date of purchase, species of shellfish purchased, quantity purchased and the price per bushel are necessary to coordinate with vessel logbook information to check for quota violations and for stock assessment analysis. The price per bushel is needed for economic analysis and to determine the impact of regulations on the industry.

Purchases from Fishing Vessels - IVR system

The information collected by NMFS through the IVR system is used by several offices of NMFS, the NEFMC, the MAFMC, and various state agencies to monitor quota-managed fisheries, ensuring that conservation and management actions are taken in a timely manner. Dealers issued permits for any species requiring IVR monitoring must report the following information weekly through the IVR system: dealer permit number; dealer passcode; pounds purchased by species; week in which purchases were made; and state of landing for each species purchased.

Dealer permit number is used as a unique identifier to track purchases and monitor compliance by dealers. Additionally, dealer permit number serves as a means of cross checking and verifying the IVR reports with the written reports submitted by dealers, and also with the logbooks submitted by fishing vessels. This cross check will allow NMFS to locate and correct any discrepancies that exist between the written and IVR reports.

The dealer passcode is a confidential, randomly generated and assigned 5-digit number. The passcode functions similar to a PIN number to ensure that the integrity of data collected through the IVR system is maintained. Requiring the passcode to be entered by the dealer in order to submit a report via the IVR system will prevent incorrect data from being submitted, either intentionally or accidentally.

A weekly sum of pounds purchased must be reported for each species subject to IVR reporting. This information is used by NMFS to determine current harvest rates for each fishery on a real-time basis. When certain trigger points are reached, depending on the fishery, NMFS will be able to establish a trip limit or close a fishery, as appropriate, in order to meet the regulatory requirements set forth in each FMP.

Information regarding the state landed is used to assign landings to the appropriate state when the data are compiled by NMFS. This is especially important in fisheries where the FMP is based on coast wide quotas allocated by state, such as summer flounder. The state is also used to assist NMFS in matching data submitted through the IVR system with data submitted on the written reports and/or the FVTRs, and will minimize the opportunity for collusion in reporting.

The reporting week number identifies the week in which the purchases were made and will serve as a reference to verify data submitted by different sources for the same reporting period.

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.

The majority of dealers in the Northeast Region currently providing data to NMFS under the mandatory reporting system have historically provided the same information under the voluntary program. Regardless of which system a dealer reports under, NMFS provides the dealers with NOAA Form 88-30 and obtains the information on that form weekly. Reports from dealers are also accepted on their own forms, on computer diskettes or via direct computer access where that technology exists. Currently about 10% of federally permitted dealers are reporting electronically, although several use their own acceptable forms to report. Since these dealers need to complete most of the information we need for their own record keeping as well, the burden for reporting is greatly reduced for those dealers. Such alternate reporting arrangements will continue to be acceptable for any of the upcoming FMPs that require reporting as long as all required information is provided. Every effort will be made in the future to utilize computer technology to reduce the public burden as opportunity and technology allow.

In designing the IVR system, NMFS has been able to successfully employ advanced technology while not requiring that same technology to exist in the industry. The IVR system uses a call-in system, and so has the advantage of being the most accessible and convenient method for dealers to report without imposing additional paperwork or requiring advanced technology to comply. NMFS provides a toll-free number to the industry to minimize any costs from being incurred by the industry. The only requirement for dealers to report is to have either a touch-tone or rotary dial telephone.

4. Describe efforts to identify duplication.

A requirement of the Magnuson-Stevens Act operational guidelines is that each FMP evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership comprises state and federal officials responsible for resource management in their state or area. Bringing fisheries managers together for the review of existing state or federal laws helps to identify other collections that may be gathering the same or similar information. If a state is collecting the required information under its own authority, generally NMFS will use the state's data rather than duplicate state collections. In addition, each FMP undergoes extensive public comment periods where potential participants in the fishery to be managed review the proposed permit application requirements and data collection proposals. Therefore NMFS is confident it is aware of similar collections if they exist and has avoided duplication to the extent possible.

