

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

06/17/2004

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 04/23/2004.

TITLE: Antarctic Living Marine Resources Conservation and Management Measures

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0194

EXPIRATION DATE: 06/30/2007

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	7,034	568	70
New	6,944	563	99
Difference	-90	-5	29
Program Change		0	29
Adjustment		-5	0

TERMS OF CLEARANCE: None

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
ANTARCTIC MARINE LIVING RESOURCES
CONSERVATION AND MANAGEMENT MEASURES
OMB CONTROL NO. 0648-0194**

A. JUSTIFICATION

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

The 1982 Convention for the Conservation of Antarctic Marine Living Resources established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) for the purpose of protecting and conserving the marine living resources in the waters surrounding Antarctica. The Convention is based upon an ecosystem approach to the conservation of marine living resources and incorporates standards designed to ensure the conservation of individual populations and species and the Antarctic marine ecosystem as a whole.

The United States is a contracting party to the Convention and a member of CCAMLR and the Scientific Committee established by the Commission.

On November 8, 1984, the President signed Public Law 98-623, the Antarctic Marine Living Resources Convention Act (the Act). The Act directs and authorizes the United States to take actions necessary to meet its treaty obligations as a contracting party to the Convention.

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 reporting requirements included in this collection concern CCAMLR Ecosystem Monitoring Program (CEMP) activities, U.S. harvesting permit applicants and/or harvesting vessel operators, and U.S. importers and re-exporters of Antarctic Marine Living Resources (AMLR).

United States regulations require permits of U.S. individuals engaged in Antarctic resource harvesting and importing or entering and/or conducting activities in a CEMP site to apply for and hold a permit for such activities.

The regulations comply with and give effect to the Convention. Members of the Convention are required to provide, in the manner and at such intervals as may be prescribed, information about harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled.

Members agree in Article XX to take advantage of opportunities to assess the impact of harvesting. Members are also required to provide information to the Commission on steps to be taken to implement the conservation and management measures adopted by the Commission.

Article XXI requires the Contracting Parties to take appropriate action to ensure compliance with the Convention and with the conservation and management measures adopted by the Commission. Each Contracting Party is required to transmit to the Commission information on these actions, including the imposition of sanctions for any violation.

The Department of Commerce (DOC) has reviewed the Convention and the conservation and management measures adopted by the Commission and concluded that a permit system is the most effective way to monitor Antarctic resources, provide treaty data to the Commission, meet international obligations, and ensure compliance, without unduly burdening harvesting and importing activities.

Specifically, U.S. regulations govern the harvest and importation into the United States of any AMLR, part or product, by any person subject to the jurisdiction of the United States, including U.S. citizens and those wishing to import into the United States. The regulations require any person who plans such activities to obtain a harvesting permit or import permit from the DOC unless the activities are already sanctioned by another DOC permit or by the National Science Foundation (NSF).

Under the Antarctic Conservation Act of 1978, the NSF has permitting authority for native birds and mammals and certain plants south of 60 degrees S. latitude. In order to minimize the public paperwork burden, DOC regulations exempt an Antarctic harvester or importer holding a permit or an award (as evidenced by an award letter) from the NSF, or an endangered species or marine mammal permit from the National Marine Fisheries Service (NMFS), from the need to obtain a separate Antarctic permit from DOC. Although a DOC permit is not required of NSF permit or award holders, they must comply with both preexisting data requirements related to the NSF or NMFS permit or award and current CCAMLR data requirements.

CEMP Entry Permits

CCAMLR regulations require that persons proposing to enter a CEMP site or conduct research programs there submit a letter of request (application) for an entry permit. If issued a permit, the holder must abide by all the conditions in the permit, including submission of an annual report describing the activities conducted and any actions not in compliance with the site's Management Plan. These permits are valid for five years. In the event that a CEMP site is also listed as a specially protected site under the Antarctic Conservation Act of 1978, applicants are redirected to the National Science Foundation and requested to submit an application for a dual permit. Although one permit will, thus, serve for both purposes, annual reporting is directed to each agency individually on areas within the agency's expertise.

Harvest or transshipment

(a) New and exploratory fisheries

The United States issued a Convention area harvesting permit to a single U.S. fisherman for a new crab fishery in 1991. When informed of the permit, CCAMLR expressed its strong and collective concern that, although the United States had required the permit holder to submit a Research and Data Collection Plan as a part of his application, the fishery had been authorized without prior knowledge of the demographic characteristics of the species.

The Commission agreed that it was particularly important for members to fulfill their treaty obligation to provide statistical, biological, and other information, and as a consequence, adopted conservation measures for new and exploratory fisheries.

(1) New fisheries

The Commission has adopted a measure which requires Members to notify the Commission when it is considering initiating a new fishery in the Convention area. The notification must be received by the Commission not less than three months in advance of the next regular meeting of the Commission. The Member may not initiate the new fishery pending Commission review.

The notification to the Commission must be accompanied by as much of the following information as the Member is able to provide:

- the nature of the proposed fishery including target species, methods of fishing, proposed region and any minimum level of catches that would be required to develop a viable fishery
- biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity
- details of dependent and associated species and the likelihood of them being affected by the proposed fishery
- information from other fisheries in the region or similar fisheries elsewhere that may assist in the valuation of potential yield.

Information on proposed new fisheries is considered by the Scientific Committee, which then advises the Commission. After Commission review, the Commission takes action as it deems necessary.

(2) Exploratory fisheries

The Commission has adopted a measure on exploratory fisheries. An exploratory fishery is one which has previously been classified as a new fishery and reviewed by the Scientific Committee and Commission prior to its initiation.

An exploratory fishery continues to be classified as an exploratory fishery until sufficient information is available to evaluate the fishery's potential yield; to review its potential impacts on dependent and related species; and to allow the Scientific Committee to formulate and provide advice to the Commission on appropriate harvest catch levels, effort levels, and fishing gear.

To ensure that adequate information is available to the Scientific Committee for evaluation during the period when a fishery is classified as exploratory, the Scientific Committee develops and annually updates a Data Collection Plan. Each Member active in the fishery annually submits to CCAMLR the data specified by the Data Collection Plan. Fishing capacity and effort is limited by a precautionary catch limit at a level not substantially above that necessary to obtain the data specified in the Data Collection Plan.

The Data Collection Plan includes, as appropriate:

- a description of the catch, effort, and related biological, ecological, and environmental data required to undertake an evaluation of the fishery
- a plan for directing fishing effort during the exploratory phase to permit the acquisition of relevant data to evaluate the fishery potential and the ecological relationships among harvested, dependent, and related populations and the likelihood of adverse impacts
- an evaluation of the time-scales involved in determining the responses of harvested, dependent and related populations to fishing activities

Each Member active in the fishery or intending to authorize a vessel to enter the fishery annually prepares and submits to CCAMLR a Research and Fishery Operations Plan. The plan is to include as much of the following as possible:

- a description of how the Member's activities will comply with the Data Collection Plan developed by the Scientific Committee
- the nature of the exploratory fishery, including target species, methods of fishing, proposed region and maximum catch levels proposed for the forthcoming season
- biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data, and information on stock identity

- details of dependent and related species and the likelihood of them being affected by the proposed fishery
- information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield.

(b) Harvesting permit

The application to harvest and/or transship AMLR is in three parts. Part one requires the applicant to identify whether the proposed activity is for harvesting AMLR and/or transshipping toothfish. If the proposed AMLR harvesting is either a new fishery or an exploratory fishery, specific narrative description is required. Part two is a Vessel Identification Form (VIF). It requests information necessary to identify the vessel (fourteen lines) and report this information to the Executive Secretary of CCAMLR. Part three is a Harvesting Information Form (HIF). It requests narrative identifying each AMLR target species proposed for harvest, the total tonnage requested (a figure), the CCAMLR statistical area to be fished, the gear to be used and the type and amount of bycatch anticipated. This information is required in order to determine whether the proposed fishery is consistent with CCAMLR conservation and management measures. The harvesting permit notes the obligation of a permit holder to provide harvesting data to CCAMLR.

(c) Transshipment permit

The application to harvest and/or transship AMLR includes a section to be completed if a vessel owner is seeking authorization to harvest AMLR and a section if a vessel owner is seeking authorization to transship toothfish. One or both sections can be completed by the applicant. A permit is issued to the applicant in one of two forms, depending upon whether the vessel is both harvesting AMLR and receiving transshipments of toothfish or only receiving transshipments of toothfish.

(d) Radio contact

It may be necessary for operators of harvesting vessels to provide vessel position or other information via radio when requested by the NMFS, the U.S. Coast Guard, an authorized officer, or CCAMLR inspector. This is a routine and necessary law enforcement requirement when dealing with vessels at sea. It consists generally of providing radio call signals and a set of position coordinates immediately preparatory to a boarding-at-sea for inspection of the vessel and the vessel's activities by law enforcement officials. Such radio contacts are infrequent and brief and therefore only one burden hour is requested for this purpose.

(e) Vessel Monitoring System (VMS)

To give effect to the CCAMLR conservation measures on VMS and to facilitate enforcement of time-area and fishery closures, NMFS regulations require the owner or operator of a vessel permitted to fish

for or transship AMLR to install a NMFS-approved VMS unit on board the vessel and to operate the VMS unit whenever the vessel enters CCAMLR waters. Installation time is estimated at four hours per vessel and maintenance is estimated at two hours per vessel. Response time is estimated at .033 seconds for each transmission, with an estimated 3,600 transmissions (six per vessel per day) for five vessels during a four month fishing season, resulting in an annual response time of 118.8 seconds.

Import-related permits

(a) Dealer permits

At this time there is just one dealer permit application. An applicant wishing to import and/or re-export toothfish receives a permit valid for one year which is a prerequisite, but not an authorization, for trading in toothfish. As discussed below, the applicant must then obtain pre-approval authorization to import or a Dissostichus Re-export Document authorization to export toothfish. An applicant wishing to import and/or re-export AMLR other than toothfish receives a permit authorizing such activity (which is limited to the amount of AMLR specified in the application and a finite period of time usually not more than six months) and, if importing, the import ticket the applicant is required to complete and submit. The difference in these scenarios is not the application, but in the kind of permit the applicant receives and whether the product will require pre-approval authorization (toothfish) or not (all other AMLR).

The United States uses Antarctic harvesting permits to monitor and control the harvesting and associated activities of its vessels in the Convention Area. But in order to fully meet its treaty obligations, the United States must also monitor and control the importation of Antarctic marine living resources.

