

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

12/27/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 09/08/2005.

TITLE: Application to Shuck Surf Clams/Ocean Quahogs at Sea

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0240
EXPIRATION DATE: 12/31/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	600	51	0
New	602	51	219
Difference	2	0	219
Program Change		0	0
Adjustment		0	219

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.

<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
APPLICATION TO SHUCK SURF CLAMS/OCEAN QUAHOGS AT SEA
OMB CONTROL NO.: 0648-0240**

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), the Secretary of Commerce is authorized to adopt such regulations as may be necessary to carry out the conservation and management objectives of Fishery Management Plans. Amendment 8 to the Fishery Management Plan for Atlantic surfclams and ocean quahogs was published on June 14, 1990, with the regulations effective September 30, 1990. The amendment provided for individual transferable quotas (ITQs) by species (surfclam or ocean quahog) for individuals who were qualified to receive an ITQ for either or both species. ITQs were issued in September 1990, to individual owners based on their percentage share of the annual allowed quota for harvest. The regulations governing the Atlantic surfclam and ocean quahog fishery, including this collection of information, are found in 50 CFR part 648, subpart E.

Allocations are expressed in terms of bushels, but tracked and transferred in terms of the cages in which harvested product is landed and shipped (cages contain 32 bushels of product). To facilitate enforcement and tracking, sequentially numbered tags are issued to each owner on an annual basis and all cages of product must be tagged, with tag use reported by both the harvesting vessel and the purchasing dealer. Individual allocations are transferable per regulations found at 50 CFR 648.70(b)(1) and (2). Owners may transfer their allocation on a permanent basis or may transfer tags to other vessel owners to use on a temporary (annual) basis. This transferability means that the allocation ownership frequently changes. The ITQ Allocation Transfer Form is required by NMFS to process and register ITQ transactions. Once processed, new allocation permits are issued and all databases are updated.

Information required on the transfer form includes allocation owner name, allocation number (assigned by NMFS for internal tracking), and the numbers of the tags associated with the transfer. The ITQ management scheme gives transferable ownership of the resource to individual allocation holders. Each allocation owner is issued an allocation permit, which specifies the amount of their allocation, and the tag numbers they are required to use during the harvest of their allocation. If any transfer is made, NMFS records must be updated and revised allocation permits must be issued.

Because of potential difficulties in disposing of clamshells on shore Amendment 8 allows for the Regional Administrator to approve requests to shuck product at sea. However, because of the difficulties involved in converting the volume of shucked clam meats to bushels, the regulations allow shucking at sea only if the vessel carries a NMFS-approved observer. The observer is necessary to certify the amount, in bushels, of unshucked product that the vessel has processed at sea. The regulations authorizing this collection are found at 50 CFR 648.74.

Thus this information collection includes the form to request the transfer of ITQ allocation or cage tags and the application to request authorization to shuck product at sea. The latter

collection includes the cost of carrying a NMFS-approved observer if the application is accepted. These two collects are necessary to the administration and the monitoring of quota for the Atlantic surfclam and ocean quahog ITQ program.

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.

The information on the ITQ transfer form is used by NMFS to maintain a proper accounting of an individual or corporation's quota share. Allocation permits, which are mailed to the allocation holder after each transaction, serve as receipts showing the allocation holder's current account balance. The allocation permits are used by Law Enforcement agents in the field to verify that individual harvesters are authorized to use the tags they possess, and to ensure that individual allocations are not exceeded since overfishing of individual allocations would lead to overfishing of the overall species quota.

Specific questions on the form include the type of transfer requested (permanent or temporary), the name and ITQ allocation numbers of the transferor and the transferee, and the cage tags requested to be transferred. These data fields are necessary in order to identify the companies or individuals and ITQ tags involved in the transaction. Omission of any one of these fields would leave ambiguity and the opportunity for error in processing the request. If an entity is a new entrant to the fishery an ITQ allocation number needs to be assigned. This is a one-time requirement per entity. Section 4 of the application requests standard contact information (name, address, fishing vessel, and telephone number) as well as verification that the entity is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a). This section of the United States Code outlines the U.S. citizenship requirements for documenting a vessel with the U.S. Coast Guard. Since the ITQ program conveys certain ownership rights over a natural resource of the Northeastern U.S. it is required that the allocation owner meet the same citizenship requirements as that required to document a fishing vessel. This requirement is authorized at § 648.70(b)(1). Both parties involved in the transfer, or their authorized agents, are required to sign the form.