The exception to duplicate data collection by state and federal authorities is for certain quota-managed species, including summer flounder, scup, black sea bass and Atlantic bluefish. Landings for these species are also collected by the states in some cases because they are managed by a quota system allocated by state. Monitoring the quotas in a timely manner is critical for effective management and so some, but not all, states have implemented their own weekly reporting system. Because landings of these species need to be monitored for each state in the Northeast Region, federal law requires reporting of all purchases made by federally permitted dealers.

In a fishery managed by quotas and other harvest limits, some verification of reporting is desirable. For instance, the duplication that exists in certain fields between the IVR reports, the comprehensive written reports and the FVTRs is necessary to track harvesting, monitor compliance and identify possible reporting violations or noncompliance by dealers and vessels. The IVR reports provide for the timely compilation of data while the signed written reports provide verification of accurate reporting as well as detailed trip level and pricing information. Data are further verified by checking dealer reports against vessel reports, thus minimizing the opportunity for collusion and decreasing the likelihood of inaccurate reporting by either party.

Although it may appear that there is duplication between the top portion of the FVTR and the top portion of the dealer reporting form, this is not the case because Field Agents only collect interview information from vessels that are not permitted in any fishery requiring mandatory reporting.

The Processor's Report duplicates, for the purpose of verification and accuracy, some of the information provided by vessel operators on the Fishing Trip Record (Shellfish) (Form 88-140). In this case certain duplication is desirable to track harvesting, to identify possible reporting violations and to insure fairness in application of the measures among the entire group of allocation holders.

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

Since many of the dealers who will respond are considered small businesses, separate requirements based on the size of business have not been developed. The format for Form 88-30 was developed in cooperation with the respondents over the years of the voluntary program to ensure ease of use. The original design of this form was copied from several dealer forms to ensure it meets their accounting requirements. The result is that many dealers choose to use these forms rather than designing and/or purchasing their own.

The IVR has been tested by a voluntary group of dealers to ensure the burden associated with reporting will be minimized to the extent possible. Any comments or concerns voiced by the industry test group were addressed by NMFS staff throughout the testing phase of the IVR system.

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

Weekly reporting is critical for monitoring fisheries managed by quotas or other harvest limits. This is especially true in fisheries with small or seasonal quotas where in-season management actions, such as closures or implementation of trip limits must be taken in a timely manner. In addition, it is important to retain the same weekly reporting period for both IVR and written reports so that data for the same time frame can be cross checked to verify compliance and accuracy.

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

The data collection is consistent with 5 CFR 1320.6 guidelines except that it requires information to be reported more frequently than quarterly. The need for this is described in Item 6.

8. Provide a copy of 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 (copy attached) solicited public comment 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 payment or gift, other than remuneration of contractors or grantees, will be provided to respondents of this collection.

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

All data will be kept confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form without identification as to its source. Confidentiality is also required by section 402(b) of the Magnuson-Stevens Act. Logbooks are considered confidential under the Trade Secrets Act as well.

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 sensitive questions are asked.

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

Table 1

Calculation of Public and Federal Cost and Burden Estimates						
Logbook Title/No.	No. of Respondents	Responses/Year	Total Annual Responses	Avg. Response Time (Hrs)	Total Response Hours	Annual Cost/Public
88-30 Mandatory	600	52	31,200	0.0333	1,039	\$15,585
88-30 Voluntary	100	52	5,200	0.0333	173	\$2,595
88-142 Shellfish	20	52	1,040	0.5	520	\$7,800
IVR*	500	52	26,000	0.066	1,716	\$25,740
Interviews	10	8	80	0.0333	3	\$45
TOTAL	730	N/A	63,520	N/A	3,451	\$51,765

* Respondents for the IVR are required to submit FVTRs (Form 88-30) under the mandatory collection program, and so are included in the 600 respondents for that collection. To avoid double-counting, the number of respondents for the IVR collection is not duplicated in the total number of respondents.

Dealers required to complete and submit Dealer Purchase Reports (Form 88-30) include those permitted in the Atlantic mackerel, squid, butterfish, Atlantic sea scallop, NE multispecies, monkfish, summer flounder, scup, black sea bass, Atlantic bluefish, spiny dogfish, Atlantic herring, or tilefish fisheries. According to data available through the Northeast Region Permit database, approximately 600 dealers are permitted for one or more fisheries requiring mandatory reporting using Form 88-30. An additional 100 dealers submit reports (Form 88-30) under the voluntary data collection system which has been conducted for several years. Since many dealers hold permits in more than one fishery, the number of respondents reflects the total number of individual dealers permitted, and not the sum of all permit holders.

