NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 04/21/2005
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

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 03/21/2005.

TITLE: Foreign Fishing Vessel Permit Applications

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0089
EXPIRATION DATE: 04/30/2008

BURDEN:	RESPONSES	HOURS	COSTS($,000)
Previous	25	25	9
New	12	12	5
Difference	-13	-13	-4
Program Change		0	0
Adjustment		-13	-4

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
DOC/NOAA/NMFS

2. OMB control number b. [ ] None
a. 0648 - 0089

3. Type of information collection (*check one*)
a. [ ] New Collection
b. [ ] Revision of a currently approved collection
c. [✓] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by ____/____/____
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [✔] Three years from approval date b. [ ] Other Specify:____/____

7. Title Foreign Fishing Vessel Permit Applications

8. Agency form number(s) (*if applicable*)

9. Keywords "fishing vessels", "fisheries"

10. Abstract
Section 204 of the Magnuson-Stevens Fishery Conservation and Management Act provides for the issuance of fishing permits to foreign vessels. Persons wanting permits must submit application material needed by NOAA to evaluate and act on the request.

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. ___ Individuals or households d. ___ Farms
b. P Business or other for-profit e. ___ Federal Government
c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [ ] Voluntary
b. [✔] Required to obtain or retain benefits
c. [ ] Mandatory

13. Annual recordkeeping and reporting burden
a. Number of respondents 12
b. Total annual responses 12
1. Percentage of these responses collected electronically 0 %
c. Total annual hours requested 12
d. Current OMB inventory 25
e. Difference (13)
f. Explanation of difference
1. Program change
2. Adjustment (13)

14. Annual reporting and recordkeeping cost burden (*in thousands of dollars*)
a. Total annualized capital/startup costs 0
b. Total annual costs (O&M) 5
c. Total annualized cost requested 5
d. Current OMB inventory 9
e. Difference (4)
f. Explanation of difference
1. Program change
2. Adjustment (4)

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. x Application for benefits e. ___ Program planning or management
b. ___ Program evaluation f. ___ Research
c. ___ General purpose statistics g. P Regulatory or compliance
d. ___ Audit

16. Frequency of recordkeeping or reporting (*check all that apply*)
a. [ ] Recordkeeping b. [ ] Third party disclosure
c. [✔] Reporting
1. [ ] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [✔] Annually
7. [ ] Biennially 8. [ ] Other (describe) ____

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: Bob Dickinson
Phone: 301-713-2276, ext. 154

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 or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature signed by Rebecca Lent	Date 03/01/2005
Signature of NOAA Clearance Officer	
Signature signed by Ira M. Grossman	Date 03/03/2005

SUPPORTING STATEMENT
FOREIGN FISHING VESSEL PERMIT APPLICATIONS
OMB CONTROL NO. 0648-0089

A. JUSTIFICATION

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

This information collection is necessary to comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 et. seq. Section 204(b) of the MSFCMA provides that each foreign nation with which the United States has entered into a governing international fishery agreement may submit applications each year for any of its vessels that it wishes to be allowed to fish in the Exclusive Economic Zone (EEZ) (e.g., to participate in a joint venture (JV), wherein U.S. vessels catch and transfer to foreign processing vessels in the EEZ certain species for which U.S. demand is low relative to the abundance of the species; or in directed fishing operations wherein foreign vessels use their own gear to catch fish). Section 204(d) of the MSFCMA provides that any person may submit an application requesting a transshipment permit authorizing a foreign vessel to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the EEZ or, with the concurrence of a state, within the boundaries of that state, to a point outside the United States.

All information collected is necessary to carry out the permitting provisions of Section 204 of the MSFCMA (copy attached). Implementing regulations are found at 50 CFR Part 600, Subpart F (copy attached). All information collected is either (1) specifically required under the MSFCMA, or (2) deemed necessary for NOAA, the Regional Fishery Management Councils, and the U.S. Coast Guard to develop recommendations on the disposition of each application and/or for purposes of general administration and/or enforcement.

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.

Respondents receive all application instructions and forms as a package (copy attached). The package starts off with the "General Instructions For Foreign Fishing Applications Requesting Permits To Be Issued Under Section 204 Of The Magnuson-Stevens Fishery Conservation And Management Act." This consists of summary instructions for applicants of both 204(b) and 204(d) permits and contains the PRA statement. These general instructions are followed by a blank vessel identification form, which all applicants must fill out. Included next are "Instructions For Completing Fishing Vessel Identification Forms (VIF's)." With respect to the information requested on the VIF's, which is the same for pre-printed and blank VIF's, items 1, 3, 6, 7, 8, 9, 11, 12, 15 and 16 are required by Section 204 of the MSFCMA and are also necessary for purposes of vessel identification, and administration and enforcement of the foreign fishing vessel permit program. Items 2, 4 and 5 have been deemed necessary for purposes of vessel identification. Item 10 is required by Section 201(c) (2)(F) of the MSFCMA. Item 13 has been deemed necessary to track a vessel's permit history for violation problems. Item I4 has been deemed necessary as a ready-reference to flag a request as a JV request. Items

17 and 18 are necessary to evaluate and process applications under Section 204(d) of the MSFCMA (e.g., NMFS would need to obtain the concurrence of the Governor of any state within the boundaries of which transshipment points have been requested). For pre-printed VIFs, if any, applicants need only verify/correct pre-printed information.

An application package for 204(d) transshipment permits consists of the appropriate number of completed VIFs and a cover letter, as discussed in the summary general instructions referenced earlier.

An application package for 204(b) permits consists of the appropriate number of completed VIFs, another form, and, if joint ventures are requested, certain other information, as discussed below. All 204(b) applications must contain a completed "Basic Application Form To Request Vessel Permits To Be Issued Under Section 204(B) Of The Magnuson-Stevens Fishery Conservation And Management Act." The instructions for this form precede it in the application package. Officials of applicant nations must complete this basic application form to identify the fisheries requested, the species requested and the tonnages requested for directed and/or joint venture (JV) fishing, all of which is required both by the MSFCMA and for the purposes and parties identified in item l., above. The space at the bottom of the basic application form to denote whether or not supplemental joint venture information is attached is included for purposes of clarity and efficiency, as well as a “double-check.” Next in the application package are the "Supplemental Questions To Be Answered And Attached To Applications For Joint Venture Permits To Be Issued Under Section 204(b)." The instructions list 11 questions designed to elicit supplemental information deemed necessary to process JV requests, the answers to which must be attached to the basic application form requesting JV operations. The supplement must provide the names and types of foreign and U.S. vessels, companies and coordinators taking part in the operation, the geographic areas and the time/season of the operation, the planned production and ultimate markets, the procedures which applicants will use to reduce bycatch of other species, the planned disposition of such species as may be transferred, the methods of transfer-at-sea to be employed, and the relation, if any, of the proposed project to other fishing operations. Applicants are also provided an opportunity to reveal the prices they are considering offering to U.S. fishermen for their catches. If applicants elect to provide such price information, they may request that the price information be considered confidential. The supplemental information provided by applicants is used by the parties identified in paragraph l., above, to identify the JV participants (items 1, 2, 3 and 4), establish the scope of proposed operations (items 5 and 6), and to analyze benefits accruing to U.S. fishermen from the proposed JV and the impact of the proposed JV on U. S. fishery resources (items 7, 8, 9, 10 and 11). Next in the application package are "Attachment 1" and "Attachment 2," which are referred to, as appropriate, in the instructions on filling out VIFs.