The information contained in the application to shuck product at sea is used by the NMFS to evaluate if the process used to shuck at sea allows for the proper accounting of the harvest in terms of unshucked bushels, which is the measure used to monitor the quota. The NMFS-approved observer is necessary to certify the information reported in the vessel's shellfish logbook. Information requested includes the applicants contact information (name, address, and ITQ allocation number), specifications of the harvesting vessel, and accommodations for the observer. Specification on the harvesting vessel and the harvesting process are required in order to evaluate if the operations facilitate the proper accounting of harvested unshucked product. As mentioned previously the quota are monitored and enforced using unshucked bushels. Thus any authorization to deviate from this method of accounting needs to be thoroughly evaluated. Since a NMFS-approved observer is required to certify the vessel's shellfish logbook NMFS requires that suitable accommodations for the observer are available on the vessel.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries 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 response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and 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.

Because the form is used to transfer individual property rights, NMFS General Counsel requires a hard copy of the ITQ Transfer Form with an original signature.

The application to request authorization to shuck product at sea may differ by vessel and fishing grounds. Thus, a paper application detailing the proposed shucking process is necessary for NMFS to properly evaluate the efficacy of the proposal.

4. Describe efforts to identify duplication.

The information requested is unique to this fishery so there is no duplication of items in this collection with other collections. Since NMFS is the lead agency implementing the Magnuson-Stevens Act, NMFS is very aware of all information collections required from fishermen.

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

Small businesses are the primary respondents of the data collection. The form used to gather data on ITQ transfers is designed to be simple and easy to complete, thus, saving time for the both the respondents and managers of the system. The ability to make timely transfers gives these businesses the flexibility to make rational business decisions. The application to shuck product at sea is only required if the entity wishes to shuck product at sea. The authorization to shuck at sea is valid for one year.

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

The frequency of submission is dependant upon how often the allocation holder desires to transfer quota. If the information collection was not conducted, NMFS could not properly monitor and enforce the quota restrictions in the Atlantic surfclam and ocean quahog ITQ program. If the application and the requirement to carry and observer for operations where product is shucked at sea were removed then there would not exist a means to verify the quantity of product harvested by the vessel. The consequences from the removal of either of these information collections would compromise the ability of NMFS to conserve and manage a public trust resource.

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 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.

The ITQ management system was developed under the Magnuson-Stevens Act, and was the subject of extensive public hearing and public comment. As the ITQ management system has evolved operationally, comment has been obtained on an ongoing basis through the Mid-Atlantic Fishery Management Council's Industry Advisors and Surfclam/Ocean Quahog Subcommittee.

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

No payments or gifts are made.

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

The NMFS General Counsel has ruled that allocation information is public information because the ITQ system assigns shares of a public resource to the allocation holders. Industry participants are well aware of this fact, and they are among the primary requesters of this information as they seek to transfer or obtain allocation.

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 below summarizes the burden hours estimated for this collection.

The average annual number of ITQ transfer requests processed by NMFS from 2001 to 2004 is approximately 600. It is estimated that each form takes approximately 5 minutes to complete. Thus the annual burden for the ITQ Transfer Request Form is approximately 50 hours. NMFS receives 2 applications for authorization to shuck at sea each year. It is estimated that the time to

gather the necessary information pertaining to the shucking at sea operations takes 30 minutes per submission. Thus the total burden for the Shuck-at-Sea Application is 1 hour. The total burden for this collection of information is 51 hours.

Table 1. Cost and burden hours

Information Collection	No. of Entities	Avg. No. of Collections per Entity	Total No. of Collections per Year	Hrs per Collection	Total Hours	Cost to Public	Cost to Government
ITQ Transfer Request Form	200	3	600	0.0833	50	\$225	\$750
Shuck-at-Sea Application	2	1	2	0.5	1	\$218,400 ¹	\$100
TOTAL	202	4	602		51	\$218,625	\$850

¹This cost includes costing to carry a NMFS-approved observer on board the vessel during trips where product is shucked at sea.