Dealers/processors required to complete and submit Shellfish logs (Form 88-142) include those permitted in the ocean quahog and surf clam fisheries. Approximately 200 dealers/processors are permitted in these fisheries, however many of those are also permitted in other fisheries and fulfill their reporting requirements by submitting Form 88-30. Approximately 20 of the dealers/processors permitted in the surf clam and ocean quahog fisheries submit Form 88-142.

Dealers required to report purchases through the IVR system include those permitted in the Atlantic mackerel, squid, butterfish, NE multispecies, summer flounder, scup, black sea bass, Atlantic bluefish, or spiny dogfish fisheries. Approximately 500 dealers are permitted in one or more of the fisheries requiring IVR reports to be submitted. However, IVR reporting of several of these species has been deferred by the Regional Administrator because landings are not expected to reach levels that would cause the applicable target exploitation rate specified in the fishery management plan for that species to be achieved. As long as a species is deferred, no IVR report is required to be submitted for that species.

Owners or captains of vessels not permitted in one of the fisheries requiring mandatory reporting may be asked by Field Agents to respond to several interview questions on a voluntary basis. According to the most recent available data, an average of 10 vessels have been interviewed an average of eight times each, per year.

As indicated in Table 1, the total annual reporting burden associated with this collection is estimated at 3,451 hours. This burden assumes a response time of 2 minutes to complete the voluntary and mandatory dealer purchase report (Form 88-30); 30 minutes to complete the shellfish report (Form 88-142); 4 minutes to summarize and call-in the weekly IVR report; and 2 minutes to respond to interview questions. Much of the information being provided by respondents is collected in the normal course of business and is, in many instances, collected on the reporting form. The reporting burden reflects only the time needed to gather any additional information needed to complete the forms and to submit the forms to NMFS. The burden for the IVR reports includes the time needed to summarize and call in the information. In addition, it is anticipated that several of the reports submitted through both the IVR system and the dealer reports will be negative reports. Negative reports take considerably less time to compile and call-in.

The reporting costs to the public are based on a respondent wage of \$15/burden hour.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

Table 2

Calculation of Cost to Respondents Excluding Respondent Time			
Form	No. of Annual Responses	Average Postage Cost per Response	Total Costs
88-30 Mandatory	31,200	\$0.48	\$14,976

No special equipment or technology is needed to comply with the reporting requirements reflected in this submission. The IVR system requires only a telephone to call in reports via a toll-free number. Dealers have the option of submitting reports electronically, however they are not required to do so to meet their reporting requirements, therefore no special equipment is needed. No costs are incurred in the case of voluntary submission of purchase reports because they are generally collected by the Field Agent rather than being mailed by the submitter. The mailing costs for Shellfish Logs (Form 88-142) are paid by the Government. The only direct costs incurred by the respondents for this collection are the mailing costs associated with submission of mandatory purchase reports (Form 88-30). Typically, all the slips for a reporting week are mailed in the same envelope at the end of the reporting week. The number of forms submitted weekly is variable and dependent upon the number of fishing trips made by a vessel. Each package may contain as few as one slip to as many as 130 slips. Assuming an average of 6 slips per package, the average cost of postage is \$0.48 per submission.

Respondents are required to retain copies of the logbook reports for a period of three years after the date of the last entry on the report for purposes of enforcement investigations, and to serve as the official records for establishing individual vessel allocations. Enforcement investigations may take up to three years before agents interview the respondents. Retention of a copy of the records submitted removes the possible excuse for non-reporting that the original was mailed to but not received by NMFS. Business records are normally retained for 3 years and many respondents use these forms for that purpose, thus there is no impact on the public burden by this requirement.