It is anticipated that information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. 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 applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

Since applications can involve vessels, which received permits in prior years, and information on these vessels is therefore available based on previously submitted VIFs, NMFS prepares computer-generated pre-printed VIFs for such vessels preparatory to disseminating application packages to foreign representatives. As a result of this practice, in cases where application is being made for previously permitted vessels, applicants need only verify or correct the pre-printed information on pre-printed VIF's to ready them for submission with their other application documents. The majority of applications involve government-to-government transactions and diplomacy and tradition dictate the use of original documents with written original signatures and such documents are often embossed beneath the signature area with the applicant nation's seal. Documents are often delivered in person, to the State Department and NMFS by the applicant nation's fisheries and these visits often provide opportunities to discuss various issues in person and have been and continue to be the preferred way to do business.

4. Describe efforts to identify duplication.

There are no other collections, which can substitute for the information required to complete foreign fishing application packages. The completed applications define unique applications based on an applicant's particular fishing strategies, and change annually.

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

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

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

Failure to collect the information would make it impossible for NMFS to carry out its responsibilities under the MSFCMA. The frequency is required by law.

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

The collection is consistent with the 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. One reviewer submitted comments stating the reviewer's general belief that foreign fishing should not be allowed in U.S. waters. None of the reviewer's comments pertained to the forms used in this information collection.

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.

An assurance of confidentiality is provided to applicants in connection with question 11 of the supplemental information required to be submitted with JV requests. If applicants elect to voluntarily submit the price information requested in question 11 only on the condition that it remain confidential, NMFS abides by the request to keep the information confidential. Regulations at 50 CFR 600 Subpart E governs the confidentiality of commercial or financial information submitted under the authority of the MSFCMA.

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.

We are estimating a decreased annual burden of 13 hours for this collection due to reduced levels of foreign fishing. This figure is calculated as follows:

0 204(b) Directed applications @ 1.5 hours each = 0 hours
2 204(b) JV applications @ 2 hours each = 4 hours
10 204(d) applications @ .75 hours each = 8 hours

Totals = 12 respondents, 12 responses, and 12 hours.

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

Copying and mailing costs are nominal at an estimated $40. Application fees are estimated at $4,560. The total cost is $4,600.

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

Federal costs for processing applications and issuing permits are as follows:

Category	Department of Commerce	Department of State
Computer	300	75
FR Printing	450	-
Mailing/Copying	-	75
Salaries/Benefits	2,700	970
Totals	$3,450	$1,120

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

Compared to the prior approval, the reduction in hours and costs reflects a reduction in the level of foreign fishing activity occurring in the EEZ.

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

N/A.

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.

N/A.

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 use statistical methods.

GENERAL INSTRUCTIONS FOR FOREIGN FISHING APPLICATIONS REQUESTING PERMITS TO BE ISSUED UNDER SECTION 204 OF THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Requests for permits to be issued under Section 204(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) must be submitted by an authorized representative of a foreign nation having a Governing International Fishery Agreement with the United States. Representatives of applicant foreign fishing nations must complete Vessel Identification Forms (VIFs), as appropriate, complete and sign the basic application form for vessel permits to be issued under Section 204(b), and answer the supplemental questions on joint venture operations. This material must be submitted to the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs, Office of Marine Conservation, Washington, D.C. 20520 (Phone (202) 647-3940, Fax (202) 736-7350). At the time the application material is submitted to the Department of State, an application fee of $354.00 per vessel must be submitted to the Department of Commerce's National Marine Fisheries Service, International Fisheries Division, 1315 East West Highway, Silver Spring, Maryland 20910 (Phone (301) 713-2276, Fax (301) 713-2313). Checks must be drawn on U.S. banks and made payable to "Department of Commerce - NOAA." Processing of applications does not begin until application fees are paid.

Requests for permits to be issued under Section 204(d) of the MSFCMA may be submitted by any person. Applicants must complete VIFs, as appropriate, together with a cover letter describing the nature of the transshipments to be conducted and confirming that the applicant will comply with the requirements of Section 201(c)(2) of the MSFCMA with respect to activities authorized by any permit issued pursuant to the application. This material, together with an application fee of $354.00 per vessel, must be submitted to the Department of Commerce's National Marine Fisheries Service, International Fisheries Division, 1315 East West Highway, Silver Spring, Maryland 20910 (Phone (301) 713-2276, Fax (301) 713-2313). Checks must be drawn on U.S. banks and made payable to "Department of Commerce - NOAA." Processing of applications does not begin until application fees are paid.

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Submission of application information is mandatory in order to be considered for a permit and is used in determining if a permit should be issued. Except for any price information considered and identified as confidential by applicants (see question 11 of supplemental questions to be answered and attached to joint

venture applications), application information is not confidential. Public reporting burden for this collection of information is estimated to average slightly over 2 hours for joint venture applications, 1.5 hours for fishing applications, and .75 hours for transshipment applications. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of reducing this burden, to the International Fisheries Division (F/SF4), Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland 20910. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

INSTRUCTIONS FOR COMPLETING FISHING VESSEL IDENTIFICATION FORMS (VIF's) FOR FOREIGN FISHING PERMITS TO BE ISSUED UNDER THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (MSFCMA)

Complete a VIF form for each vessel for which a permit is requested. Please read the instructions carefully before beginning to enter information. VIFs for permits to be issued under Section 204(b) of the MSFCMA (e.g., joint venture permits) should be submitted together with other appropriate application material to the Department of State. VIFs for permits to be issued under Section 204(d) of the MSFCMA (i.e., transshipment permits) should be submitted together with other appropriate application material to the Department of Commerce. Timely submissions of completed applications will ensure prompt consideration of requests.

Type the form in English. Complete all appropriate items, except the space near the top, right-hand corner labeled "NO:."

(1) Vessel Name: Enter the name of the vessel. Where necessary, transliterate into Roman characters. Do not translate the name into English.