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 #12 above).

The annual cost burden of this collection of information is summarized in Table 1.

The cost burden for the ITQ Transfer Request Form is based on the postage of \$0.37 per stamp to mail in the application and or ITQ Transfer Request Form. The cost to carry an observer as part of the authorization to shuck product at sea is based upon a rate of \$700 per day at sea to carry the observer, for an average of 156 sea days per vessel, multiplied by two vessels. This yields an annual cost of approximately \$218,625 for this collection of information.

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

The annual cost to the Federal government is summarized in Table 1.

The cost to the Federal government to process an ITQ Transfer Request Form is based on a rate of \$25 per hour and a processing time of 20 transfers per hour. This gives an annual cost of \$750. The application to shuck product at sea takes approximately 2 hours per application to process at a rate of \$25 per hour. This gives an annual cost of \$100. Thus the total cost to the Federal government for this collection of information is estimated to \$850.

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

Adjustments made to this renewal reflect the most recent data regarding average annual ITQ transfer requests received and the current cost of mailing a letter via standard first class mail. The cost of carrying an observer resulting from the authorization to shuck product at sea, although always a requirement, was not included in previous submissions. Thus there has been an increase in the annual cost and time burden as result of the merging of two information collections and revisions based upon the best available information.

An additional adjustment has been made to the number of respondents, reducing it from the 600, which was stated in error in the current OMB record and carried over to a worksheet for the recent merger with OMB Control Number 0648-0238.

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

The results will not be published.

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 be displayed.

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Request for Atlantic Surfclam or Ocean Quahog ITQ Allocation or Cage Tag Transfer



United States Department of Commerce
 National Oceanic and Atmospheric Administration
 National Marine Fisheries Service
 Northeast Region
 One Blackburn Drive
 Gloucester, MA 01930

Section 1. Check which type of transfer you are requesting:

<input type="checkbox"/>	Permanent ITQ Allocation Transfer
<input type="checkbox"/>	Temporary Cage Tag Transfer

Section 2.

Transferer (Seller)			
Name:		Allocation Number:	
Cage Tags to be Transferred			
	Beginning Tag Number	Ending Tag Number	Total Tags
Tag Series 1:			
Tag Series 2:			
Tag Series 3:			

Section 3.

Transferee (Buyer)	
Name:	*Allocation Number:
List of allocation numbers in which an interest is owned:	* If an allocation number has not been issued Section 4 of this form must be completed. NMFS will issue an allocation number upon receipt of the completed application.

Section 4.

Name:	
Vessel (if applicable):	
Street:	
City/ State/ Zip:	
Telephone:	
<input type="checkbox"/>	U.S. citizen requirement. By checking this box you are indicating that you are eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a) and are able to provide documentation attesting to such eligibility if requested by NMFS.

Section 5.

Signature of Transferer or Authorized Agent:	Signature of Transferee or Authorized Agent:
Date:	Date:

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate to: NMFS, One Blackburn Drive, Gloucester, MA 01930. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected 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.

APPLICATION TO SHUCK SURFCLAMS/OCEAN QUAHOGS AT SEA

In order to receive authorization to shuck surf clams or ocean quahogs at sea, please provide the information requested below and mail to:

Regional Administrator
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930

This application is required under 50 CFR 648.74 in order to obtain a shucking-at-sea permit for the Atlantic surfclam and ocean quahog fishery. Information provided on the application will allow the Regional Administrator to determine if a vessel has the capability to calculate the amount of surfclams or ocean quahogs harvested in the shell. This information is needed to execute the individual transferable quota system which uses unshucked bushels as a standard unit of measure.

1. Owner's Name: _____

2. Street: _____

City, St., Zip: _____

Telephone: _____

3. Vessel Name: _____

4. NMFS Permit Number: _____

5. On an attachment, or the back of this form, please describe the method to be used to calculate the amount of surf clams or ocean quahogs harvested in the shell.

6. Vessel Dimensions: Gross Tons _____ Length _____

7. Accommodations (for observer) : _____

8. Length of Fishing Trip: _____

Signed: _____

Dated: _____

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate to: NMFS, One Blackburn Drive, Gloucester, MA 01930. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected 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.