Import is defined in Section 303 of the Act as "to land on, bring into, or introduce into any place, subject to the jurisdiction of the United States, whether or not such landing constitutes an importation within the meaning of the customs laws of the United States." No resources harvested in violation of a conservation measure in force with respect to the United States can be imported into this country.

Any person importing AMLRs into the United States must either have a harvesting permit or a dealer permit. The dealer permit is combined with the re-export permit so that an applicant can apply for either or both on the same application. The dealer permit application requests the applicant to provide a name, company, and business address; to briefly describe the resource and note the amount to be imported; and to give the harvesting vessel's name, areas fished (CCAMLR statistical subareas and in the case of toothfish, FAO statistical subareas for outside CCAMLR waters), and dates of harvest. A copy of the permit must accompany any resources imported under its authority.

Some of the holders of AMLR dealer permits are foreign entities. NMFS regulations require foreign entities to designate a registered agent as a condition of securing a dealer permit to enable NMFS to

better track and monitor trade in AMLR, to identify potential trade in IUU fishing for AMLR, and identify an agent for service of process.

(b) Pre-approval applications

Under the pre-approval system for toothfish imports, any person who imports Dissostichus species is required to submit to NMFS the Dissostichus Catch Document [(DCD) see paragraph (e) below] that accompanies each permitted shipment, as well as an application to NMFS requesting pre-approval to allow import of that shipment. Dissostichus caught on the high seas outside the Convention Area in FAO Statistical Areas 51 or 57, may not be imported.

A separate DCD with a unique export reference number is required for each pre-approval application (i.e., one DCD could not be used to request pre-approval for several shipments) and the quantity of toothfish listed on the DCD must match the quantity listed on the pre-approval application within a variance of 10 percent. The dealer is required to fax or express mail the documentation described above so that NMFS receives it at least 15 business days prior to the anticipated date of import. NMFS reviews the documentation submitted, notifies the dealer whether the import will be allowed or denied, and notifies U.S. Customs and Border Protection to allow or deny import of the shipment of Dissostichus.

Pre-approval applications for all frozen product and fresh product over 2000 kilograms must include an application fee of \$200.00. We estimate we may receive 1,600 applications annually, with 30 percent (480) expected to meet the threshold requiring a \$200.00 application fee.

(c) Re-export permit

Dealers who wish to re-export any product harvested in the CCAMLR Convention Area or, in the case of toothfish, anywhere, can also apply for a re-export permit using the same application as described above. This will aid NMFS in the development and maintenance of a comprehensive data base listing all dealers who not only import but re-export their product, enabling NMFS to notify all known dealers in a timely fashion regarding time/area closures as well as any changing requirements. A copy of this re-export permit must accompany any shipment exiting the United States.

(d) Import ticket

Within 24 hours of any import of AMLR other than toothfish, the importer must submit a completed import ticket describing the resources imported. The import ticket requests the name and address of the individual and company importing the resource, the resource imported and the date, the quantity of the resource, the harvesting vessel or vessels, the flag nation, the U.S. Customs CF7501 number, the areas fished, the approximate harvest date, and number of the harvesting permit or license. The use of the import tickets referencing a pre-issued dealer permit facilitates the expeditious shipment of resources by

the permit holder, while allowing the United States to monitor what is actually imported versus what is requested in the permit application.

(e) Dissostichus Catch Documents (DCD)

Catch documents are required to accompany all imports of toothfish. No shipment of Dissostichus species shall be released for entry into the customs territory of the United States unless accompanied by a complete and validated CCAMLR DCD. A flag state issues a non-transferrable DCD that is uniquely identified for a vessel. The master of the harvesting vessel records the catch information specified on the DCD and conveys such catch information to NMFS by the most rapid electronic means possible prior to offloading to obtain a confirmation number from NMFS to be recorded on the DCD. Upon transshipment or landing Dissostichus species, the master of the harvesting vessel obtains the signature of the master of the vessel to which the catch is transferred or of a responsible official designated by NMFS in the permit and the dealer that receives the catch at the port of landing. After signing the DCD, the master of the harvesting vessel provides a copy to each recipient of the catch and to NMFS by the most rapid electronic means possible. A similar responsibility would be required of the master of a transshipment vessel.

Any dealer who imports toothfish must obtain the DCDs that accompany the import shipment, mail or fax the DCDs to NMFS at an address designated by NMFS within 24 hours of the release from customs custody, provide copies to exporters as needed, and retain a copy for his/her records at the place of business for a period of 2 years from the date on the DCD.

In the case of re-exports of Dissostichus species, an exporter completes a re-export document by indicating the amount from the original DCDs that is contained in the particular export shipment, the number of the original DCDs, the name of the importer and point of import, and the exporter's name, address and permit number. The exporter then signs the re-export document and obtains validation by an authority designated by NMFS. The original re-export document is transmitted with the export shipment together with copies of the original DCDs as applicable to that shipment.

Information Quality Guidelines

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.

Electronic copies of forms are available. VMS data are electronically transmitted.

4. Describe efforts to identify duplication.

There is no duplication of effort. Duplication of permit application in the event that a CEMP site is also listed under the Antarctic Conservation Act of 1978 (ACA) is avoided by the regulations which direct potential CEMP site permit entry applicants to the NSF in the event of a dual listing of the site. A combined ACA/CEMP permit may then be issued.

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.

No or less frequent collection of data would not provide DOC/NOAA with data it must have for adequate and timely monitoring and reporting on the harvesting and importation of AMLR resources.

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

This collection requires reports more frequently than quarterly because quarterly reports are not timely enough to allow for adequate monitoring and reporting on the harvesting and importation of AMLR resources.

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 notice was published in the Federal Register (copy attached) seeking comments on renewal of this information collection. No comments have been received.

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

There are no payments or gifts provided to respondents.

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

To the extent permitted under the Trade Secrets Act and the Freedom of Information Act, NMFS will maintain the confidentiality of information determined to be a trade secret or privileged and confidential commercial or financial information.

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

No questions of a sensitive nature are asked of respondents.

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

<u>Requirement</u>	<u>Hours</u>
A) One five-year CEMP permit application @ 1 hour, and one annual report @ 1 hour	1.2
B) One applicant for new or exploratory fishery @ 28 hours	28
C) Five harvest/transship applications @ 1 hour each	5
D) Five VMS @ 4 hours each to install (est 5-yr useful life), 2 hr/yr each to maintain, and 118.8 seconds/yr (for all five vessels) to transmit data	14
E) Radio transmissions @ 1 hour	1
F) Eighty dealer applications @ 15 minutes each (includes time to designate registered agent).....	20
G) Eighty dealers x 20 pre-approval applications @ 15 minutes each	400
H) Eighty dealers x 20 catch documents @ 3 minutes each	80

I) Twelve reexport permit applications @ 15 minutes each	3
J) Twelve dealers x 2 reexport catch documents @ 15 minutes each	6
K) Five dealers x 4 import tickets @ 15 minutes each	5
Total	563 hours

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).

A) Five VMS (equipment/installation, est 5-yr useful life) @ \$3,250.00 each	\$ 3,250.00
B) Eighty dealers x 6 pre-approval applications @ \$200.00 each	<u>\$96,000.00</u>
Total	\$99,250.00

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

<u>Requirement</u>	<u>Hours</u>
A) Processing one CEMP application @ 1 hour.....	1
B) Processing one new or exploratory fishery application @ 2 hours ...	2
C) Processing five harvest/transship applications @ 2 hours each	10
D) VMS transmissions (negligible costs)	0
E) Radio transmissions (negligible costs)	0
F) Processing 80 dealer applications @ 30 minutes each	40
G) Processing 1,600 pre-approval applications @ 2 hours each	3,200
H) Processing 1,600 catch documents @ 30 minutes each	800
I) Processing 12 reexport permit applications @ 2 hours each	48
J) Processing 24 reexport catch documents @ 30 minutes each	12
K) Processing 20 import tickets @ 30 minutes each	<u>10</u>

Total	4,123
Data processor @ \$12.00 per hour for 4,123 hours	\$49,476.00
Overhead/benefits @ 35%	<u>\$17,316.60</u>
Total	\$66,792.60

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

A program change occurred insofar as a standard application fee was established for pre-approval applications instead of the fee-for-service system that was expected to be implemented at the time of the last PRA submission. A re-estimate of burden took place with respect to harvest/transship applications.

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

The Ecosystem Monitoring and Management Working Group of the CCAMLR Scientific Committee compiles the research and required permit reports submitted by Member States on CEMP site activity and presents these findings in a published form to the Commission. These published reports are available to Member delegations and to interested individuals from the Commission. NMFS does not plan to make available results of any of the information collections discussed above on the Internet. The Executive Secretary of CCAMLR publishes information on harvesting vessel licenses and activity on the CCAMLR website.

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.

No OMB expiration date will be displayed on the DCD because it is a CCAMLR form and no OMB expiration date will be displayed on the NOAA-issued permits because past display of the OMB expiration date proved problematic when permit holders confused the OMB expiration date with the expiration date of the permit.