(2) Call Sign: Enter the vessel identifying markings permanently affixed to the vessel as required by the foreign fishing regulations, normally the international radio call sign.

(3) Hull Number: Enter the hull number or other alpha-numeric mark on the vessel.

(4) Vessel Type: Enter one of the following vessel types:

Stern Trawler/Processor	Factory Ship
(small: 0 - 289 GRT)	Refrigerated Transport
(medium: 290 - 1,399 GRT)	Cargo Transport
(large: 1,400 plus GRT)	Tanker

If other than one of the above, identify and describe the type.

(5) Length: Enter the vessel's overall length to the nearest meter.

(6) Gross Tons: Enter the gross registered tonnage, rounded to the nearest metric ton.

(7) Net Tons: Enter the net registered tonnage, rounded to the nearest metric ton.

(8) Maximum Speed: Enter the vessel's maximum speed in nautical miles per hour.

(9) Owner Name and Address: Enter the names and mailing addresses of all owners of the vessel. If there is more than one owner, enter the first name and address on the form and the other names and addresses on attached pages. "Owner" includes any person, company, or government agency that own(s) the vessels; any charterer, whether bare boat, time, or voyage; and any person or company that acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel.

(10) Agent Name and Address: Enter the name and address of the person in the United States that will act as agent for the vessel in accordance with the requirement at Section 201(c)(2)(F) of the MSFCMA.

(11) Processing Equipment: List any fish processing equipment aboard the vessel such as fillet lines, freezers, surimi plant, fish meal/oil plant, etc.

(12) Hold Capacity: Enter in cubic meters the hold capacity for each hold or other space (including flash freezers) in which fish or fish products may be stored. Use bale capacity only. If there are more than four (4) holds, give the total hold capacity in cubic meters. Otherwise, list the holds individually. Record this information accurately; the information is used by NMFS enforcement and U.S. Coast Guard personnel to determine the quantity of fish or fish products aboard the vessel.

(13) Indicate if the vessel has fished in the EEZ in prior years by listing the last permit application number. If the vessel has never applied for a permit, indicate "none" in the space provided.

(14) If joint venture activities are requested, place an "X" after "YES" and attach the required supplemental information (see supplemental questions on joint ventures).

(15) Indicate if the vessel is certified to be in compliance with the flag nation's health and safety standards by placing an "X" in the space provided.

(16) Fisheries for Which a Permit is Requested:

Fishery: If the vessel is applying for a permit to be issued under Section 204(b) of the MSFCMA (e.g., a joint venture permit), enter the three letter code from the following list for

each fishery for which an application is made:

NWA - Northwest Atlantic Ocean

Requested Species: If the vessel is applying for a permit to be issued under Section 204(b) of the MSFCMA, list the species requested for joint ventures.

Gear: Leave blank.

Catch: Leave blank.

Process: Leave blank.

Activity - Other: If the vessel is applying for a permit to be issued under Section 204(b) of the MSFCMA, using the Activity Codes listed in Attachment 1, designate the activities requested in each fishery using the format shown in Attachment 2.

(17) If the vessel is applying for a permit to be issued under Section 204(d) of the MSFCMA, enter the latitude and longitude of the transshipment point requested.

(18) If the vessel is applying for a permit to be issued under Section 204(d) of the MSFCMA, indicate whether the transshipment point requested above is in the internal or territorial waters of a State and identify the State.

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(EXPIRES 03-31-05)

FISHING VESSEL IDENTIFICATION FORM (VIF)

NO:_____

(1) VESSEL NAME: _____ (2) CALL SIGN:_____

(3) HULL NO:_____ (4) VESSEL TYPE:_____

(5) LENGTH (METERS):_____ (6) GROSS TONS:_____

(7) NET TONS:_____ (8) MAX SPEED (KNOTS):_____

(9) OWNER NAME:_____

ADDRESS:_____

(10) AGENT NAME:_____

ADDRESS:_____

(11) PROCESSING EQUIPMENT:_____

(12) HOLD CAPACITY (IN CUBIC METERS - BALE CAPACITY ONLY):

HOLD #1:_____ HOLD #2:_____ HOLD #3:_____ HOLD #4:_____

(IF MORE THAN 4 HOLDS, GIVE TOTAL HOLD CAPACITY) _____

(13) LIST LAST APPLICATION NUMBER _____ IF NONE, CHECK _____

(14) ARE JOINT VENTURE OPERATIONS BEING REQUESTED? YES__ NO__ (IF YES, ATTACH JOINT VENTURE SUPPLEMENTAL RESPONSES)

(15) CHECK IF VESSEL IS CERTIFIED TO BE IN COMPLIANCE WITH THE FLAG NATION'S HEALTH AND SAFETY STANDARDS _____

(16) FISHERY FOR WHICH PERMIT IS REQUESTED:

			ACTIVITY		
FISHERY	SPECIES/TRANSHIP. LOCATION	GEAR	CATCH	PROCESS	OTHER

(17) TRANSSHIPMENT POINT (LATITUDE AND LONGITUDE) _____

(18) IS TRANSSHIPMENT POINT WITHIN THE INTERNAL OR TERRITORIAL WATERS OF A STATE? YES __ NO __ IF YES, IDENTIFY STATE _____

INSTRUCTIONS FOR THE BASIC APPLICATION FORM FOR VESSEL PERMITS TO BE ISSUED UNDER SECTION 204(B)

1. **Fishery**: Enter "NWA" to denote "Northwest Atlantic Ocean" as the fishery in which fishing operations are being sought. Applicable regulations and descriptions for each fishery are contained in the foreign fishing regulations (50 CFR Part 600, Subpart F). Applications for fisheries other than those identified in the regulations should be submitted by letter to the U.S. Department of State. In order that full consideration may be given to the request, such letter applications should fully describe the proposed fishing operation and provide the following information: fishery, species, gear, and tonnage requested, if any; or nature of fishing operations requested.

2. **Species**: Enter the species requested for the joint venture (JV). If only support operations involving activity codes 5, 6, 7, 8 or 9 (to be designated on individual VIF's) are being requested, enter "Support" in the "Species" column and leave the remaining columns blank.

3. **Total Tonnage Requested for Each Species**: Leave the "Directed" column blank. Enter requested JV transfer amounts in the "Joint Venture" column.

OMB NO. 0648-0089
(EXPIRES 03-31-05)

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BASIC APPLICATION FORM TO REQUEST VESSEL PERMITS TO BE ISSUED UNDER SECTION 204(b) OF THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

In accordance with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, the Government of _____ submits this permit application for vessels operating under its flag to fish within the Exclusive Economic Zone of the United States, or beyond that zone for anadromous species during the year 2001.