OMB Control No.: 0648-0240, Expires: mm/dd/yyyy

TITLE 50—WILDLIFE AND FISHERIES
CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL
OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF
COMMERCE

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

SUBPART E--MANAGEMENT MEASURES FOR THE ATLANTIC SURFLAM
AND OCEAN QUAHOG FISHERIES

§ 648.70 Annual individual allocations.

(a) *General.* (1) Each fishing year, the Regional Administrator shall determine the initial allocation of surfclams and ocean quahogs for the next fishing year for each allocation holder owning an allocation pursuant to paragraph (a)(2) of this section. For each species, the initial allocation for the next fishing year is calculated by multiplying the allocation percentage owned by each allocation owner as of the last day of the previous fishing year in which allocation owners are permitted to permanently transfer allocation percentage pursuant to paragraph (b) of this section (i.e., October 15 of every year), by the quota specified by the Regional Administrator pursuant to § 648.71. The total number of bushels of allocation shall be divided by 32 to determine the appropriate number of cage tags to be issued or acquired under § 648.75. Amounts of allocation 0.5 or smaller created by this division shall be rounded downward to the nearest whole number, and amounts of allocation greater than 0.5 created by this division shall be rounded upward to the nearest whole number, so that allocations are specified in whole cages. These allocations shall be made in the form of an allocation permit specifying the allocation percentage and the allocation in bushels and cage tags for each species. An allocation permit is only valid for the entity for which it is issued. Such permits shall be issued on or before December 15, to allow allocation owners to purchase cage tags from a vendor specified by the Regional Administrator pursuant to § 648.75(b).

(2) The Regional Administrator may, after publication of a fee notification in the *Federal Register*, charge a permit fee before issuance of the permit to recover administrative expenses. Failure to pay the fee will preclude issuance of the permit.

(b) *Transfers--*(1) *Allocation percentage.* Subject to the approval of the Regional Administrator, part or all of an allocation percentage may be transferred in the year in which the transfer is made, to any person or entity eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a). Approval of a transfer by the Regional Administrator and for a new allocation permit reflecting that transfer may be requested by submitting a written application for approval of the transfer and for issuance of a new allocation permit to the Regional Administrator at least 10 days before the date on which the applicant desires the transfer to be effective, in the form of a completed transfer log supplied by the Regional Administrator. The transfer is not effective until the new holder receives a new or revised annual allocation permit from the Regional Administrator. An application for transfer may not be made between October 15 and December 31 of each year.

(2) *Cage tags.* Cage tags issued pursuant to § 648.75 may be transferred at any time, and in any amount subject to the restrictions and procedure specified in paragraph

(b)(1) of this section; provided that application for such cage tag transfers may be made at any time before December 10 of each year. The transfer is effective upon the receipt by the transferee of written authorization from the Regional Administrator.

(3) *Review.* If the Regional Administrator determines that the applicant has been issued a Notice of Permit Sanction for a violation of the Magnuson Act that has not been resolved, he/she may decline to approve such transfer pending resolution of the matter.

* * * * *

648.74 Shucking at sea.

(a) *Observers.* (1) The Regional Administrator may allow the shucking of surfclams or ocean quahogs at sea if he/she determines that an observer carried aboard the vessel can measure accurately the total amount of surfclams and ocean quahogs harvested in the shell prior to shucking.

(2) Any vessel owner may apply in writing to the Regional Administrator to shuck surfclams or ocean quahogs at sea. The application shall specify: Name and address of the applicant, permit number of the vessel, method of calculating the amount of surfclams or ocean quahogs harvested in the shell, vessel dimensions and accommodations, and length of fishing trip.

(3) The Regional Administrator shall provide an observer to any vessel owner whose application is approved. The owner shall pay all reasonable expenses of carrying the observer on board the vessel.

(4) Any observer shall certify at the end of each trip the amount of surfclams or ocean quahogs harvested in the shell by the vessel. Such certification shall be made by the observer's signature on the daily fishing log required by § 648.7.