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

Two exceptions are requested insofar as no OMB expiration date will be displayed on the DCD because it is a CCAMLR form and no OMB expiration date will be displayed on the NOAA-issued permits because past display of the OMB expiration date proved problematic when permit holders confused the OMB expiration date with the expiration date of the permit.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

DISSOSTICHUS CATCH DOCUMENT					
Document Number			Flag State Confirmation Number		
PRODUCTION SECTION					
1. Issuing Authority of Document					
Name		Address		Tel: Fax:	
2. Fishing Vessel Name Home Port & Registration Number Call Sign Lloyd's Number (If applicable)					
3. License Number (If applicable)			4. Fishing dates for catch under this document From: To:		
5. Date of Landing/Transshipment					
6. Description of Fish (Landing/Transshipment)					
Species Type		Net Weight		Area Net Weight	
		Landed (kg)		Caught Sold (kg)	
				7. Recipient name, address, tel, fax, and signature. Recipient Name Signature: Address Tel: Fax:	
Species: TOP <i>Dissostichus eleginoides</i> , TOA <i>Dissostichus mawsoni</i> Type: WHO Whole; HAG Headed and gutted; HAT Headed and tailed; FLT Fillet; HGT Headed, gutted, tailed; OTH Other (Specify)					
8. Landing/Transshipment Information I certify that the above information is complete, true and correct to the best of my knowledge and that any <i>Dissostichus</i> spp. Taken in the Convention area was caught in a manner consistent*/not consistent with CCAMLR convention measures. Master of Fishing Vessel Signature Landing/Transshipment Port and Country/ Area					
9. Certificate of Transshipments: I certify that the above information is complete, true, and correct to the best of my knowledge. Master of Receiving Vessel Signature Vessel Name Registration Number					
10. Certificate of Landing: I certify that the above landing information is complete, true, and correct to the best of my knowledge. Name Authority Signature Address Tel Fax					
11. EXPORT SECTION			12. Exporter Declaration: I certify that the above information is complete, true, and correct to the best of my knowledge.		
Description of Fish			Name Address Signature Export license (If applicable)		
Species Product		NetWeight			
Type (kg)					
13. Export Government Authority Validation: I validate that the above information is complete, true, and correct to the best of my knowledge. Name/Title Signature Date Seal					
14. IMPORT SECTION					
Name of importer			Address		
Point of Unlading: City		State/Province		Country	

* Delete whichever is not applicable

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ANTARCTIC MARINE LIVING RESOURCES

Application for Pre-Approval of Catch Documents of Toothfish

1. NAME OF IMPORTER (Individual):

COMPANY NAME (Business):

COMPANY ADDRESS:

CURRENT PERMIT NUMBER

2. ESTIMATED DATE OF ARRIVAL:

3. PORT OF ARRIVAL (ALSO PORT OF
UNLADING IF DIFFERENT THAN ARRIVAL)

4. CONSIGNEE(S) OF PRODUCT:

5. AMOUNT TO BE IMPORTED (in kgs)

6. INDICATE WHETHER PRODUCT IS **Fresh or Frozen** BY CIRCLING THE APPROPRIATE RESPONSE.

7. U.S. CUSTOMS 7501 NUMBER (MUST BE 11 DIGITS/CHARACTERS LONG)

____/____/____/____/____/____/____/____/____/____/____

THE FOLLOWING ITEMS ARE FOUND ON THE DISSOSTICHUS CATCH DOCUMENT(S)

8. DOCUMENT NUMBER OF DCD(S)

9. FLAG STATE CONFIRMATION NUMBER:

10. EXPORT REFERENCE NUMBER

11. INDICATE WHETHER A RE-EXPORT DOCUMENT IS ALSO ACCOMPANYING THIS SHIPMENT.

Signature/Date

Title (Business)

Return this Application for Pre-Approval along with Catch Documents a minimum of 14 days prior to importing resource(s) to the address below, or fax to (228) 762-7144:

National Seafood Inspection Laboratory
National Marine Fisheries Service
705 Convent Street
Pascagoula, MS 39567
Attention: CCAMLR Data Management

Completion of this application is required to obtain a permit to import Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Convention Act of 1984 (16 USC 2431 et seq). No authorization to import will be issued without completion of this application. Pre-approval of toothfish enable NMFS to track all imports and ensure that all AMLR are being imported in compliance with all applicable regulations. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the Federal Register and are also available at CCAMLR website located at <http://www.ccamlr.org>

Public reporting burden for completing this form is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond 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. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910.

**INSTRUCTIONS FOR COMPLETING
APPLICATION FOR
PRE-APPROVAL OF CATCH DOCUMENTS OF TOOTHFISH**

1. Provide contact name, company name, business address, phone and fax numbers, and current AMLR permit number of entity applying for the pre-approval of catch documents prior to import .
2. Provide known or estimated date of arrival of shipment.
3. Provide port of arrival of shipment (also list port of unloading if different than port of arrival).
4. Provide company name of consignee of product, if consignee is the same as importer then place NA in space provided.
5. Provide amount (net weight in kgs) to be imported in shipment. Note: the amount must match amount listed on Catch Document export section (or amount listed on re-export document if re-export) within 10%.
6. Indicate whether the shipment of toothfish is frozen or fresh. Note: pre-approval is required for all frozen product and for fresh product shipments which equal to or exceed 2000 kgs.
7. Provide U.S. Customs 7501 Number to be used for shipment. Note: must be 11 digits/characters long.

Provide the following information that can be taken from the Catch Document(s):

8. Provide the Document Number of Dissostichus Catch Document(s).
9. Provide the Flag State Confirmation Number of the Dissostichus Catch Document(s).
10. Provide the Export Reference Number of the Dissostichus Catch Document(s).
11. If this shipment is a re-export then a re-export document will also be required for pre-approval. Please indicate whether there is such a re-export document provided for this shipment.

A fee for all shipments requiring pre-approval will be assessed at a rate of \$200.00 per application. This fee was determined in accordance with the procedures of the NOAA Finance Handbook. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of a pre-approval for the shipment. Checks should be made out to NOAA/NMFS.

No resources may be imported in violation of conservation and management measures adopted by CCAMLR and adopted by the United States. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the Federal Register and are also available at CCAMLR website located at <http://www.ccamlr.org>.

Application must be signed, with title of Person signing if for a company.

Return this Application for Pre-Approval along with Catch Documents, a minimum of 15 days prior to importing resource(s), to the address below, or fax to (228) 762-7144:

National Seafood Inspection Laboratory
National Marine Fisheries Service
705 Convent Street
Pascagoula, MS 39567
Attention: CCAMLR Data Management

NOTE:

The United States can only authorize imports of AMLR harvested by vessels licensed to fish by their flag states for AMLR and fishing consistent with measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources for the conservation and management of the harvested species. No authorization to import will be granted for any product that has been harvested from FAO statistical area 51 or 57.

The Antarctic Marine Living Resources Act of 1984 is the U.S. statutory authority for requiring import permits. In addition, it addresses the activities of brokers and any U.S. entity in the market chain for Antarctic Marine Living Resources.

Section 306 (3) makes it unlawful to any person to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control of, any Antarctic Marine Living Resource (or part thereof) which he knows or reasonably should have known, was harvested in violation of conservation measures in force with respect to the United States pursuant to Article IX of the Convention [i.e., CCAMLR] or in violation of any regulation promulgated under this title, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the Antarctic Marine Living Resource (or part or product thereof). This is in addition to making it unlawful to import without a permit. Thus, this section applies to brokers and any other entity offering to sell Antarctic Marine Living Resources, whether that entity is an importer of record or not, and whether the resource enters the U.S. market or an overseas market.

Thus, in your contacts with brokers and with vessels that may be potential sources of AMLR, it is important that you inquire as to whether the vessel holds a currently valid license authorizing it to fish for AMLR species.

If you have any questions about the status of a vessel offering AMLR species, please contact the AMLR Permit Office of the National Marine Fisheries Service, 705 Convent Street, Pascagoula, MS 39567.

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

***APPLICATION FOR DEALER PERMIT TO IMPORT and/or RE-EXPORT
ANTARCTIC MARINE LIVING RESOURCES***

Under the provisions of the Antarctic Marine Living Resources Convention Act 1984, the following persons(s) _____ submit(s) this application to import and/or re-export Antarctic Marine Living Resources.

(1) COMPANY NAME: _____
(BUSINESS)

(1) _____
COMPANY ADDRESS

(IF NONRESIDENT THEN PROVIDE PROOF OF REGISTERED AGENT)

(2) _____ (3) _____
SPECIES ESTIMATE OF TOTAL TONAGE TO BE IMPORTED

Please check one of the following:

_____ I am applying for a re-export permit in addition to an import permit.

_____ I am applying for a re-export only.

Signature: _____

Title: _____

Submitted Date: _____

Completion of this application is required to obtain a permit to import Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Convention Act of 1984 (16 USC 2431 et seq). No permit will be issued without completion of this application.

Public reporting burden for completing this form is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910.

**INSTRUCTIONS FOR COMPLETING
APPLICATION FOR
PERMIT TO IMPORT and/or RE-EXPORT
ANTARCTIC MARINE LIVING RESOURCES SPECIES**

1. Provide contact name, company name, business address, phone and fax numbers.
2. If non U.S. resident company then provide proof of resident agent here in the U.S.
3. Estimate total tonnage to be imported for a 12 month period of time. (This is an estimate only.)
4. Indicate whether or not you are applying for a re-export permit in addition or an import permit. A check indicates "yes".

Indicate whether or not you are applying for a re-export permit only. A check indicates "yes".

Note: Only one of these boxes may be checked.

There is no fee for this permit.

No resources may be imported in violation of conservation and management measures adopted by CCAMLR and adopted by the United States. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the Federal Register and are also available at CCAMLR website located at <http://www.ccamlr.org>.

Application must be signed, with title of Person signing if for a company.

Return this Application to the address below, or fax to (228) 762-7144:

National Seafood Inspection Laboratory
National Marine Fisheries Service
705 Convent Street
Pascagoula, MS 39567
Attention: CCAMLR Data Management

NOTE:

The United States can only authorize imports of AMLR harvested by vessels licensed to fish by their flag states for AMLR and fishing consistent with measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources for the conservation and management of the harvested species. No authorization to import will be granted for any product that has been harvested from FAO statistical area 51 or 57.

The Antarctic Marine Living Resources Act of 1984 is the U.S. statutory authority for requiring import permits. In addition, it addresses the activities of brokers and any U.S. entity in the market chain for Antarctic Marine Living Resources.

Section 306 (3) makes it unlawful to any person to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control of, any Antarctic Marine Living Resource (or part thereof) which he knows or reasonably should have known, was harvested in violation of conservation measures in force with respect to the United States pursuant to Article

IX of the Convention [i.e., CCAMLR] or in violation of any regulation promulgated under this title, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the Antarctic Marine Living Resource (or part or product thereof). This is in addition to making it unlawful to import without a permit. Thus, this section applies to brokers and any other entity offering to sell Antarctic Marine Living Resources, whether that entity is an importer of record or not, and whether the resource enters the U.S. market or an overseas market.

Thus, in your contacts with brokers and with vessels that may be potential sources of AMLR, it is important that you inquire as to whether the vessel holds a currently valid license authorizing it to fish for AMLR species.

If you have any questions about the status of a vessel offering AMLR species, please contact the AMLR Permit Office of the National Marine Fisheries Service, 705 Convent Street, Pascagoula, MS 39567.

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

*APPLICATION FOR PERMIT TO HARVEST and/or TRANSSHIP
ANTARCTIC MARINE LIVING RESOURCES (AMLR)*

A Vessel Identification Form (VIF) is attached to this application for each vessel seeking a permit to harvest AMLR or transship *Dissostichus* species. A Harvesting Information Form (HIF) describing contemplated fisheries, catch, and operations is attached to this application for each vessel seeking a permit to harvest AMLR.

Complete one.

Harvesting AMLR

Under the provisions of the Antarctic Marine Living Resources Act of 1984, the following person(s)

_____ submit(s) this permit application for harvesting resources within the area covered by the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR).