Vessel Identification Forms and supplemental information describing any joint venture operations are attached to this application. The fisheries, species, and quantities requested for directed and/or joint venture operations are as follows:

Fishery	Species	Total Tonnage Requested For Each Species	
		Directed	Joint Venture

Submitted: _____ _____
Date Signature

_____
Official's Title

Supplemental information describing each joint venture operation proposed is attached to this application (see instructions for supplemental questions on joint ventures).

Yes_____ No_____

OMB NO. 0648-0089
(EXPIRES 03-31-05)

SUPPLEMENTAL QUESTIONS
TO BE ANSWERED AND ATTACHED TO
APPLICATIONS FOR JOINT VENTURE PERMITS
TO BE ISSUED UNDER SECTION 204(B)

Attach a response (typed on 8 1/2" by 11" paper) to the following 11 questions for each distinct joint venture requested (e.g., the receipt of Atlantic mackerel from vessels of one company or business enterprise would be distinct from the receipt of Atlantic mackerel from vessels of another company or business enterprise). The involvement of more than one foreign vessel or of more than one vessel of the United States does not, in itself, constitute a distinct venture.

Answer the questions completely. If you consider any price information submitted in answer to question 11 proprietary, so indicate.

(1) Names and types of foreign vessels to be employed. Number of foreign vessels to be employed at any one time.

(2) Names and types of vessels of the United States which have been contracted and/or agreed to deliver U.S. harvested fish. Number of U.S. vessels to be employed at any one time.

(3) Name, address, telephone number, and fax number of the person within the United States who will coordinate these operations with the foreign company. Note that the person may be different than the designated representative referenced in the foreign fishing regulations.

(4) Name, address, telephone number and fax number of person or company within the United States who will be the American partner and if different, the same information for the principal contact with owners/operators of vessels of the United States.

(5) Geographical area(s) in which vessels will operate. Use fishing area designations of the foreign fishing regulations.

(6) Months and seasons during which vessels expect to operate.

(7) List by species and quantity the processed products expected to be produced and ultimate expected market. Identify species and quantities, if any, which will reenter the United States.

(8) Procedures to be employed to minimize the amount of incidental catch and prohibited catch received by foreign vessels. Describe intended disposition by species.

(9) Method of transfer from vessels of the United States to foreign vessels (e.g., delivery of zippered cod ends to processing vessels, transfer from deck to deck with initial sorting on vessels of the United States, transfer of unsorted fish to transports for further delivery to processing vessels, etc.).

(10) Relationship to other fishing operations (e.g., foreign vessels will be used exclusively to receive United States harvested fish, vessels of the United States will deliver certain species to foreign vessels and other species to United States fish processors, etc.). State if an application has been or will be made to process fish in U.S. internal marine waters. Describe any trade agreements or other considerations related to this proposed fishing operation.

(11) Please provide, if possible, the approximate price, by species, to be paid for United States harvested fish (U.S. dollars per mt). If prices are under negotiation, please specify, if possible, the range of prices being considered (U.S. dollars per mt). If you consider any price information provided proprietary, so indicate by submitting it on a separate sheet of paper marked "considered proprietary information."

ATTACHMENT 1

Activity codes are defined as follows:

1 - Catching, scouting, processing, transshipping, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

2 - Processing, scouting, transshipping, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

3 - Transshipping, scouting, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

4 - Processing, scouting, transshipping, and supporting U.S. vessels delivering fish to foreign vessels. Activity is limited to the receipt of unprocessed fish harvested or to be harvested by U.S. vessels.

5 - Transshipping, scouting, and supporting foreign vessels. Transshipments limited to fish received or to be received from foreign vessels processing fish from U.S. harvesting vessels.

6 - Transshipping, scouting, and supporting U.S. vessels. Transshipments limited to U.S. harvested fish processed aboard U.S. vessels.

7 - Processing, transshipping, and supporting foreign vessels. Activity limited to fish harvested or to be harvested by foreign vessels seaward of the EEZ.

8 - Transshipping (*), and supporting foreign vessels. Activity is limited to fish harvested or to be harvested seaward of the EEZ by foreign vessels or fish duly authorized for processing in the internal waters of one of the States.

9 - Supporting U.S. fishing vessels and U.S. fish processing vessels and any foreign fishing vessels authorized under any activity code under this section.

(*) Including transshipping to U.S. vessels.

ATTACHMENT 2

EXAMPLES

a.) A factory ship which will participate in a JV and also expects to take on fish processed at sea by U.S. vessels:

FISHERY	REQUESTED SPECIES	GEAR	CATCH	PROCESS	OTHER
NWA	Mackerel				4 6

b.) A stern trawler with processing capability which will participate in a JV and also expects to transfer in the EEZ fish from an internal waters operation:

FISHERY	REQUESTED SPECIES	GEAR	CATCH	PROCESS	OTHER
NWA	Mackerel				4 8

c.) A cargo/transport which expects to transfer in the EEZ fish which were caught shoreward of the EEZ:

FISHERY	REQUESTED SPECIES	GEAR	CATCH	PROCESS	OTHER
NWA	Mackerel				8

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

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

§ 600.425 Release of statistics.

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

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

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

Subpart F—Foreign Fishing

§ 600.501 Vessel permits.

(a) *General.* (1) Each FFV fishing under the Magnuson-Stevens Act must have on board a permit issued under this section, unless it is engaged only in recreational fishing.

(2) Permits issued under this section do not authorize FFV's or persons to harass, capture, or kill marine mammals. No marine mammals may be taken in the course of fishing unless that vessel has on board a currently valid Authorization Certificate under the MMPA. Regulations governing the taking of marine mammals incidental to commercial fishing operations are contained in 50 CFR part 229 of this title.

(b) *Responsibility of owners and operators.* The owners and operators of each FFV are jointly and severally responsible for compliance with the Magnuson-Stevens Act, the applicable GIFA, this subpart, and any permit issued under the Magnuson-Stevens Act and this subpart. The owners and operators of each FFV bear civil responsibility for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or even forbidden by the employer or principal, and regardless of knowledge concerning the occurrence.

(c) *Activity codes.* Permits to fish under this subpart may be issued by the Assistant Administrator for the activities described in this paragraph, but the permits may be modified by regulations of this subpart and by the conditions and restrictions attached to the permit (see paragraphs (e)(1)(v) and (l) of this section). The Assistant Administrator may issue a permit, as appropriate, for one or more of the activity codes listed. Only vessels of nations having a GIFA with the United States may be issued permits for activity codes 1 through 9. A GIFA is not required for a vessel to be issued a permit for activity code 10. The activity codes are described as follows:

(1) *Activity Code 1.* Catching, scouting, processing, transshipping, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

(2) *Activity Code 2.* Processing, scouting, transshipping, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

(3) *Activity Code 3.* Transshipping, scouting, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

(4) *Activity Code 4.* Processing, scouting, transshipping, and supporting U.S. vessels delivering fish to foreign vessels. Activity is limited to the receipt of unprocessed fish harvested or to be harvested by U.S. vessels.