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

Table 3

Calculation of Annual Cost to Federal Government			
Logbook Title/No.	Personnel & Services Costs	Other Program Costs (printing, phone, mail)	Total Annual Costs
Form 88-30 Mandatory & Voluntary Vessel Interviews	838,298	30,000	868,298
Form 88-142 Shellfish Report	18,359	1,500	12,000
IVR	91,022	9,000	100,022
TOTAL	947,679	40,500	988,179

Table 3 includes annual costs incurred by the Federal government as a result of this collection. The Personnel and Services Costs for Government staff include the salary and overhead costs, prorated by the percentage of each staff member's time that is devoted to a particular collection. Also included are the contract personnel and overhead costs associated with processing the data gathered as a result of this collection. Other Program Costs include any additional expenses incurred for each collection, such as printing, equipment, mailing and phone line expenses.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The program changes shown are a result of merging requirements previously approved under 0648-0390 and 0648-0406. Other changes shown are adjustments made to reflect current respondent and response numbers.

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

Results from these collections may be used in scientific, management, technical or general informational publications such as Fisheries of the United States(FUS) and in Status of the Fishery Resources off the Northeastern United States (SFR), which follow prescribed statistical tabulations and summary table formats. The time schedule for publication of FUS is June of the year following collection. Publication of SFR has usually been in September. Data is available to the general public on request in summary form only; data is available to NMFS employees in detailed form on a need-to-know basis only. There is no statistical use planned for the information.

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.

Because part of this collection involves an IVR system and not a written form, there is no form on which to display an expiration date. However, an expiration date will be displayed in the instructions and/or cover letter that will be mailed to each permit holder who is required to report purchases through the IVR system. An expiration date will appear on the written forms used in this collection of information.

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

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



NOAA FORM 88-30

OMB Number 0648-0229

Expires

PURCHASES
FROM
FISHING VESSELS

(NORTHEAST)

NOTE: Individual reports are confidential. Only summary data are released.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The data reported will be used to develop, implement, and monitor fishery management strategies and for a variety of other uses. Submission is mandatory for those persons falling under the requirements of 50 CFR 648.7 (a). All data submitted will be handled as Confidential material in accordance with NOAA Administrative Orders. Public reporting burden for the survey is estimated to average 2 minutes per response, including 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 this collection of information, including suggestions for reducing this burden, to NMFS, One Blackburn Drive, Gloucester, MA 01930.

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

NOAA Form
88-142

OMB Form
0648-0229
(Expires: 06/30/02)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Region
One Blackburn Drive
Gloucester, Massachusetts 01930

SHELLFISH PROCESSOR'S/DEALER'S REPORT

Pursuant to: 16 U.S.C. 1801

For the Time Period: _____

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The data reported will be used to develop, implement, and monitor fishery management strategies and for a variety of other uses. Submission is mandatory for those persons falling under the requirements of 50 CFR 648.7 (a). All data submitted will be handled as Confidential material in accordance with NOAA Administrative Orders. Public reporting burden for the survey is estimated to average **30** minutes per response, including 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 this collection of information, including suggestions for reducing this burden, to NMFS, One Blackburn Drive, Gloucester, MA 01930.

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

PLANT MANAGER'S SIGNATURE _____



Fishery Conservation and Management

§ 648.7

§ 648.6 Dealer/processor permits.

(a) *General.* (1) All dealers of NE multispecies, monkfish, Atlantic herring, Atlantic sea scallop, spiny dogfish, summer flounder, Atlantic surf clam, ocean quahog, Atlantic mackerel, squid, butterfish, scup, bluefish, tilefish, and black sea bass; Atlantic surf clam and ocean quahog processors; and Atlantic herring processors or dealers, as described in § 648.2; must have been issued under this section, and have in their possession, a valid permit or permits for these species. A person who meets the requirements of both the dealer and processor definitions of any of the aforementioned species' fishery regulations may need to obtain both a dealer and a processor permit, consistent with the requirements of that particular species' fishery regulations. Persons aboard vessels receiving small-mesh multispecies and/or Atlantic herring at sea for their own use exclusively as bait are deemed not to be dealers, and are not required to possess a valid dealer permit under this section, for purposes of receiving such small-mesh multispecies and/or Atlantic herring, provided the vessel complies with the provisions of § 648.13.

* * * * *

§ 648.7 Recordkeeping and reporting requirements.