Is this application for a: New fishery _____ Exploratory fishery _____

Transshipping toothfish

Under the provisions of the Antarctic Marine Living Resources Act of 1984, the following person(s)

_____ submit(s) this permit application for transshipping toothfish species, wherever harvested.

Signature

Submitted by (Firm or individual): _____

Signature: _____

Title: _____

Date: _____

Detailed descriptions of the vessels and the methods of operation proposed are attached to this application. Completion of this application is required to obtain a permit to harvest Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Act Convention of 1984 (16 USC 2431 et seq.). No permit will be issued without completion of this application.

VESSEL IDENTIFICATION FORM (VIF)

(1) VESSEL NAME: _____

(2) CALL SIGN _____

(3) U.S. COAST GUARD NO.: _____

(4) PORT OF HAIL: _____

(5) VESSEL TYPE: _____

(6) LENGTH: _____

(7) GROSS TONS: _____

(8) MAX SHAFT OR HORSE POWER _____

(9) OWNER(S): _____

OWNER(S) ADDRESS(ES): _____

(10) PROCESSING EQUIPMENT: _____

(11) 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) _____

(12) LIST LAST PERMIT NUMBER _____ IF NONE CHECK _____

VESSEL OWNER'S/APPLICANT'S SIGNATURE

The undersigned acknowledges that he/she is bound by Federal regulations governing the harvest of Antarctic Marine Living Resources in Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) waters. This permit is valid only so long as the undersigned complies with these applicable regulations.

Knowingly supplying false information for the purpose of obtaining a permit is a violation of Federal law punishable by a fine of up to \$10,000 and/or imprisonment up to 5 years.

Signature: _____ Date _____

OMB Control #0648-0194
Expires 02/29/04

HARVESTING INFORMATION FORM (HIF)

Use the space below (and supplemental sheets as necessary) to list each target species for which an AMLR harvesting permit is requested and to identify for each: the tonnage requested, CCAMLR statistical area to be fished, gear to be used, and type and amount of bycatch anticipated.

CONVENTION ON THE CONSERVATION OF ANTARCTIC
MARINE LIVING RESOURCES (CCAMLR)

INSTRUCTIONS FOR COMPLETING
APPLICATION FOR PERMIT TO HARVEST and/or TRANSSHIP
ANTARCTIC MARINE LIVING RESOURCES (AMLR)
VESSEL INFORMATION FORM (VIF)
HARVESTING INFORMATION FORM (HIF)

Complete an application and VIF for each vessel for which a permit is requested. Applicants for a harvesting permit should also submit an HIF. Submit these documents at least 90 days before harvesting and/or transshipment activities are to begin. This allows time for review, issuance and delivery of the permit. Timely submission will ensure prompt consideration of your request. Incomplete, unsigned, or improperly signed applications will be returned for completion.

Type all materials in English. Complete all items except the space near the top, right hand corner labeled "No." A number will be assigned by the Government of the United States.

Application for Permit to Harvest and/or Transship Marine Living Resources

- (1) **Harvest:** If this is an application to harvest AMLR, please complete the harvesting line.

New or Exploratory Fisheries: If this is an application to initiate a new fishery or participate in an exploratory fishery, please check either the New Fishery or Exploratory box.

New Fishery. A new fishery is defined as a fishery on a species using a particular method in CCAMLR statistical subarea for which: (1) information on distribution, abundance, demography, potential yield and stock identity from comprehensive research/surveys or exploratory fishing has not yet been submitted to CCAMLR; (2) catch and effort data have never been submitted to CCAMLR; or (3) catch and effort data from the two most recent seasons in which fishing has occurred have not been submitted to CCAMLR. If you are applying to initiate a new fishery, submit an application to the Assistant Administrator no later than July 1 of the year in which you are requesting to fish. Your application must be accompanied by information on: (1) the nature of the proposed fishery, including target species, methods of fishing, proposed region, and any minimum level of catches that would be required to develop a viable fishery; (2) biological information from comprehensive research/survey cruises, such a distribution, abundance, demographic data and information on stock identity; (3) details of dependent and associated species and the likelihood of them being affected by the proposed fishery; and (4) information from other fisheries in the region or similar fisheries elsewhere that may assist in the valuation of potential yield. This information should be submitted as a narrative attached to the harvesting vessel application. If you need assistance in providing this information, please contact the National Marine Fisheries Service, Southwest Fisheries Science Center, Antarctic Ecosystem Research Group, P.O. Box 271, LaJolla, California 92038-0271 or phone (858) 546-5601.

Exploratory Fishery: An exploratory fishery is a fishery that was originally a new fishery, but has not yet been fully developed. A fishery will continue to be classified by CCAMLR as an exploratory fishery until sufficient information is available to (1) evaluate the distribution, abundance, and demography of the target species, leading to an estimate of the fishery's potential yield; (2) review the fishery's potential impacts on dependent and associated species; and (3) allow the CCAMLR Scientific Committee to formulate and provide advice to the Commission for the Conservation of Antarctic Marine Living Resources on appropriate harvest catch levels and fishing gear. If you are applying to participate in an exploratory fishery, submit an application to the Assistant Administrator no later than four months before the annual meeting of CCAMLR (i.e., no later than July 15 in any given year).

- (2) **Transshipment:** If this is an application to transship *Dissostichus* species, whether harvested within or outside CCAMLR waters, please complete the transshipment line.

Vessel Identification Form (VIF)

- (1) **Vessel Name:** Type in the name of the vessel.
- (2) **Call Sign:** Enter the vessel identifying markings permanently affixed to the vessel, normally the international radio call sign.
- (3) **U.S. Coast Guard Documentation Number:** Enter the Coast Guard Documentation number of the vessel.
- (4) **Port of Hail:** Enter the port of registration of the vessel.
- (5) **Vessel Type:** Enter one of the following vessel types:

Stern Trawler (small/0-289 GRT, medium/290-1399 GRT large/1,400 plus GRT)	Longliner/Pot
Side Trawler	Longliner/Gillnet
Side Trawler/Purse Seiner	Gillnet
Pair Trawler	Troller
Danish Seiner	Factory/Mothership
Purse Seiner	Cargo/Transport
Longliner	Tanker
	Patrol/Cargo

If other than one of the above, specify.

- (6) **Length:** Enter the vessel's overall length to the nearest meter.
- (7) **Gross Tons:** Enter the registered gross tonnage, GRT, rounded to the nearest metric ton.
- (8) **Maximum Shaft Power or Horse Power:** Enter the vessel's maximum shaft power (kw at...rev/min) or horse power.
- (9) **Owner's 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 VIF and the other names and addresses on attached pages. "Owner" includes any person, company, or government agency that owns the vessels; any charterer, whether bareboat, 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, operations agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel.
- (10) **Processing Equipment:** List the types of fish processing equipment aboard the vessel such as flash freezer, header, eviscerator, filleter, fish meal plant, fish oil plant, surimi plant, cannery, etc.
- (11) **(Fill out only for a harvesting permit) 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 **ba**le 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 data are used by enforcement officials and CCAMLR inspectors to determine the quantity of fish or fish products aboard the vessel.
- (12) **(Fill out only for a harvesting permit)** Indicate if the vessel has fished in Convention waters in prior years by listing the last permit application number. If the vessel has never applied for a permit, indicate so with a check mark next to the blank marked "none."
- (13) If the permitted vessels will be supporting or working with foreign vessels that are not permitted by the United States, please provide the information requested in (12) for the non-permitted foreign vessels. Also, provide the name of the foreign vessel, the flag of the vessel, the call sign, and type of vessel.
- (14) In the event the modifications or amendments to this application become necessary, please submit a new application.

Harvesting Information Form (HIF)

(1) **Target species:**

Identify all target species. Categories include: finfish, krill, squid, crab, and other species. If finfish is identified, please specify from the list below which finfish will be harvested.

Antarctic Finfish include:

Humped rockrod (*Gobionotothen gibberifrons*)
Marbled rockrod (*Notothenia rossii*)
Grey rockrod (*Lepidorhirus squamifrons*)
Striped-eyed rockcod (*Lepidonothon kempi*)
Patagonian toothfish (*Dissostichus eleginoides*)
Antarctic toothfish (*D. mawsoni*)
Lanternfish (*Electrona carlsbergi*)
Patagonian rockrod (*Patagonothen brevicauda guntheri*)
Antarctic silverfish (*Pleuragramma antarcticum*)
Antarctic cods (*Trematomus* spp.)
Blackfin icefish (*Chaenocephalus aceratus*)
Spiny icefish (*Chaenodraco wilsoni*)
Mackerel icefish (*Champsocephalus gunnari*)
Ocellated icefish (*Chionodraco rastrospinosus*)
South Georgia icefish (*Pseudochaenichthys georgianus*)

- (2) **Total Tonnage Requested.** For each species, enter the requested amounts in metric tons. If more tonnage is needed after submission of the first application, another application is required to increase the earlier request. If an additional application is not submitted to increase the tonnage from the initial application, you may only harvest the amount initially requested.
- (3) **CCAMLR Statistical Areas:** See enclosed map for designation of CCAMLR areas. Enter the CCAMLR statistical area(s) where each species will be harvested.
- (4) **Gear to be used:** Identify the gear which will be used in harvesting each requested species.
- (5) **Type and amount of bycatch:** Identify the type and amount of bycatch anticipated to be taken in each Statistical Area while harvesting for each requested species and the planned disposition of the bycatch (i.e., whether it is to be retained or discarded).