(5) *Activity Code 5.* Transshipping, scouting, and supporting foreign vessels. Transshipment limited to fish received or to be received from foreign vessels processing fish from U.S. harvesting vessels.

(6) *Activity Code 6.* Transshipping, scouting, and supporting U.S. vessels. Transshipment limited to U.S.-harvested fish processed on board U.S. vessels.

(7) *Activity Code 7.* Processing, transshipping, and supporting foreign vessels. Activity limited to fish harvested or to be harvested by foreign vessels seaward of the EEZ.

(8) *Activity Code 8.* Transshipping and supporting foreign vessels. Activity is limited to fish harvested or to be harvested seaward of the EEZ by foreign vessels or fish duly authorized for processing in the internal waters of one of the states.

(9) *Activity Code 9.* Supporting U.S. fishing vessels and U.S. fish processing vessels and any foreign fishing vessels authorized under any activity code under paragraph (c) of this subpart.

(10) *Activity Code 10.* Transshipping at sea for the purpose of transporting fish or fish products from a point within the EEZ or, with the concurrence of a state, within the boundaries of that state, to a point outside the United States.

(d) *Application*. (1) Applications for FFV permits authorizing activity codes 1 through 9 must be submitted by an official representative of a foreign nation to the DOS. Applications for permits authorizing activity codes 1 through 9 are available from, and should be submitted to, DOS, OES/OMC, Washington, DC 20520. Applications for FFV permits authorizing activity code 10 may be submitted by any person to the Assistant Administrator. Applications for permits authorizing activity code 10 are available from NMFS, Attn: International Fisheries Division, 1315 East West Highway, Silver Spring, Maryland 20910. All applicants should allow 90 days for review and comment by the public, involved governmental agencies, and appropriate Councils and for processing before the anticipated date to begin fishing. The permit application fee must be paid at the time of application according to § 600.518.

(2) Applicants must provide complete and accurate information requested on the permit application form.

(3) Applicants for FFV's that will support U.S. vessels in joint ventures (Activity Code 4) must provide the additional information specified by the permit application form.

(4) Each applicant may request to substitute one FFV for another of the same flag by submitting a new application form and a short explanation of the reason for the substitution to the appropriate address listed at paragraph (d)(1) of this section. Each substitution is considered a new application, and a new application fee must be paid. NMFS will promptly process an application for a vessel replacing a permitted FFV that is disabled or decommissioned, once the appropriate Council(s) and governmental agencies have been notified of the substituted application.

(e) *Issuance*. (1) Permits may be issued to an FFV by the Assistant Administrator after—

(i) The Assistant Administrator determines that the fishing described in the application will meet the requirements of the Magnuson-Stevens Act and approves the permit application.

(ii) The applicant has paid the fees and provided any assurances required by the Secretary in accordance with the provisions of § 600.518.

(iii) The applicant has appointed an agent.

(iv) The applicant has identified a designated representative.

(v) The applicant has accepted the general ''conditions and restrictions'' of receiving permits, as required by section 204(b)(7) of the Magnuson-Stevens Act, and any ''additional restrictions'' attached to the permit for the conservation and management of fishery resources or for the prevention of significant impairment of the national defense or security interests.

(2) The DOS will provide permits for activity codes 1 through 9 to the official representative of the applicant foreign nation. The Assistant Administrator will provide permits for activity code 10 directly to the applicant.

(3) An approved permit will contain—

(i) The name and IRCS of the FFV and its permit number.

(ii) The permitted fisheries and/or activity codes.

(iii) The date of issuance and expiration date, if other than December 31.

(iv) All conditions and restrictions, and any additional restrictions and technical modifications appended to the permit.

(4) Permits are not issued for boats that are launched from larger vessels. Any enforcement action that results from the activities of a launched boat will be taken against the permitted vessel.

(f) *Duration.* A permit is valid from its date of issuance to its date of expiration, unless it is revoked or suspended or the nation issuing the FFV's documents does not accept amendments to the permit made by the Assistant Administrator in accordance with the procedures of paragraph (l) of this section. The permit will be valid for no longer than the calendar year in which it was issued.

(g) *Transfer.* Permits are not transferable or assignable. A permit is valid only for the FFV to which it is issued.

(h) *Display.* Each FFV operator must have a properly completed permit form available on board the FFV when engaged in fishing activities and must produce it at the request of an authorized officer or observer.

(i) *Suspension and revocation.* NMFS may apply sanctions to an FFV's permit by revoking, suspending, or imposing additional permit restrictions on the permit under 15 CFR part 904, if the vessel is involved in the commission of any violation of the Magnuson-Stevens Act, the GIFA, or this subpart; if an agent and a designated representative are not maintained in the United States; if a civil penalty or criminal fine imposed under the Magnuson-Stevens Act has become overdue; or as otherwise specified in the Magnuson-Stevens Act.

(j) *Fees.* Permit application fees are described in § 600.518.

(k) *Change in application information.* The applicant must report, in writing, any change in the information supplied under paragraph (d) of this section to the Assistant Administrator within 15 calendar days after the date of the change. Failure to report a change in the ownership from that described in the current application within the specified time frame voids the permit, and all penalties involved will accrue to the previous owner.

(l) *Permit amendments.* (1) The Assistant Administrator may amend a permit by adding ''additional restrictions'' for the conservation and management of fishery resources covered by the permit, or for the national defense or security if the Assistant Administrator determines that such interests would be significantly impaired without such restrictions. Compliance with the added additional restrictions is a condition of the permit. Violations of added additional restrictions will be treated as violations of this subpart.

(2) The Assistant Administrator may make proposed additional restrictions effective immediately, if necessary, to prevent substantial harm to a fishery resource of the United States, to allow for the continuation of ongoing fishing operations, or to allow for fishing to begin at the normal time for opening of the fishery.

(3) The Assistant Administrator will send proposed additional restrictions to each Nation whose vessels are affected (via the Secretary of State), to the appropriate Councils, and to the Commandant of the Coast Guard. NMFS will, at the same time, publish a document of any significant proposed additional restrictions in the FEDERAL REGISTER. The document will include a summary of the reasons underlying the proposal, and the reasons that any proposed additional restrictions are made effective immediately.

(4) The Nation whose vessels are involved, the owners of the affected vessels, their representatives, the agencies specified in paragraph (l)(3) of this section, and the public may submit written comments on the proposed additional restrictions within 30 days after publication in the FEDERAL REGISTER.