(a) *Dealers—(1) Detailed weekly report.* Federally permitted dealers must submit to the Regional Administrator or to the official designee a detailed weekly report, within the time periods specified in paragraph (f) of this section, on forms supplied by or approved by the Regional Administrator and a report of all fish purchases, except surf clam and ocean quahog dealers or processors who are required to report only surf clam and ocean quahog purchases. If authorized in writing by the Regional Administrator, dealers may submit reports electronically or through other media. The following information, and any other information required by the Regional Administrator, must be provided in the report:

(i) All dealers issued a dealer permit under this part, with the exception of those utilizing the surf clam or ocean quahog dealer permit, must provide: Dealer name and mailing address; dealer permit number; name and permit number or name and hull number (USCG documentation number or state registration number, whichever is applicable) of vessels from which fish are landed or received; trip identifier for a

trip from which fish are landed or received; dates of purchases; pounds by species (by market category, if applicable); price per pound by species (by market category, if applicable) or total value by species (by market category, if applicable); port landed; signature of person supplying the information; and any other information deemed necessary by the Regional Administrator. The dealer or other authorized individual must sign all report forms. If no fish are purchased during a reporting week, no written report is required to be submitted. If no fish are purchased during an entire reporting month, a report so stating on the required form must be submitted.

(ii) Surf clam and ocean quahog processors and dealers must provide: Date of purchase or receipt; name, permit number and mailing address; number of bushels by species; cage tag numbers; allocation permit number; vessel name and permit number; price per bushel by species. Dealers must also report disposition of surf clams or ocean quahogs, including name and permit number of recipients. Processors must also report size distribution and meat yield per bushel by species.

(2) *Weekly IVR system reports.* (i) Federally permitted dealers, other than Atlantic herring dealers, purchasing quota-managed species not deferred from coverage by the Regional Administrator pursuant to paragraph (a)(2)(ii) of this section must submit, within the time period specified in paragraph (f) of this section, the following information, and any other information required by the Regional Administrator, to the Regional Administrator or to an official designee, via the IVR system established by the Regional Administrator: Dealer permit number; dealer code; pounds purchased, by species, other than Atlantic herring; reporting week in which species were purchased; and state of landing for each species purchased. If no purchases of quota-managed species not deferred from coverage by the Regional Administrator pursuant to paragraph (a)(2)(ii) of this section were made during the week, a report so stating must be submitted through the IVR system in accordance with paragraph (f) of this section.

(ii) The Regional Administrator may defer any quota-managed species from the IVR system reporting requirements if landings are not expected to reach levels that would cause the applicable target exploitation rate corresponding to a given domestic annual harvest limit, target or actual TAC, or annual or seasonal quota specified for that species to be exceeded. The Regional Administrator shall base any such determination on the purchases reported, by species, in the comprehensive written reports submitted by dealers and other available information. If the Regional Administrator determines that any quota-managed species should be deferred from the weekly IVR system reporting requirements, the Regional Administrator shall publish notification so stating in the FEDERAL REGISTER. If data indicate that landing levels have increased to an extent that this determination ceases to be valid, the Regional Administrator shall terminate the deferral by publishing notification in the FEDERAL REGISTER.

(3) *Annual report.* All persons required to submit reports under paragraph (a)(1) of this section are required to submit the following information on an annual basis, on forms supplied by the Regional Administrator:

(i) All dealers issued a dealer permit under this part, with the exception of those processing only surfclams or ocean quahogs, must complete all sections of the Annual Processed Products Report for all species of fish or shellfish that were processed during the previous year. Reports must be submitted to the address supplied by the Regional Administrator.

(ii) Surf clam and ocean quahog processors and dealers must provide the average number of processing plant employees during each month of the year just ended; average number of employees engaged in production of processed surf clam and ocean quahog products, by species, during each month of the year just ended; plant capacity to process surf clam and ocean quahog shellstock, or to process surf clam and ocean quahog meats into finished products, by species; an estimate, for the next year, of such processing capacities; and total payroll for surf clam and ocean quahog processing, by

month. If the plant processing capacities required to be reported in this paragraph (a)(3)(ii) change more than 10 percent during any year, the processor shall notify the Regional Administrator in writing within 10 days after the change.