Completed applications should be sent to the following address:

Assistant Administrator for Fisheries
National Marine Fisheries Service
1335 East-West Highway
Silver Spring, Maryland 20910
Attention: CCAMLR Permit Office

NMFS manages Antarctic fisheries and the importation of resulting products under the Antarctic Marine Living Resources Convention Act, codified at 16 U.S.C. 2431 *et seq.* NMFS implements CCAMLR conservation measures by regulations at 50 CFR part 300, subparts A and G. Changes to the existing regulations are necessary to incorporate new conservation measures and facilitate enforcement. Public reporting burden for this collection of information is estimated to average 1 hour, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910. Responses to the collection are mandatory. Confidentiality of information collected will be subject to NOAA Administrative Order 216-100, "Confidentiality of Fishery Statistics." Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

**UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ANTARCTIC MARINE LIVING RESOURCES**

IMPORT TICKET NO. _____

NAME OF IMPORTER: _____
(INDIVIDUAL)

COMPANY NAME: _____
(BUSINESS)

IMPORTER ADDRESS:

COMPANY ADDRESS:

SPECIES IMPORTED AND DATE:	QUANTITY OF SPECIES (In metric tons)	APPROX. HARVEST DATE
1. _____	1. _____	1. _____
2. _____	2. _____	2. _____
3. _____	2. _____	3. _____

HARVESTING VESSEL(S) NAME(S)

FLAG NATION

1. _____
2. _____
3. _____

1. _____
2. _____
3. _____

AREA FISHED (Includes CCAMLR statistical subareas and, in the case of toothfish, FAO statistical subareas outside CCAMLR waters)

HARVESTING PERMIT OR LICENSE NUMBER AND DATES OF VALIDITY

- 1. _____
- 2. _____
- 3. _____

- 1. _____
- 2. _____
- 3. _____

CF7501 NUMBER (issued by Customs)

- 1. _____
- 2. _____
- 3. _____

SignatureDate

Title (Business)

Return this Import Ticket along with Catch Documents within 24 hours after importing resource(s) to the address below, or fax to (228) 762-7144:

National Seafood Inspection Laboratory
National Marine Fisheries Service
705 Convent Street
Pascagoula, MS 39567
Attention: CCAMLR Data Management

NMFS manages Antarctic fisheries and the importation of resulting products under the Antarctic Marine Living Resources Convention Act, codified at 16 U.S.C. 2431 *et seq.* NMFS implements CCAMLR conservation measures by regulations at 50 CFR part 300, subparts A and G. Changes to the existing regulations are necessary to incorporate new conservation measures and facilitate enforcement. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910. Responses to the collection are mandatory. Confidentiality of information collected will be subject to NOAA Administrative Order 216-100, "Confidentiality of Fishery Statistics." Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Int'l. Fishing and Related Activities

§ 300.101

(2) Notice of inseason orders of the Secretary and other applicable tribal regulations may be published and released according to tribal procedures in accordance with Final Decision No. 1 and subsequent orders in *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash., 1974).

(3) Inseason orders may also be communicated through news releases to radio and television stations and newspapers in the Fraser River Panel Area (U.S.).

(4) Inseason orders of the Secretary will also be published in the FEDERAL REGISTER as soon as practicable after they are issued.

Subpart G—Antarctic Marine Living Resources

AUTHORITY: 16 U.S.C. 2431 *et seq.*

§ 300.100 Purpose and scope.

(a) This subpart implements the Antarctic Marine Living Resources Convention Act of 1984 (Act).

(b) This subpart regulates—

(1) The harvesting of Antarctic marine living resources or other associated activities by any person subject to the jurisdiction of the United States or by any vessel of the United States.

(2) The importation into the United States of any Antarctic marine living resource.

§ 300.101 Definitions.

In addition to the terms defined in § 300.2, in the Act, and in the Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra, Australia, May 7, 1980 (Convention). Convention, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, such Act, or such Convention, the definition in this section shall apply.

ACA means the Antarctic Conservation Act of 1978 (16 U.S.C. 2401 *et seq.*).

Antarctic convergence means a line joining the following points along the parallels of latitude and meridians of longitude:

<i>Lat.</i>	<i>Long.</i>
50° S.	0.
50° S.	30° E.
45° S.	30° E.

45° S.	80° E.
55° S.	80° E.
55° S.	150° E.
60° S.	150° E.
60° S.	50° W.
50° S.	50° W.
50° S.	0.

Antarctic finfishes include the following:

Scientific name	Common name
<i>Gobionotothen gibberifrons</i> ...	Humped rockcod.
<i>Notothenia rossii</i>	Marbled rockcod.
<i>Lepidorhirus squamifrons</i>	Grey rockcod.
<i>Lepidonotothen kempi</i>	Striped-eyed rockcod.
<i>Dissostichus eleginoides</i>	Patagonian toothfish.
<i>Dissostichus mawsoni</i>	Antarctic toothfish.
<i>Electrona carlsbergi</i>	Lanternfish.
<i>Patagonotothen brevicauda guntheri</i> .	Patagonian rockcod.
<i>Pleuragramma antarcticum</i> ...	Antarctic silverfish.
<i>Trematomus spp.</i>	Antarctic cods.
<i>Chaenocephalus aceratus</i>	Blackfin icefish.
<i>Chaenodraco wilsoni</i>	Spiny icefish.
<i>Champscephalus gunnari</i>	Mackerel icefish.
<i>Chionodraco rastrospinosus</i> ..	Ocellated icefish.
<i>Pseudochaenichthys georgianus</i> .	South Georgia icefish.

Antarctic marine living resources or AMLR(s) means:

(1) The populations of finfish, mollusks, crustaceans, and all other species of living organisms, including birds, found south of the Antarctic Convergence;

(2) All species of *Dissostichus*, wherever found; and

(3) All parts or products of those populations and species set forth in paragraphs (1) and (2) of this definition.

Commission means the Commission for the Conservation of Antarctic Marine Living Resources established under Article VII of the Convention.

Convention waters means all waters south of the Antarctic Convergence.

Dealer means the person who first receives AMLRs from a harvesting vessel or transshipment vessel or who imports AMLRs into, or re-exports AMLRs from, the United States.

Directed fishing, with respect to any species or stock of fish, means any fishing that results in such fish comprising more than 1 percent by weight, at any time, of the catch on board the vessel.

Dissostichus catch document (DCD) means the uniquely numbered catch documentation form approved by the Commission and issued by a flag state to its vessels authorized to harvest *Dissostichus* species.

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Dissostichus species means Patagonian toothfish and/or Antarctic toothfish and their parts or products.

Fish means finfish, mollusks, and crustaceans.

Fishery means:

(1) One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics.

(2) Any fishing for such stocks.

Harvesting vessel means any vessel of the United States (this includes any boat, ship, or other craft), that is used for, equipped to be used for, or of a type that is normally used for harvesting.

Individual permit means an NSF permit issued under 45 CFR part 670; or an NSF award letter (demonstrating that the individual has received an award from NSF to do research in the Antarctic); or a marine mammal permit issued under §216.31 of this chapter; or an endangered species permit issued under §222.21 of this chapter.

Inspection vessel means a vessel carrying a CCAMLR inspector and displaying the pennant approved by the Commission to identify such vessel.

Land or landing means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded.

NSF means National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Recreational fishing means fishing with hook and line for personal use and not for sale.

Scientific research activity means any activity for which a person has a permit from NMFS under §216.31 of this title or an award letter from NSF or a permit from the NSF under 45 CFR part 670. Scientific research activities may also include harvesting or other associated activities if such activities are designated as scientific research activities by the Assistant Administrator.

Transship means the transfer of fish or fish products from one vessel to another.

[61 FR 35550, July 5, 1996, as amended at 65 FR 30015, May 10, 2000]

§ 300.102 Relationship to other treaties, conventions, laws, and regulations.

(a) Other conventions and treaties to which the United States is a party and other Federal statutes and implementing regulations may impose additional restrictions on the harvesting and importation into the United States of AMLRs.

(b) The ACA implements the Antarctic Treaty Agreed Measures for the Conservation of Antarctic Fauna and Flora (12 U.S.T. 794). The ACA and its implementing regulations (45 CFR part 670) apply to certain defined activities of U.S. citizens south of 60° S. lat.

(c) The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), the Migratory Bird Treaty Act (16 U.S.C. 701 *et seq.*), and their implementing regulations also apply to the harvesting and importation of AMLRs.

§ 300.103 Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites.

(a) *General.* (1) Any person subject to the jurisdiction of the United States must apply for and be granted an entry permit authorizing specific activities prior to entering a CCAMLR Ecosystem Monitoring Program (CEMP) Protected Site designated in accordance with the CCAMLR Conservation Measure describing the Procedures for According Protection for CEMP Sites.

(2) If a CEMP Protected Site is also a site specially protected under the Antarctic Treaty (or the Protocol on Environmental Protection to the Antarctic Treaty and its Annexes, when it enters into force), an applicant seeking to enter such a Protected Site must apply to the Director of the NSF for a permit under applicable provisions of the ACA or any superseding legislation. The permit granted by NSF shall constitute a joint CEMP/ACA Protected Site permit and any person holding such a permit must comply with the appropriate CEMP Protected Site Management Plan. In all other cases, an applicant seeking a permit to enter a CEMP Protected Site must apply to the Assistant Administrator for a CEMP permit in

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accordance with the provisions of this section.

(b) *Responsibility of CEMP permit holders and persons designated as agents under a CEMP permit.* (1) The CEMP permit holder and person designated as agents under a CEMP permit are jointly and severally responsible for compliance with the Act, this subpart, and any permit issued under this subpart.

(2) The CEMP permit holder and agents designated under a CEMP permit are responsible for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or forbidden by the CEMP permit holder or agents, and regardless of knowledge concerning their occurrence.

(c) *Prohibitions regarding the Antarctic Treaty System and other applicable treaties and statutes.* Holders of permits to enter CEMP Protected Sites are not permitted to undertake any activities within a CEMP Protected Site that are not in compliance with the provisions of:

(1) The Antarctic Treaty, including the Agreed Measures for the Conservation of Antarctic Fauna and Flora (including the Protocol on the Environmental Protection to the Antarctic Treaty and its Annexes when it enters into force), as implemented under by the ACA and any superseding legislation. (Persons interested in conducting activities subject to the Antarctic Treaty or the Protocol should contact the Office of Polar Programs, NSF).

(2) The Convention for the Conservation of Antarctic Seals.

(3) The Convention and its Conservation Measures in force, implemented under the Act.

(d) *Prohibitions on takings.* Permits issued under this section do not authorize any takings as defined in the applicable statutes and implementing regulations governing the activities of persons in Antarctica.

(e) *Issuance criteria.* Permits designated in this section may be issued by the Assistant Administrator upon a determination that:

(1) The specific activities meet the requirements of the Act.

(2) There is sufficient reason, established in the permit application, that

the scientific purpose for the intended entry cannot be served elsewhere.

(3) The actions permitted will not violate any provisions or prohibitions of the Protected Site's Management Plan submitted in compliance with the CCAMLR Conservation Measure describing the Procedures for According Protection to CEMP Sites.

(f) *Application process.* An applicant seeking a CEMP permit from the Assistant Administrator to enter a CEMP Protected Site shall include the following in the application.

(1) A detailed justification that the scientific objectives of the applicant cannot be accomplished elsewhere and a description of how said objectives will be accomplished within the terms of the Protected Site's Management Plan.