(5) The Assistant Administrator will make a final decision regarding the proposed additional restrictions as soon as practicable after the end of the comment period. The Assistant Administrator will provide the final additional restrictions to the Nation whose vessels are affected (via the Secretary of State) according to the procedures of paragraph (e) of this section. The Assistant Administrator will include with the final additional restrictions to the Nation, a response to comments submitted.

(6) Additional restrictions may be modified by following the procedures of paragraphs (l)(2) through (l)(5) of this section.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 64 FR 39019, July 21, 1999]

US Code as of: 01/23/00

Sec. 1824. Permits for foreign fishing

- (a) In general
  After February 28, 1977, no foreign fishing vessel shall engage in fishing within the exclusive economic zone, or for anadromous species or Continental Shelf fishery resources beyond such zone, unless such vessel has on board a valid permit issued under this section for such vessel.
- (b) Applications and permits under governing international fishery agreements
  - (1) Eligibility; duration
    Each foreign nation with which the United States has entered into a governing international fishery agreement shall submit an application to the Secretary of State each year for a permit for each of its fishing vessels that wishes to engage in fishing described in subsection (a) of this section. No permit issued under this section may be valid for longer than a year; and section 558(c) of title 5 does not apply to the renewal of any such permit.
  - (2) Forms
    The Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall prescribe the forms for permit applications submitted under this subsection and for permits issued pursuant to any such application.
  - (3) Contents
    Any application made under this subsection shall specify -
    - (A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof;
    - (B) the tonnage, hold capacity, speed, processing equipment, type and quantity of fishing gear, and such other pertinent information with respect to characteristics of each such vessel as the Secretary may require;
    - (C) each fishery in which each such vessel wishes to fish;
    - (D) the estimated amount of tonnage of fish which will be caught, taken, or harvested in each such fishery by each such vessel during the time the permit is in force;
    - (E) the amount or tonnage of United States harvested fish, if any, which each such vessel proposes to receive at sea from vessels of the United States;
    - (F) the ocean area in which, and the season or period during which, such fishing will be conducted; and
      (G) all applicable vessel safety standards imposed by the foreign country, and shall include written certification that

the vessel is in compliance with those standards;
and shall include any other pertinent information and material which the Secretary may require.

- (4) Transmittal for action
  Upon receipt of any application which complies with the requirements of paragraph (3), the Secretary of State shall publish a notice of receipt of the application in the Federal Register. Any such notice shall summarize the contents of the applications from each nation included therein with respect to the matters described in paragraph (3). The Secretary of State shall promptly transmit -
  - (A) such application, together with his comments and recommendations thereon, to the Secretary;
  - (B) a copy of the application to the Secretary of the department in which the Coast Guard is operating; and
    (C) a copy or a summary of the application to the appropriate Council.
- (5) Action by Council
  After receiving a copy or summary of an application under paragraph (4)(C), the Council may prepare and submit to the Secretary such written comments on the application as it deems appropriate. Such comments shall be submitted within 45 days after the date on which the application is received by the Council and may include recommendations with respect to approval of the application and, if approval is recommended, with respect to appropriate conditions and restrictions thereon. Any interested person may submit comments to such Council with respect to any such application. The Council shall consider any such comments in formulating its submission to the Secretary.
- (6) Approval
  - (A) After receipt of any application transmitted under paragraph (4)(A), the Secretary shall consult with the Secretary of State and, with respect to enforcement, with the Secretary of the department in which the Coast Guard is operating. The Secretary, after taking into consideration the views and recommendations of such Secretaries, and any comments submitted by any Council under paragraph (5), may approve, subject to subparagraph (B), the application, if he determines that the fishing described in the application will meet the requirements of this chapter, or he may disapprove all or any portion of the application.
  - (B)
    - (i) In the case of any application which specifies that one or more foreign fishing vessels propose to receive at sea United

States harvested fish from vessels of the United States, the Secretary may approve the application unless the Secretary determines, on the basis of the views, recommendations, and comments referred to in subparagraph (A) and other pertinent information, that United States fish processors have adequate capacity, and will utilize such capacity, to process all United States harvested fish from the fishery concerned.

- (ii) The amount or tonnage of United States harvested fish which may be received at sea during any year by foreign fishing vessels under permits approved under this paragraph may not exceed that portion of the optimum yield of the fishery concerned which will not be utilized by United States fish processors.
- (iii) In deciding whether to approve any application under this subparagraph, the Secretary may take into account, with respect to the foreign nation concerned, such other matters as the Secretary deems appropriate.

- (7) Establishment of conditions and restrictions
  The Secretary shall establish conditions and restrictions which shall be included in each permit issued pursuant to any application approved under paragraph (6) or subsection (d) of this section and which must be complied with by the owner or operator of the fishing vessel for which the permit is issued. Such conditions and restrictions shall include the following:
  - (A) All of the requirements of any applicable fishery management plan, or preliminary fishery management plan, and any applicable Federal or State fishing regulations.
  - (B) The requirement that no permit may be used by any vessel other than the fishing vessel for which it is issued.
  - (C) The requirements described in section 1821(c)(1), (2), and (3) of this title.
  - (D) If the permit is issued other than pursuant to an application approved under paragraph (6)(B) or subsection (d) of this section, the restriction that the foreign fishing vessel may not receive at sea United States harvested fish from vessels of the United States.
  - (E) If the permit is issued pursuant to an application approved under paragraph (6)(B), the maximum amount or tonnage of United States harvested fish which may be received at sea from vessels of the United States.
  - (F) Any other condition and restriction related to fishery conservation and management which the Secretary prescribes as necessary and appropriate.
- (8) Notice of approval

The Secretary shall promptly transmit a copy of each application approved under paragraph (6) and the conditions and restrictions established under paragraph (7) to -

- (A) the Secretary of State for transmittal to the foreign nation involved;
- (B) the Secretary of the department in which the Coast Guard is operating; and
  (C) any Council which has authority over any fishery specified in such application.

- (9) Disapproval of applications
  If the Secretary does not approve any application submitted by a foreign nation under this subsection, he shall promptly inform the Secretary of State of the disapproval and his reasons therefore. The Secretary of State shall notify such foreign nation of the disapproval and the reasons therefor. Such foreign nation, after taking into consideration the reasons for disapproval, may submit a revised application under this subsection.
- (10) Fees
  - (A) Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit has been issued pursuant to this section. The Secretary, in consultation with the Secretary of State, shall establish a schedule of reasonable fees that shall apply nondiscriminatorily to each foreign nation.
  - (B) Amounts collected by the Secretary under this paragraph shall be deposited in the general fund of the Treasury.
- (11) Issuance of permits
  If a foreign nation notifies the Secretary of State of its acceptance of the conditions and restrictions established by the Secretary under paragraph (7), the Secretary of State shall promptly transmit such notification to the Secretary. Upon payment of the applicable fees established pursuant to paragraph (10), the Secretary shall thereupon issue to such foreign nation, through the Secretary of State, permits for the appropriate fishing vessels of that nation. Each permit shall contain a statement of all conditions and restrictions established under paragraph (7) which apply to the fishing vessel for which the permit is issued.