(b) *Conversion factor.* (1) Based on the recommendation of the MAFMC, the Regional Administrator may allow shucking at sea of surfclams or ocean quahogs, with or without an observer, if he/she determines a conversion factor for shucked meats to calculate accurately the amount of surfclams or ocean quahogs harvested in the shell.

(2) The Regional Administrator shall publish notification in the *Federal Register* specifying a conversion factor together with the data used in its calculation for a 30-day comment period. After consideration of the public comments and any other relevant data, the Regional Administrator may publish final notification in the *Federal Register* specifying the conversion factor.

(3) If the Regional Administrator makes the determination specified in paragraph (b)(1) of this section, he/she may authorize the vessel owner to shuck surfclams or ocean quahogs at sea. Such authorization shall be in writing and be carried aboard the vessel.

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

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;

(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

(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.

A-570-886: Polyethylene Retail Carrier Bags from the People's Republic of China

Requestor: Dimensions Trading, Inc.; whether polyethylene sample bags are within the scope of the order; requested October 13, 2004.

A-570-504: Petroleum Wax Candles from the People's Republic of China

Requestor: Industrial Raw Materials Corp.; whether wickless wax plugs are within the scope of the order; requested October 26, 2004.

A-570-803: Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People's Republic of China

Requestor: Olympia Group Inc.; whether pry bars, with a bar length under 18 inches, are within the scope of the order; requested November 4, 2004.

A-570-502: Iron Construction Castings from the People's Republic of China

Requestor: A. Y. McDonald Mfg. Co.; whether certain cast iron articles (meter box frames, covers, extension rings; meter box bases, upper bodies, lids), if imported separately are within the scope of the order; requested November 16, 2004.

A-570-506: Porcelain-On-Steel Cooking Ware from the People's Republic of China

Requestor: Taybek International; whether the Pro Popper professional popcorn popper is within the scope of the order; requested November 19, 2004.

A-570-891: Hand Trucks and Certain Parts Thereof from the People's Republic of China

Requestor: Vertex International, Inc.; whether certain components of its Garden Cart, if imported separately, are within the scope of the order; requested December 29, 2004.

A-570-827: Cased Pencils from the People's Republic of China

Requestor: Rich Frog Industries, Inc.; whether certain decorated wooden gift pencils are within the scope of the order; requested December 30, 2004.

Republic of Korea

C-580-851: Dynamic Random Access Memory Semiconductors from Korea

Requestor: Cisco Systems, Inc.; whether removable memory modules placed on motherboards that are imported for repair or refurbishment are within the scope of the CVD order; requested December 29, 2004.

Russian Federation

A-821-802: Antidumping Suspension Agreement on Uranium

Requestor: USEC, Inc. and its subsidiary, United States Enrichment Corporation; whether enriched uranium located in Kazakhstan at the time of the dissolution of the Soviet Union is within the scope of the order; requested August 6, 1999.

Vietnam

A-552-801: Certain Frozen Fish Filets from the Socialist Republic of Vietnam

Requestor: Piazza Seafood World LLC; whether certain basa and tra fillets from Cambodia which are a product of Vietnam are excluded from the antidumping duty order; requested May 12, 2004.

Multiple Countries

A-475-820: Stainless Steel Wire Rod from Italy, C-475-821: Stainless Steel Wire Rod from Italy, A-588-843: Stainless Steel Wire Rod from Japan, A-469-805: Stainless Steel Wire Rod from Spain, A-469-807: Stainless Steel Wire Rod from Spain, A-583-828: Stainless Steel Wire Rod from Taiwan, A-533-810: Certain Stainless Steel Wire Rod from India, A-588-833: Stainless Steel Wire Rod from India, A-351-825: Stainless Steel Wire Rod from Brazil, A-533-808: Stainless Steel Wire Rod from India, C-469-004: Stainless Steel Wire Rod from Spain

Requestor: Isha Bright Steel Ltd.; whether stainless steel bar that is manufactured in the United Arab Emirates from stainless steel wire rod imported from multiple subject countries is within the scope of the orders; requested December 22, 1998.

Anti-circumvention Inquiries Pending as of December 31, 2004: People's Republic of China

A-570-504: Petroleum Wax Candles from the People's Republic of China

Requestor: National Candle Association; whether imports of palm and vegetable-based wax candles from the People's Republic of China can be considered later-developed merchandise which is now circumventing the antidumping duty order; requested October 8, 2004.