(2) A statement signed by the applicant that the applicant has read and fully understands the provisions and prohibitions of the Protected Site's Management Plan. Prospective applicants may obtain copies of the relevant Management Plans and the CCAMLR Conservation Measure describing the Procedures for According Protection to CEMP Sites by requesting them from the Assistant Administrator.

(g) *Conditions.* CEMP permits issued under this section will contain special and general conditions including a condition that the permit holder shall submit a report describing the activities conducted under the permit within 30 days of the expiration of the CEMP permit.

(h) *Duration.* Permits issued under this section are valid for a period of 1 year. Applicants requesting a permit to reenter a Protected Site must include the report required by the general condition in the previously issued CEMP permit describing the activities conducted under authority of that permit.

(i) *Transfer.* CEMP permits are not transferable or assignable. A CEMP permit is valid only for the person to whom it is issued.

(j) *Modification.* (1) CEMP permits can be modified by submitting a request to the Assistant Administrator. Such requests shall specify:

(i) The action proposed to be taken along with a summary of the reasons therefore.

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(ii) The steps that the permit holder may take to demonstrate or achieve compliance with all lawful requirements.

(2) If a requested modification is not in compliance with the terms of the Protected Site's Management Plan, the Assistant Administrator will treat the requested modification as an application for a new CEMP permit and so notify the holder. Modifications will be acted upon within 30 days of receipt. The CEMP permit holder must report to the Assistant Administrator any change in previously submitted information within 10 days of the change.

(3) Additional conditions and restrictions. The Assistant Administrator may revise the CEMP permit effective upon notification of the permit holder, to impose additional conditions and restrictions as necessary to achieve the purposes of the Convention, the Act and the CEMP Management Plan. The CEMP permit holder must, as soon as possible, notify any and all agents operating under the permit of any and all revisions or modifications to the permit.

(k) *Revocation or suspension.* CEMP permits may be revoked or suspended based upon information received by the Assistant Administrator and such revocation or suspension shall be effective upon notification to the permit holder.

(1) A CEMP permit may be revoked or suspended based on a violation of the permit, the Act, or this subpart.

(2) Failure to report a change in the information submitted in a CEMP permit application within 10 days of the change is a violation of this subpart and voids the application or permit, as applicable. Title 15 CFR part 904 governs permit sanctions under this subpart.

(1) *Exceptions.* Entry into a Protected Site described in this section is lawful if committed under emergency conditions to prevent the loss of human life, compromise human safety, prevent the loss of vessels or aircraft, or to prevent environmental damage.

(m) *Protected sites.* (1) Sites protected by the Antarctic Treaty and regulated under the ACA are listed at 45 CFR part 670 subparts G and H.

(2) The following sites have been identified as CEMP Protected Sites

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subject to the regulatory authority of the Act:

(i) *Seal Islands, South Shetland Islands*—The Seal Islands are composed of islands and skerries located approximately 7 km north of the northwest corner of Elephant Island, South Shetland Islands. The Seal Islands CEMP Protected Site includes the entire Seal Islands group, which is defined as Seal Island plus any land or rocks exposed at mean low tide within a distance of 5.5 km of the point of highest elevation on Seal Island. Seal Island is situated at 60°59'14" S. lat., 55°23'04" W. long.

(ii) *Cape Shirreff and the San Telmo Islands.* This designation takes effect on May 1, 1995. Cape Shirreff is a low, ice-free peninsula towards the western end of the north coast of Livingston Island, South Shetland Islands, situated at 62°29' S. lat., 60°47' W. long., between Barclay Bay and Hero Bay. San Telmo Island is the largest of a small group of ice-free rock islets, approximately 2 km west of Cape Shirreff. The boundaries of the Cape Shirreff CEMP Protected Site are identical to the boundaries of the Site of Special Scientific Interest No. 32, as specified by ATCM Recommendation XV-7. No manmade boundary markers indicate the limits of the SSSI or protected site. The boundaries are defined by natural features and include the entire area of the Cape Shirreff peninsula north of the glacier ice tongue margin, and most of the San Telmo Island group. For the purposes of the protected site, the entire area of Cape Shirreff and the San Telmo Island group is defined as any land or rocks exposed at mean low tide within the area delimited by the map of SSSI No. 32 and available from the Assistant Administrator.

§ 300.104 Scientific research.

(a) The management measures issued pursuant to the procedures at § 300.111 do not apply to catches of less than 5 tons taken by any vessel for research purposes, unless otherwise indicated.

(b) Catches taken by any vessel for research purposes will be considered as part of any catch limit.

(c) The catch reporting procedure identified in management measures issued pursuant to the procedures at § 300.111 applies whenever the catch

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within any 5-day reporting period exceeds 5 tons, unless more specific reporting requirements apply to the species being fished.

(d) Any person, organization or institution planning to use a vessel for research purposes, when the estimated catch is expected to be less than 50 tons, must provide the following vessel and research notification to the Assistant Administrator at least 2 months in advance of the planned research:

(1) Name and registration number of vessel.

(2) Division and subarea in which research is to be carried out.

(3) Estimated dates of entering and leaving CCAMLR Convention Area.

(4) Purposes of research.

(5) Fishing equipment to be used (bottom trawl, midwater trawl, longline, crab pots, other).

(e) The following measures apply to any person planning to use any vessel for research purposes, when the estimated catch is expected to be more than 50 tons:

(1) The person must use the CCAMLR Format for Reporting Plans for Finfish Surveys in the Convention Area when the Total Catch is Expected to be More Than 50 Tons to report the details of the research plan to the Assistant Administrator at least 7 months in advance of the planned starting date for the research. A copy of the format is available from the Assistant Administrator.

(2) The format requires:

(i) The name of the CCAMLR Member.

(ii) Survey details.

(iii) Description of the vessel.

(iv) Description of the fishing gear to be used.

(v) Description of acoustic gear to be used.

(vi) Survey design and methods of data analyses.

(vii) Data to be collected.

(3) A summary of the results of any research fishing subject to these provisions must be provided to the Assistant Administrator within 150 days of the completion of the research fishing and a full report must be provided within 11 months.

(4) Catch and effort data resulting from the research fishing must be re-

ported to the Assistant Administrator using the CCAMLR C4 haul-by-haul reporting format for research vessels.

§ 300.105 Initiating a new fishery.

(a) A new fishery, for purposes of this section, is a fishery on a species using a particular method in a statistical subarea for which:

(1) Information on distribution, abundance, demography, potential yield and stock identity from comprehensive research/surveys or exploratory fishing has not been submitted to CCAMLR;

(2) Catch and effort data have never been submitted to CCAMLR; or

(3) Catch and effort data from the two most recent seasons in which fishing occurred have not been submitted to CCAMLR.

(b) An individual subject to these regulations intending to develop a new fishery shall notify the Assistant Administrator no later than July 1 of the year in which he or she intends to initiate the fishery and shall not initiate the fishery pending CCAMLR review.

(c) The notification shall be accompanied by information on:

(1) The nature of the proposed fishery, including target species, methods of fishing, proposed region and any minimum level of catches that would be required to develop a viable fishery.

(2) Biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity.

(3) Details of dependent and associated species and the likelihood of them being affected by the proposed fishery.

(4) Information from other fisheries in the region or similar fisheries elsewhere that may assist in the valuation of potential yield.

§ 300.106 Exploratory fisheries.

(a) An exploratory fishery, for purposes of this section, is a fishery that was previously defined as a new fishery under § 300.105.

(b) A fishery will continue to be classified as an exploratory fishery until sufficient information is available to:

(1) Evaluate the distribution, abundance, and demography of the target species, leading to an estimate of the fishery's potential yield.

(2) Review the fishery's potential impacts on dependent and related species.

(3) Allow the CCAMLR Scientific Committee to formulate and provide advice to the Commission on appropriate harvest catch levels and fishing gear.

(c) Each vessel participating in an exploratory fishery must carry a scientific observer.

(d) The operator of any vessel engaging in an exploratory fishery must submit, by the date specified in the operator's harvesting permit, catch, effort, and related biological, ecological, and environmental data as required by a data collection plan for the fishery formulated by the CCAMLR Scientific Committee.

(e) In addition to the requirements in § 300.112, any individual planning to enter an exploratory fishery must notify the Assistant Administrator no later than 4 months in advance of the annual meeting of CCAMLR. The Assistant Administrator will not issue a permit to enter an exploratory fishery until after the requirements of § 300.112 have been met and the meeting of CCAMLR, which receives and considers the notice made to the Assistant Administrator, has been concluded.

§ 300.107 Reporting and recordkeeping requirements.

(a) *Vessels.* The operator of any vessel required to have a permit under this subpart must:

(1) Accurately maintain on board the vessel a fishing logbook and all other reports and records required by its permit;

(2) Make such reports and records available for inspection upon the request of an authorized officer or CCAMLR inspector; and

(3) Within the time specified in the permit, submit a copy of such reports and records to NMFS at an address designated by NMFS.

(b) *Dealers.* Dealers of AMLRs required to have a permit under this subpart must:

(1) Accurately maintain all reports and records required by their permits;

(2) Make such reports and records available for inspection upon the request of an authorized officer or CCAMLR inspector; and

(3) Within the time specified in the permit, submit a copy of such reports and records to NMFS at an address designated by NMFS.

(c) *Catch documentation*—(1) *General.* (i) The CCAMLR DCD must accompany all shipments of *Dissostichus* species as required in this subsection.

(ii) No shipment of *Dissostichus* species shall be released for entry into the United States unless accompanied by a complete and validated CCAMLR DCD, except as provided in paragraph (c)(7) of this section.

(2) *Harvesting vessels.* (i) In addition to any harvesting permit or authorization previously issued, a U.S. vessel harvesting or attempting to harvest *Dissostichus* species must possess a DCD issued by NMFS which is non-transferrable. The master of the harvesting vessel must ensure that the catch information specified on the DCD is accurately recorded.

(ii) Prior to offloading of *Dissostichus* species, the master of the harvesting vessel must:

(A) electronically convey by the most rapid means possible catch information to NMFS and record on the DCD a confirmation number received from NMFS;

(B) Obtain on the DCD (or copies thereof) the signature(s) of the following persons: if catch is offloaded for transshipment, the master of the vessel(s) to which the catch is transferred; or if catch is offloaded for landing, the signature of both the responsible official(s) designated by NMFS in the harvesting permit, and the dealer(s) that receives the catch at the port(s) of landing; and

(C) Sign the DCD (or copies thereof), electronically convey by the most rapid means possible each copy to NMFS, and provide a copy to each recipient of the catch.