- (c) Registration permits
  The Secretary of State, in cooperation with the Secretary, shall issue annually a registration permit for each fishing vessel of a foreign nation which is a party to an international fishery agreement under which foreign fishing is authorized by section 1821(b) of this title and which wishes to

engage in fishing described in subsection (a) of this section. Each such permit shall set forth the terms and conditions contained in the agreement that apply with respect to such fishing, and shall include the additional requirement that the owner or operator of the fishing vessel for which the permit is issued shall prominently display such permit in the wheelhouse of such vessel and show it, upon request, to any officer authorized to enforce the provisions of this chapter (as provided for in section 1861 of this title). The Secretary of State, after consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall prescribe the form and manner in which applications for registration permits may be made, and the forms of such permits. The Secretary of State may establish, require the payment of, and collect fees for registration permits; except that the level of such fees shall not exceed the administrative costs incurred by him in issuing such permits.

- (d) Transshipment permits
  - (1) Authority to issue permits
    The Secretary may issue a transshipment permit under this subsection which authorizes a vessel other than a vessel of the United States to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the exclusive economic zone or, with the concurrence of a State, within the boundaries of that State, to a point outside the United States to any person who -
    - (A) submits an application which is approved by the Secretary under paragraph (3); and
      (B) pays a fee imposed under paragraph (7).
  - (2) Transmittal
    Upon receipt of an application for a permit under this subsection, the Secretary shall promptly transmit copies of the application to the Secretary of State, Secretary of the department in which the Coast Guard is operating, any appropriate Council, and any affected State.
  - (3) Approval of application
    The Secretary may approve, in consultation with the appropriate Council or Marine Fisheries Commission, an application for a permit under this section if the Secretary determines that -
    - (A) the transportation of fish or fish products to be conducted under the permit, as described in the application, will be in the interest of the United States and will meet the applicable requirements of this chapter;
    - (B) the applicant will comply with the requirements described in section 1821(c)(2) of this title with respect to activities authorized by any permit issued pursuant to the application;
    - (C) the applicant has established any bonds or financial assurances that may be required by the Secretary; and
      (D) no owner or operator of a vessel of the United States

which has adequate capacity to perform the transportation for which the application is submitted has indicated to the Secretary an interest in performing the transportation at fair and reasonable rates.

- (4) Whole or partial approval
  The Secretary may approve all or any portion of an application under paragraph (3).
- (5) Failure to approve application
  If the Secretary does not approve any portion of an application submitted under paragraph (1), the Secretary shall promptly inform the applicant and specify the reasons therefor.
- (6) Conditions and restrictions
  The Secretary shall establish and include in each permit under this subsection conditions and restrictions, including those conditions and restrictions set forth in subsection (b)(7) of this section, which shall be complied with by the owner and operator of the vessel for which the permit is issued.
- (7) Fees
  The Secretary shall collect a fee for each permit issued under this subsection, in an amount adequate to recover the costs incurred by the United States in issuing the permit, except that the Secretary shall waive the fee for the permit if the foreign nation under which the vessel is registered does not collect a fee from a vessel of the United States engaged in similar activities in the waters of such foreign nation.

- (e) Pacific Insular Areas
  - (1) Negotiation of Pacific Insular Area fishery agreements
    The Secretary of State, with the concurrence of the Secretary and in consultation with any appropriate Council, may negotiate and enter into a Pacific Insular Area fishery agreement to authorize foreign fishing within the exclusive economic zone adjacent to a Pacific Insular Area -
    - (A) in the case of American Samoa, Guam, or the Northern Mariana Islands, at the request and with the concurrence of, and in consultation with, the Governor of the Pacific Insular Area to which such agreement applies; and
      (B) in the case of a Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands, at the request of the Western Pacific Council.
  - (2) Agreement terms and conditions
    A Pacific Insular Area fishery agreement -
    - (A) shall not be considered to supersede any governing international fishery agreement currently in effect under this

chapter, but shall provide an alternative basis for the conduct of foreign fishing within the exclusive economic zone adjacent to Pacific Insular Areas;

- (B) shall be negotiated and implemented consistent only with the governing international fishery agreement provisions of this subchapter specifically made applicable in this subsection;
- (C) may not be negotiated with a nation that is in violation of a governing international fishery agreement in effect under this chapter;
- (D) shall not be entered into if it is determined by the Governor of the applicable Pacific Insular Area with respect to agreements initiated under paragraph (1)(A), or the Western Pacific Council with respect to agreements initiated under paragraph (1)(B), that such an agreement will adversely affect the fishing activities of the indigenous people of such Pacific Insular Area;
- (E) shall be valid for a period not to exceed three years and shall only become effective according to the procedures in section 1823 of this title; and

  (F) shall require the foreign nation and its fishing vessels to comply with the requirements of paragraphs (1), (2), (3) and (4)(A) of section 1821(c) of this title, section 1821(d) of this title, and section 1821(h) of this title.

- (3) Permits for foreign fishing
  - (A) Application for permits for foreign fishing authorized under a Pacific Insular Areas fishing agreement shall be made, considered and approved or disapproved in accordance with paragraphs (3), (4), (5), (6), (7)(A) and (B), (8), and (9) of subsection (b) of this section, and shall include any conditions and restrictions established by the Secretary in consultation with the Secretary of State, the Secretary of the department in which the Coast Guard is operating, the Governor of the applicable Pacific Insular Area, and the appropriate Council.
  - (B) If a foreign nation notifies the Secretary of State of its acceptance of the requirements of this paragraph, paragraph (2)(F), and paragraph (5), including any conditions and restrictions established under subparagraph (A), the Secretary of State shall promptly transmit such notification to the Secretary. Upon receipt of any payment required under a Pacific Insular Area fishing agreement, the Secretary shall thereupon issue to such foreign nation, through the Secretary of State, permits for the appropriate fishing vessels of that nation. Each permit shall

contain a statement of all of the requirements, conditions, and restrictions established under this subsection which apply to the fishing vessel for which the permit is issued.