(iii) Atlantic herring processors, including processing vessels, must complete and submit all sections of the Annual Processed Products Report.

(b) *Vessel owners or operators—(1) Fishing Vessel Trip Reports—(i)* The owner or operator of any vessel issued a valid permit under this part must maintain on board the vessel, and submit, an accurate fishing log report for each fishing trip, regardless of species fished for or taken, on forms supplied by or approved by the Regional Administrator. If authorized in writing by the Regional Administrator, a vessel owner or operator may submit reports electronically, for example by using a VMS or other media. With the exception of those vessel owners or operators fishing under a surfclam or ocean quahog permit, at least the following information and any other information required by the Regional Administrator, must be provided: vessel name; USCG documentation number (or state registration number, if undocumented); permit number; date/time sailed; date/time landed; trip type; number of crew; number of anglers (if a charter or party boat); gear fished; quantity and size of gear; mesh/ring size; chart area fished; average depth; latitude/longitude (or loran station and bearings); total hauls per area fished; average tow time duration; hail weight, in pounds (or count of individual fish, if a party or charter vessel), by species, of all species, or parts of species, such as monkfish livers, landed or discarded; dealer permit number; dealer name; date sold, port and state landed; and vessel operator's name, signature, and operator's permit number (if applicable).

(ii) *Surf clam and ocean quahog vessel owners and operators.* The owner or operator of any vessel conducting any surf clam and ocean quahog fishing operations, except those conducted exclusively in waters of a state that requires cage tags or when he/she has surrendered the surf clam and ocean quahog fishing vessel permit, shall maintain,

Fishery Conservation and Management

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on board the vessel, an accurate daily fishing log for each fishing trip, on forms supplied by the Regional Administrator, showing at least: Name and permit number of the vessel, total amount in bushels of each species taken, date(s) caught, time at sea, duration of fishing time, locality fished, crew size, crew share by percentage, landing port, date sold, price per bushel, buyer, tag numbers from cages used, quantity of surf clams and ocean quahogs discarded, and allocation permit number.

(iii) The owner or operator of a vessel described here must report catches (retained and discarded) of herring each week to an IVR system. The report shall include at least the following information, and any other information required by the Regional Administrator: Vessel identification, reporting week in which species are caught, pounds retained, pounds discarded, management area fished, and pounds of herring caught in each management area for the previous week. Weekly Atlantic herring catch reports must be submitted via the IVR system by midnight, Eastern time, each Tuesday for the previous week. Reports are required even if herring caught during the week has not yet been landed. This report does not exempt the owner or operator from other applicable reporting requirements of § 648.7.

(A) The owner or operator of any vessel issued a permit for Atlantic herring subject to the requirements specified by § 648.4(c)(2)(vi)(C) that is required by § 648.205 to have a VMS unit on board must submit an Atlantic herring catch report via the IVR system each week (including weeks when no herring is caught), unless exempted from this requirement by the Regional Administrator.

(B) An owner or operator of any vessel issued a permit for Atlantic herring that is not required by § 648.205 to have a VMS unit on board, or any vessel that catches herring in or from the EEZ, but catches $\geq 2,000$ lb (907.2 kg) of Atlantic herring on any trip in a week, must submit an Atlantic herring catch report via the IVR system for that week as required by the Regional Administrator.

(C) Atlantic herring IVR reports are not required from Atlantic herring carrier vessels.

(c) *When to fill out a log report.* Log reports required by paragraph (b)(1)(i) of this section must be filled out with all required information, except for information not yet ascertainable, prior to entering port with fish. Information that may be considered unascertainable prior to entering port with fish includes dealer name, dealer permit number, and date sold. Log reports must be completed as soon as the information becomes available. Log reports required by paragraph (b)(1)(ii) of this section must be filled out before landing any surfclams or ocean quahogs.

(d) *Inspection.* All persons required to submit reports under this section, upon the request of an authorized officer, or by an employee of NMFS designated by the Regional Administrator to make such inspections, must make immediately available for inspection copies of the required reports that have been submitted, or should have been submitted, and the records upon which the reports were based. At any time during or after a trip, owners and operators must make immediately available for inspection the fishing log reports currently in use, or to be submitted.