(iii) The master of the harvesting vessel must submit the original DCD (or all copies thereof with original signatures) to NMFS no later than 30 days after the end of the fishing season as authorized for that vessel on its harvesting permit.

(3) *Transshipment vessels.* (i) The master of a U.S. vessel issued a permit to transship *Dissostichus* species must, upon receipt of *Dissostichus* species,

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sign each DCD provided by the master of the harvesting vessel.

(ii) Prior to landing *Dissostichus* species, the master of the transshipping vessel must:

(A) Obtain on each DCD (or copies thereof) the signature(s) of both the responsible official(s) designated by NMFS in the permit, and the dealer(s) that receives the catch at the port(s) of landing and

(B) Sign each DCD (or copies thereof), and electronically convey by the most rapid means possible each copy to NMFS and to the flag state(s) of the harvesting vessel(s) and provide a copy to each dealer receiving *Dissostichus* species.

(iii) The master of the transshipping vessel must submit all DCDs with original signatures to NMFS no later than 30 days after offloading and retain copies for a period of 2 years.

(4) *Receivers upon landing.* Any dealer who receives *Dissostichus* species from a harvesting vessel or from a transshipment vessel must sign the DCD(s) provided by the master of the vessel.

(5) *Import.* (i) Any dealer who imports *Dissostichus* species must:

(A) Obtain the DCD(s) that accompany the import shipment;

(B) Mail or fax the DCD(s) to NMFS within 24 hours of the release from customs custody, and

(C) Retain a copy for his/her records and provide copies to exporters as needed.

(ii) Dealers must retain at their place of business a copy of the DCD for a period of 2 years from the date on the DCD.

(6) *Re-export.* (i) Any dealer who re-exports *Dissostichus* species must complete a *Dissostichus* re-export document by indicating:

(A) The amount from the original DCD(s) that is exported in the particular export shipment;

(B) The number of the original DCD(s);

(C) The name of the importer and point of import; and

(D) The exporter's name, address and permit number.

(ii) The dealer must then sign the re-export document and obtain validation by a responsible official(s) designated by NMFS.

(iii) The original validated *Dissostichus* re-export document and copies of the original DCD(s) must accompany the export shipment.

(iv) The dealer must retain a copy of the re-export document and copies of the DCD(s) at his/her place of business for a period of 2 years from the date on the DCD.

(7) *Exception.* *Dissostichus* species harvested prior to the effective date of this rule may be imported during the first 60 days following the effective date of this rule, provided that the date of the harvest(s) are corroborated on the dealer permit.

[65 FR 30016, May 10, 2000]

§ 300.108 Vessel and gear identification.

(a) *Vessel identification.* (1) The operator of each harvesting vessel assigned an IRCS must display that call sign amidships on both the port and starboard sides of the deckhouse or hull, so that it is visible from an enforcement or inspection vessel, and on an appropriate weather deck so that it is visible from the air.

(2) The operator of each harvesting vessel not assigned an IRCS, such as a small trawler associated with a mothership or one of a pair of trawlers, must display the IRCS of the associated vessel, followed by a numerical suffix specific for the non-assigned vessel.

(3) The vessel identification must be in a color in contrast to the background and must be permanently affixed to the harvesting vessel in block roman alphabet letters and arabic numerals at least 1 m in height for harvesting vessels over 20 m in length, and at least 0.5 m in height for all other harvesting vessels.

(b) *Navigational lights and shapes.* Each harvesting vessel must display the lights and shapes prescribed by the International Regulations for Preventing Collisions at Sea, 1972 (TIAS 8587, and 1981 amendment TIAS 10672), for the activity in which the harvesting vessel is engaged (as described at 33 CFR part 81).

(c) *Gear identification.* (1) The operator of each harvesting vessel must ensure that all deployed fishing gear that

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is not physically and continuously attached to a harvesting vessel is clearly marked at the surface with a buoy displaying the vessel identification of the harvesting vessel (see paragraph (a) of this section) to which the gear belongs, a light visible for 2 miles at night in good visibility, and a radio buoy. Trawl codends passed from one vessel to another are considered continuously attached gear and do not have to be marked.

(2) The operator of each harvesting vessel must ensure that deployed longlines, strings of traps or pots, and gillnets are marked at the surface at each terminal end with a buoy displaying the vessel identification of the harvesting vessel to which the gear belongs (see paragraph (a) of this section), a light visible for 2 miles at night in good visibility, and a radio buoy.

(3) Unmarked or incorrectly identified fishing gear may be considered abandoned and may be disposed of in accordance with applicable Federal regulations by any authorized officer or CCAMLR inspector.

(d) *Maintenance.* The operator of each harvesting vessel must:

(1) Keep the vessel and gear identification clearly legible and in good repair.

(2) Ensure that nothing on the harvesting vessel obstructs the view of the markings from an enforcement or inspection vessel or aircraft.

(3) Ensure that the proper navigational lights and shapes are displayed for the harvesting vessel's activity and are properly functioning.

§ 300.109 Gear disposal.

(a) The operator of a harvesting vessel may not dump overboard, jettison or otherwise discard any article or substance that may interfere with other fishing vessels or gear, or that may catch fish or cause damage to any marine resource, including marine mammals and birds, except in cases of emergency involving the safety of the ship or crew, or as specifically authorized by communication from the appropriate USCG commander or authorized officer. These articles and substances include, but are not limited to, fishing gear, net scraps, bale straps, plastic

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bags, oil drums, petroleum containers, oil, toxic chemicals or any manmade items retrieved in a harvesting vessel's gear.

(b) The operator of a harvesting vessel may not abandon fishing gear in Convention waters.

(c) The operator of a harvesting vessel must provide a copy of the CCAMLR information brochure "Marine Debris—A Potential Threat to Antarctic Marine Mammals" to each member of the crew of the harvesting vessel and must display copies of the CCAMLR placard "Avoidance of Incidental Mortality of Antarctic Marine Mammals" in the wheelhouse and crew quarters of the harvesting vessels. Copies of the brochure and placard will be provided to each holder of a harvesting permit by NMFS when issuing the permit.

§ 300.110 Mesh size.

(a) The use of pelagic and bottom trawls having the mesh size in any part of a trawl less than indicated is prohibited for any directed fishing for the following Antarctic finfishes:

(1) *Notothenia rossii* and *Dissostichus eleginoides*—120 mm.

(2) *Champscephalus gunnari*—90 mm.

(3) *Gobionotothen gibberifrons*, *Notothenia kempfi* and *Lepidorhirus squamifrons*—80 mm.

(b) Any means or device that would reduce the size or obstruct the opening of the meshes is prohibited.

(c) The following procedure will be used for determining compliance with mesh size requirements.

(1) *Description of gauges.* (i) Gauges for determining mesh sizes will be 2 mm thick, flat, of durable material and capable of retaining their shape. They may have either a series of parallel-sided edges connected by intermediate tapering edges with a taper of one to eight on each side, or only tapering edges with the taper defined above. They will have a hole at the narrowest extremity.

(ii) Each gauge will be inscribed on its face with the width in millimeters both on the parallel-sided section, if any, and on the tapering section. In the case of the latter, the width will be inscribed every 1 mm interval, but the

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indication of the width may appear at regular intervals other than 1 mm.

(2) *Use of the gauge.* (i) The net will be stretched in the direction of the long diagonal of the meshes.

(ii) A gauge as described in paragraph (c)(1) of this section will be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net.

(iii) The gauge may be inserted into the mesh opening either with a manual force or using a weight or dynamometer, until it is stopped at the tapering edges by the resistance of the mesh.

(3) *Selection of meshes to be measured.*

(i) Meshes to be measured will form a series of 20 consecutive meshes chosen in the direction of the long axis of the net, except that the meshes to be measured need not be consecutive if the application of paragraph (c)(3)(ii) of this section prevents it.

(ii) Meshes less than 50 cm from lacings, ropes, or codline will not be measured. This distance will be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement. No mesh will be measured which has been mended or broken or has attachments to the net fixed at that mesh.

(iii) Nets will be measured only when wet and unfrozen.

(4) The measurement of each mesh will be the width of the gauge at the point where the gauge is stopped, when using this gauge in accordance with paragraph (c)(2) of this section.

(5) Determination of the mesh size of the net will be the arithmetical mean in millimeters of the measurements of the total number of meshes selected and measured as provided for in paragraphs (c) (3) and (4) of this section, the arithmetical mean being rounded up to the next millimeter.

(6) *Inspection procedure.* (i) One series of 20 meshes, selected in accordance with paragraph (c)(3) of this section, will be measured by inserting the gauge manually without using a weight or dynamometer. The mesh size of the net will then be determined in accordance with paragraph (c)(5) of this section. If the calculation of the mesh size shows that the mesh size does not appear to comply with the rules in force, then two additional series of 20 meshes

selected in accordance with paragraph (c)(3) of this section will be measured. The mesh size will then be recalculated in accordance with paragraph (c)(5) of this section, taking into account the 60 meshes already measured; this recalculation will be the mesh size of the net.

(ii) If the captain of the vessel contests the mesh size determined in accordance with paragraph (c)(6)(i) of this section, such measurement will not be considered for the determination of the mesh size and the net will be remeasured.

(A) A weight or dynamometer attached to the gauge will be used for re-measurement. The choice of weight or dynamometer is at the discretion of the inspectors. The weight will be fixed to the hole in the narrowest extremity of the gauge using a hook. The dynamometer may either be fixed to the hole in the narrowest extremity of the gauge or be applied at the largest extremity of the gauge.

(B) The accuracy of the weight or dynamometer must be certified by the appropriate national authority.

(C) For nets of a mesh size of 35 mm or less as determined in accordance with paragraph (c)(6)(i) of this section, a force of 19.61 newtons (equivalent to a mass of 2 kg) will be applied, and for other nets, a force of 49.03 newtons (equivalent to a mass of 5 kg).

(D) For the purposes of determining the mesh size in accordance with paragraph (c)(5) of this section, when using a weight or dynamometer, one series of 20 meshes only will be measured.

§300.111 Framework for annual management measures.

(a) *Introduction.* New management measures may be added and others modified through publication of a regulatory action in the FEDERAL REGISTER. The following framework process authorizes the implementation of measures that may affect the operation of the commercial or exploratory fisheries, gear, area restrictions, or changes in catch and/or effort.

(b) *Preliminary notice.* The Secretary of State shall publish preliminary notice in the FEDERAL REGISTER of the management measures adopted by the parties to the Convention.