- (4) Marine conservation plans
  - (A) Prior to entering into a Pacific Insular Area fishery agreement, the Western Pacific Council and the appropriate Governor shall develop a 3-year marine conservation plan detailing uses for funds to be collected by the Secretary pursuant to such agreement. Such plan shall be consistent with any applicable fishery management plan, identify conservation and management objectives (including criteria for determining when such objectives have been met), and prioritize planned marine conservation projects. Conservation and management objectives shall include, but not be limited to -
    - (i) establishment of Pacific Insular Area observer programs, approved by the Secretary in consultation with the Western Pacific Council, that provide observer coverage for foreign fishing under Pacific Insular Area fishery agreements that is at least equal in effectiveness to the program established by the Secretary under section 1821(h) of this title;
    - (ii) conduct of marine and fisheries research, including development of systems for information collection, analysis, evaluation, and reporting;
    - (iii) conservation, education, and enforcement activities related to marine and coastal management, such as living marine resource assessments, habitat monitoring and coastal studies;
    - (iv) grants to the University of Hawaii for technical assistance projects by the Pacific Island Network, such as education and training in the development and implementation of sustainable marine resources development projects, scientific research, and conservation strategies; and
      (v) western Pacific community-based demonstration projects under section 112(b) of the Sustainable Fisheries Act and other coastal improvement projects to foster and promote the management, conservation, and economic enhancement of the Pacific Insular Areas.
  - (B) In the case of American Samoa, Guam, and the Northern Mariana Islands, the appropriate Governor, with the concurrence of the Western Pacific Council, shall develop the marine conservation plan described in subparagraph (A) and submit such plan to the Secretary for approval. In the case of other Pacific Insular Areas, the Western Pacific Council shall develop and submit the marine conservation plan described in subparagraph (A) to the Secretary for approval.

- (C) If a Governor or the Western Pacific Council intends to request that the Secretary of State renew a Pacific Insular Area fishery agreement, a subsequent 3-year plan shall be submitted to the Secretary for approval by the end of the second year of the existing 3-year plan.

- (5) Reciprocal conditions
  Except as expressly provided otherwise in this subsection, a Pacific Insular Area fishing agreement may include terms similar to the terms applicable to United States fishing vessels for access to similar fisheries in waters subject to the fisheries jurisdiction of another nation.

- (6) Use of payments by American Samoa, Guam, Northern Mariana Islands
  Any payments received by the Secretary under a Pacific Insular Area fishery agreement for American Samoa, Guam, or the Northern Mariana Islands shall be deposited into the United States Treasury and then covered over to the Treasury of the Pacific Insular Area for which those funds were collected. Amounts deposited in the Treasury of a Pacific Insular Area shall be available, without appropriation or fiscal year limitation, to the Governor of the Pacific Insular Area -
  - (A) to carry out the purposes of this subsection;
  - (B) to compensate (i) the Western Pacific Council for mutually agreed upon administrative costs incurred relating to any Pacific Insular Area fishery agreement for such Pacific Insular Area, and (ii) the Secretary of State for mutually agreed upon travel expenses for no more than 2 Federal representatives incurred as a direct result of complying with paragraph (1)(A); and
    (C) to implement a marine conservation plan developed and approved under paragraph (4).

- (7) Western Pacific Sustainable Fisheries Fund
  There is established in the United States Treasury a Western Pacific Sustainable Fisheries Fund into which any payments received by the Secretary under a Pacific Insular Area fishery agreement for any Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands shall be deposited. The Western Pacific Sustainable Fisheries Fund shall be made available, without appropriation or fiscal year limitation, to the Secretary, who shall provide such funds only to -
  - (A) the Western Pacific Council for the purpose of carrying out the provisions of this subsection, including implementation of a marine conservation plan approved under paragraph (4);
  - (B) the Secretary of State for mutually agreed upon travel

expenses for no more than 2 Federal representatives incurred as a direct result of complying with paragraph (1)(B); and

(C) the Western Pacific Council to meet conservation and management objectives in the State of Hawaii if monies remain in the Western Pacific Sustainable Fisheries Fund after the funding requirements of subparagraphs (A) and (B) have been satisfied.

Amounts deposited in such fund shall not diminish funding received by the Western Pacific Council for the purpose of carrying out other responsibilities under this chapter.

- (8) Use of fines and penalties

  In the case of violations occurring within the exclusive economic zone off American Samoa, Guam, or the Northern Mariana Islands, amounts received by the Secretary which are attributable to fines or penalties imposed under this chapter, including such sums collected from the forfeiture and disposition or sale of property seized subject to its authority, after payment of direct costs of the enforcement action to all entities involved in such action, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the exclusive economic zone in which the violation occurred, to be used for fisheries enforcement and for implementation of a marine conservation plan under paragraph (4).

within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David__Rostker@omb.eop.gov*.

Dated: October 19, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–24007 Filed 10–26–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102104A]

Proposed Information Collection; Comment Request; Foreign Fishing Vessel Permit Applications

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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 27, 2004.

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 Bob Dickinson, F/SF4, Room 13304, 1315 East-West Highway, Silver Spring, MD 20910–3282 (phone (301) 713–2276, ext. 154).

SUPPLEMENTARY INFORMATION:

I. Abstract

Section 204 of the Magnuson-Stevens Fishery Conservation and Management Act and regulations at 50 CFR 600, Subpart F, provide for the issuance of fishing permits to foreign vessels. The information submitted in applications to fish is used to determine whether permits should be issued to authorize directed foreign fishing, participation in joint ventures with U.S. vessels, or transshipments of fish or fish products within U.S. waters.

II. Method of Collection

Paper forms are used.

III. Data

OMB Number: 0648–0089.
Form Number: None.
Type of Review: Regular submission.
Affected public: Business or other for-profit organizations.
Estimated Number of Respondents: 12.
Estimated Time Per Response: 1.5 hours for an application for a directed fishery; 2 hours for a joint venture application; and 45 minutes for a transshipment permit.
Estimated Total Annual Burden Hours: 14.5.
Estimated Total Annual Cost to Public: $4,560.

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: October 19, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–24003 Filed 10–26–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102104B]

Proposed Information Collection; Comment Request; Pacific Albacore Logbook

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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 27, 2004.

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 Al Coan, Southwest Fishery Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92038–0271 (phone 858–546–7079).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Oceanic and Atmospheric Administration, Southwest Fishery Science Center operates a pacific albacore data collection program. Fishermen participating in the program submit logbooks documenting their catch and effort on fishing trips. The agency uses the information to assess the status of albacore stocks and to monitor the fishery.

II. Method of Collection

A logbook paper form is used.

III. Data

OMB Number: 0648–0223.
Form Number: NOAA Form 88–197.
Type of Review: Regular submission.
Affected Public: Business and other non-profit organizations.
Estimated Number of Respondents: 4,000.
Estimated Time Per Response: 1 hour.
Estimated Total Annual Burden Hours: 4,000.
Estimated Total Annual Cost to Public: $2,560.

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