(e) *Record retention.* Copies of dealer reports, and records upon which the reports were based, must be retained and be available for review for a total of 3 years after the date of the last entry on the report. Dealers must retain required reports and records at their principal place of business. Copies of fishing log reports must be kept on board the vessel for at least 1 year and available for review and retained for a total of 3 years after the date of the last entry on the log.

(f) *Submitting reports—(1) Dealer or processor reports.* (i) Detailed weekly trip reports, required by paragraph (a)(1)(i) of this section, must be postmarked or received within 16 days after the end of each reporting week. If no fish are purchased during a reporting month, the report so stating required under paragraph (a)(1)(i) of this section must be postmarked or received within 16 days after the end of the reporting month.

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(ii) Surfclam and ocean quahog reports, required by paragraph (a)(1)(ii) of this section, must be postmarked or received within 3 days after the end of each reporting week.

(iii) Weekly IVR system reports required in paragraph (a)(2) of this section must be submitted via the IVR system by midnight, Eastern time, each Tuesday for the previous reporting week.

(iv) Annual reports for a calendar year must be postmarked or received by February 10 of the following year. Contact the Regional Administrator (see Table 1 to §600.502) for the address of NMFS Statistics.

(2) *Fishing vessel log reports.* (i) Fishing vessel log reports, required by paragraph (b)(1)(i) of this section, must be postmarked or received within 15 days after the end of the reporting month. Each owner will be sent forms and instructions, including the address to which reports are to be submitted, shortly after receipt of a Federal fisheries permit. If no fishing trip is made during a month, a report stating so must be submitted.

(ii) Surfclam and ocean quahog log reports, required by paragraph (b)(1)(ii) of this section, must be postmarked or received within 3 days after the end of each reporting week.

(3) *At-sea purchasers, receivers, or processors.* All persons, except persons on Atlantic herring carrier vessels, purchasing, receiving, or processing any Atlantic herring, summer flounder, Atlantic mackerel, squid, butterfish, scup, or black sea bass at sea for landing at any port of the United States must submit information identical to that required by paragraphs (a)(1) or (a)(2) of this section, as applicable, and provide those reports to the Regional Administrator or designee on the same frequency basis.

(g) *Additional data and sampling.* Federally permitted dealers must allow access to their premises and make available to an official designee of the Regional Administrator any fish purchased from vessels for the collection of biological data. Such data include, but are not limited to, length measure-

ments of fish and the collection of age structures such as otoliths or scales.

[61 FR 34968, July 3, 1996, as amended at 61 FR 43425, Aug. 23, 1996; 61 FR 58465, Nov. 15, 1996; 62 FR 14646, Mar. 27, 1997; 63 FR 52640, Oct. 1, 1998; 63 FR 58329, Oct. 30, 1998; 64 FR 57593, Oct. 26, 1999; 65 FR 1569, Jan. 11, 2000; 65 FR 45851, July 26, 2000; 65 FR 60895, Oct. 13, 2000; 65 FR 77465, Dec. 11, 2000]

EFFECTIVE DATE NOTE: At 66 FR 49144, Sept. 26, 2001, §648.7 was amended by revising the first sentence of paragraph (a)(2)(i) and adding paragraph (b)(1)(iv), effective Nov. 1, 2001. For the convenience of the user the revised text follows:

§ 648.7 Recordkeeping and reporting requirements.

- (a) * * *
(2) * * *

(i) Federally permitted dealers, other than Atlantic herring and tilefish dealers, purchasing quota-managed species not deferred from coverage by the Regional Administrator pursuant to paragraph (a)(2)(ii) of this section must submit, within the time period specified in paragraph (f) of this section, the following information, and any other information required by the Regional Administrator, to the Regional Administrator or to an official designee, via the IVR system established by the Regional Administrator: Dealer permit number; dealer code; pounds purchased, by species, other than Atlantic herring and tilefish; reporting week in which species were purchased; and state of landing for each species purchased. * * *

* * * * *

- (b) * * *
(1) * * *

(iv) The owner or operator of any vessel issued a limited access permit for tilefish must submit a tilefish catch report via the IVR system within 24 hours after returning to port and offloading as required by the Regional Administrator. The report shall include at least the following information, and any other information required by the Regional Administrator: Vessel identification, trip during which species are caught, and pounds landed. IVR reporting does not exempt the owner or operator from other applicable reporting requirements of §648.7.