≤A-570-504: Petroleum Wax Candles from the People's Republic of China

Requestor: National Candle Association; whether imports of palm and vegetable-based wax candles from the People's Republic of China can be considered a minor alteration to the subject merchandise, and thus whether imports of these products are circumventing the

antidumping duty order; requested October 12, 2004.

Vietnam

A-552-801: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam

Requestor: Catfish Farmers of America and certain individual U.S. catfish processors; whether imports of frozen fish fillets from Cambodia made from live fish sourced from Vietnam, and falling within the scope of the order, are circumventing the antidumping duty order; requested August 20, 2004.

Interested parties are invited to comment on the completeness of this list of pending scope inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Import Administration, International Trade Administration, 14th Street and Constitution Avenue NW, Room 1870, Washington, DC 20230.

This notice is published in accordance with 19 CFR 351.225(o) of the Department's regulations.

Dated: May 4, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E5-2286 Filed 5-9-05; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Application To Shuck Surf Clams/Ocean Quahogs at Sea.

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.

DATES: Written comments must be submitted on or before July 11, 2005.

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 Brian R. Hooker, Department of Commerce, Sustainable Fisheries Division, One Blackburn Drive, Gloucester, MA 01930 or (978) 281-9220.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The National Marine Fisheries Service (NMFS) Northeast Region manages the Atlantic surf clam and ocean quahog fisheries of the Exclusive Economic Zone (EEZ) of the Northeastern United States through the Atlantic Surf Clam and Ocean Quahog Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act). The regulations implementing the FMP are specified under 50 CFR part 648.70.

The recordkeeping and reporting requirements at § 648.70 and § 648.74 form the basis for this collection of information. NMFS Northeast Region requests information from Atlantic surf clam and ocean quahog individual transferable quota (ITQ) allocation holders in order to process and track requests from the allocation holders to transfer quota allocation to another entity. NMFS Northeast Region also requests information from Atlantic surf clam and ocean quahog permit holders in order to track and properly account for Atlantic surf clam and ocean quahog harvest that is shucked at sea. Because there is not a standard conversion factor for estimating unshucked product from shucked product, NMFS requires vessels that choose to shuck product at sea to carry on board the vessel a NMFS approved observer to certify the amount of Atlantic surf clam and ocean quahog harvested. This information, upon receipt, results in an increasingly more efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ.

II. Method of Collection

Paper applications are used to process requests.

III. Data

OMB Number: 0648-0240.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 600.

Estimated Time Per Response: 5 minutes for the application to transfer

quota, and 30 minutes for the application to shuck surf clams and ocean quahogs at sea.

Estimated Total Annual Burden Hours: 51.

Estimated Total Annual Cost to Public: \$230,400.

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: May 5, 2005

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-9329 Filed 5-9-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 050505A]

Pacific Fishery Management Council; Model Evaluation Workgroup Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) MEW will hold a work session, which is open to the public.

DATES: The work session will be held Tuesday, May 31, 2005, from 9 a.m. to 4 p.m.

ADDRESSES: The work session will be held at the Northwest Indian Fisheries Commission Conference Room, 6730 Martin Way East, Olympia, Washington 98516. Telephone: 360-438-1180.

Council address: Pacific Fishery Management Council, 7700 NE.

Ambassador Place, Suite 200, Portland, Oregon, 97220-1384.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff Officer, Pacific Fishery Management Council, 503-820-2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to further develop documentation for the Chinook and Coho FRAM.

Although nonemergency issues not contained in the meeting agendas may come before the MEW for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at 503-820-2280 at least 5 days prior to the meeting date.

Dated: May 5, 2005.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E5-2265 Filed 5-9-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 041305A]

Marine Mammals; File No. 1074-1779-00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Marc Dantzker, Principal Investigator, Producer, Sound Recording, Cornell Lab of Ornithology, Macaulay Library, Cornell University, 159 Sapsucker Woods Road, Ithaca, NY 14850-1999, has been issued a permit to take marine mammals during photographic activities for commercial and educational purposes.

ADDRESSES: The permit and related documents are available for review