* * * * *

§ 648.8 Vessel identification.

(a) *Vessel name and official number.* Each fishing vessel subject to this part and over 25 ft (7.6 m) in registered length must:

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;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing 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, 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;

(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 describe the likely effects, if any, of the conservation and management measures on--

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

(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;

(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;

(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;

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

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

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;

(2) 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;

(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;

(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;

(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, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic 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;

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

(12) 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

number of days outstanding for an interest rate payment. Second, respondent argues that the Department made a ministerial error when it used won-denominated fixed-rate benchmarks to calculate benefits on won-denominated variable-rate loans outstanding during the POR. The petitioner has not commented on these ministerial error allegations.

We find that both alleged errors fulfill the criteria for being a ministerial error. We agree with Inchon that the Department inadvertently miscalculated the benefit attributed to an interest payment for a won-denominated variable rate loan outstanding during the POR. We have addressed this error for the amended final results by correcting the number of days outstanding used in the benefit calculation. We find that it does fulfill the criteria for being a ministerial error. Therefore, we made the appropriate corrections to the loan calculations. See February 14, 2002 "Memorandum to Bernard Carreau, Deputy Assistant Secretary for AD/CVD Enforcement II from Melissa G. Skinner, Director, Office Director, AD/CVD Enforcement VI, RE: Ministerial Error Allegation filed by Respondent, Final Results of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip from the Republic of Korea."

As a result, the net subsidy rate for the GOK's Direction of Credit program should have been 0.07 percent *ad valorem*.

Amended Final Results of Review

Pursuant to the Department's regulations at 19 CFR 351.224(e), Inchon's amended rate is 2.45 percent *ad valorem*.

The Department will instruct the Customs Service ("Customs") to assess countervailing duties on all appropriate entries on or after November 17, 1998, and on or before December 31, 1999. The Department will issue liquidation instructions directly to Customs. The amended cash deposit requirements are effective for all shipments from Inchon of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This amendment to the final results of the countervailing duty administrative review is in accordance with section 751(a)(1) of the Tariff Act, as amended, (19 U.S.C. 1675(a)(1)), 19 CFR 351.213, and 19 CFR 351.221(b)(5)).

Dated: February 15, 2002.

Faryar Shirzad,

Assistant Secretary for, Import Administration.

[FR Doc. 02-4268 Filed 2-21-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021502B]

Proposed Information Collection; Comment Request; Northeast Region Dealer Purchase Reports

AGENCY: National Oceanic and Atmospheric Administration (NOAA).
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, Pub. L. 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before April 23, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kelley McGrath, One Blackburn Drive, Gloucester, MA 01930 (phone 978-281-9307 or e-mail Kelley.McGrath@noaa.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

Federally-permitted dealers in specified fisheries are required to submit information weekly regarding their fish purchases. Other dealers are asked to submit the information on a voluntary basis. A small number of commercial fishermen may also be asked to voluntarily provide information related to the purchase. The information obtained is used by economists, biologists, and managers in the management of the fisheries. NOAA is seeking to renew Paperwork Reduction Act approval for these requirements and to merge similar requirements approved under 0648-

0390 (bluefish) and 0648-0406 (herring).

II. Method of Collection

Depending upon the fishery, dealers submit forms on either a mandatory or voluntary basis. Mandatory respondents must also report via an Interactive Voice Response (IVR) system. Vessel captains maybe interviewed for related information.

III. Data

OMB Number: 0648-0229.

Form Number: NOAA Forms 88-30, 88-142.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 1,427.

Estimated Time Per Response: 2 minutes for a NOAA Form 88-30 or an interview; 4 minutes for an IVR report; and 30 minutes for a NOAA Form 88-142.

Estimated Total Annual Burden Hours: 4,163.

Estimated Total Annual Cost to Public: \$15,000.

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: February 14, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02-4274 Filed 2-21-02; 8:45 am]

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