(c) *Procedure.* At its annual meeting, usually in October or November, the Commission may recommend new measures and that established measures be modified, removed, or re-instituted. After public notice of those recommendations by the Secretary of State and opportunity for public comment, and after considering the impact of instituting the measures and any public comment received by the Secretary of State, the Assistant Administrator may implement the management measures by notice in the FEDERAL REGISTER, with immediate force and effect. The notification in the FEDERAL REGISTER will summarize new management measures, and respond to any public comments received by the Secretary of State on the preliminary notice.

(d) *Types of management measures to be frameworked.* Management measures that may be implemented by regulatory notice rather than by codified regulation are those that generally will not remain in effect for more than 12 months and include catch restrictions, time and area closures, and gear restrictions.

§ 300.112 Harvesting permits.

(a) *General.* (1) Every vessel subject to the jurisdiction of the United States that attempts to reduce or reduces any AMLR to possession must have a harvesting permit authorizing the attempt or reduction, unless the attempt or reduction occurs during recreational fishing or is covered by an individual permit. Boats launched from a vessel issued a harvesting permit do not require a separate permit, but are covered by the permit issued the launching vessel. Any enforcement action that results from the activities of a launched boat will be taken against the launching vessel.

(2) Permits issued under this section do not authorize vessels or persons subject to the jurisdiction of the United States to harass, capture, harm, kill, harvest, or import marine mammals. No marine mammals may be taken in the course of commercial fishing operations unless the taking is allowed under the Marine Mammal Protection Act and/or the Endangered Species Act

pursuant to an exemption or permit granted by the appropriate agency.

(b) *Responsibility of owners and operators.* (1) The owners and operators of each harvesting vessel are jointly and severally responsible for compliance with the Act, this subpart, and any permit issued under the Act and this subpart.

(2) The owners and operators of each such vessel are responsible for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or forbidden by the owners or operators, and regardless of knowledge concerning their occurrence.

(3) The owner of such vessel must report any sale, change in ownership, or other disposition of the vessel to the Assistant Administrator within 15 days of the occurrence.

(c) *Application.* Application forms for harvesting permits are available from the Assistant Administrator (Attn: CCAMLR permits). A separate fully completed and accurate application must be submitted for each vessel for which a harvesting permit is requested at least 90 days before the date anticipated for the beginning of harvesting.

(d) *Issuance.* The Assistant Administrator may issue a harvesting permit to a vessel if the Assistant Administrator determines that the harvesting described in the application will meet the requirements of the Act and will not:

(1) Decrease the size of any harvested population to levels below those that ensure its stable recruitment. For this purpose, the Convention recommends that its size not be allowed to fall below a level close to that which ensures the greatest net annual increment.

(2) Upset the ecological relationships between harvested, dependent, and related populations of AMLRs and the restoration of depleted populations to levels that will ensure stable recruitment.

(3) Cause changes or increase the risk of changes in the marine ecosystem that are not potentially reversible over 2 or 3 decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien

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species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of AMLRs.

(4) Violate the management measures issued pursuant to §300.111 of this subpart.

(5) Violate any other conservation measures in force with respect to the United States under the Convention or the Act.

(e) *Duration.* A harvesting permit is valid from its date of issuance to its date of expiration unless it is revoked or suspended.

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

(g) *Display.* Each harvesting vessel when engaged in harvesting must either have on board an up-to-date copy of its harvesting permit or a fully completed and up-to-date harvesting vessel certificate and the vessel operator must produce it for inspection upon the request of an authorized officer or CCAMLR inspector. In order for the certificate to be considered complete, the vessel owner or operator must enter on it the name and IRCS of the vessel issued the harvesting permit, the number of the harvesting permit and its date of issuance and expiration, the harvesting authorized by the permit, and all conditions and restrictions contained in the permit. Blank certificates are available from the Assistant Administrator.

(h) *Changes in information submitted by permit applicants or holders*—(1) *Changes in pending applications.* Applicants for a harvesting permit must report to the Assistant Administrator in writing any change in the information contained in the application. The processing period for the application will be extended as necessary to review the change.

(2) *Changes occurring after permit issuance*—(i) *Changes other than in the manner and amount of harvesting.* The owner or operator of a vessel that has been issued a harvesting permit must report to the Assistant Administrator in writing any change in previously submitted information other than a proposed change in the location, manner, or amount of harvesting within 15

days of the change. Based on such reported information, the Assistant Administrator may revise the permit effective upon notification to the permit holder. As soon as possible, the vessel owner or operator must revise any harvesting vessel certificate evidencing the permit, accordingly.

(ii) *Requested changes in the location, manner, or amount of harvesting.* Any changes in the manner or amount of harvesting must be proposed in writing to the Assistant Administrator and may not be undertaken unless authorized by the Assistant Administrator through a permit revision or issuance of a new permit. If a requested change in the location, manner, or amount of harvesting could significantly affect the status of any Antarctic marine living resource, the Assistant Administrator will treat the requested change as an application for a new permit and so notify the holder.

(i) *Additional conditions and restrictions.* The Assistant Administrator may revise the harvesting permit, effective upon notification to the permit holder, to impose additional conditions and restrictions on the harvesting vessel as necessary to achieve the purposes of the Convention or the Act. The permit holder must, as soon as possible, direct the vessel operator to revise the harvesting vessel certificate, if any, accordingly.

(j) *Revision, suspension, or revocation for violations.* A harvesting permit may be revised, suspended, or revoked if the harvesting vessel is involved in the commission of any violation of its permit, the Act, or this subpart. Failure to report a change in the information contained in an application within 15 days of the change is a violation of this subpart and voids the application or permit, as applicable. If a change in vessel ownership is not reported, the violation is chargeable to the previous owner. Title 15 CFR part 904 governs permit sanctions under this subpart.

(k) *Transshipment vessels.* Any U.S. flagged vessel that receives or attempts to receive *Dissostichus* species from a harvesting vessel at sea, regardless of whether such transshipment occurs in waters under the jurisdiction of CCAMLR, must obtain from NMFS a

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harvesting permit authorizing transshipment. Transshipment vessels must comply with the permitting provisions of this section with respect to harvesting vessels.

[61 FR 35550, July 5, 1996, as amended at 65 FR 30017, May 10, 2000]

§ 300.113 Dealer permits.

(a) *General.* (1) A dealer must obtain an AMLR's dealer permit from NMFS. Only those specific activities stipulated by the permit are authorized for the permit holder.

(2) An AMLR may be imported into the United States if its harvest has been authorized by a U.S.-issued individual permit or a harvesting permit issued under § 300.112 (a)(1) or its importation has been authorized by a NMFS-issued dealer permit issued under paragraph (a) of this section. AMLR's may not be released for entry into the United States unless accompanied by the harvesting permit, the individual permit, a NMFS-issued dealer permit, or a copy thereof.

(3) In addition to any applicable catch documentation required under § 300.107 (c)(1), the dealer is required to complete and return to NMFS, no later than 24 hours after the date of the importation, an import ticket reporting the importation. In no event may a marine mammal be imported into the United States unless authorized and accompanied by an import permit issued under the Marine Mammal Protection Act and/or the Endangered Species Act.

(4) A dealer permit issued under this section does not authorize the harvest or transshipment of any AMLR by or to a vessel of the United States.

(b) *Application.* Application forms for AMLR dealer permits are available from NMFS. A complete and accurate application must be submitted for each permit at least 30 days before the anticipated date of the first receipt, importation, or re-export.

(c) *Issuance.* NMFS may issue a dealer permit if it determines that the activity proposed by the dealer meets the requirements of the Act and that the resources were not or will not be harvested in violation of any conservation measure in force with respect to the

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United States or in violation of any regulation in this subpart.

(d) *Duration.* A permit issued under this section is valid from its date of issuance to its date of expiration unless it is revoked or suspended.

(e) *Transfer.* A permit issued under this section is not transferable or assignable.

(f) *Changes in information—(1) Pending applications.* Applicants for permits under this section must report in writing to NMFS any change in the information submitted in their permit applications. The processing period for the application will be extended as necessary to review and consider the change.

(2) *Issued permits.* Any entity issued a permit under this section must report in writing to NMFS any changes in previously submitted information. Any changes that would not result in a change in the receipt or importation authorized by the permit must be reported on the import ticket required to be submitted to NMFS no later than 24 hours after the date of receipt or importation. Any changes that would result in a change in the receipt or importation authorized by the permit, i.e., harvesting vessel or country of origin, type and quantity of the resource to be received or imported, and Convention statistical subarea from which the resource was harvested must be proposed in writing to NMFS and may not be undertaken unless authorized by NMFS through issuance of a revised or new permit.

(g) *Revision, suspension, or revocation.* A permit issued under this section may be revised, suspended, or revoked, based upon a violation of the permit, the Act, or this subpart. Failure to report a change in the information contained in a permit application voids the application or permit, as applicable. Title 15 CFR part 904 governs permit sanctions under this subpart.

[65 FR 30017, May 10, 2000]

§ 300.114 Appointment of a designated representative.

(a) All holders of permits authorizing fishing in subarea 48.3 must appoint a designated representative in the United States.

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(b) The designated representative will be notified of closures under §300.111 and must transmit this information to the vessel on the grounds.

(c) The designated representative may receive catch reports from the vessel and transmit the reports to NMFS in writing.

§ 300.115 Prohibitions.

In addition to the prohibitions in §300.4, it is unlawful for any person to:

(a) Reduce to possession or attempt to reduce to possession any AMLRs without a permit for such activity as required by §300.112.

(b) Import into or export from the United States any AMLRs taken by vessels without a permit to harvest those resources as required by §300.112 (a)(1), or without applicable catch documentation as required by §300.107 (c)(1), or without a dealer permit as required by §300.113 (a)(1), or in violation of the terms and conditions for such import or export as specified on the permit.

(c) Engage in harvesting or other associated activities in violation of the provisions of the Convention or in violation of a conservation measure in force with respect to the United States under Article IX of the Convention.

(d) Ship, transport, offer for sale, sell, purchase, import, export or have custody, control or possession of, any AMLR that he or she knows, or reasonably should have known, was harvested in violation of a conservation measure in force with respect to the United States under article IX of the Convention or in violation of any regulation promulgated under this subpart, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the AMLR.

(e) Refuse to allow any CCAMLR inspector to board a vessel of the United States or a vessel subject to the jurisdiction of the United States for the purpose of conducting an inspection authorized by the Act, this subpart, or any permit issued under the Act.

(f) Refuse to provide appropriate assistance, including access as necessary to communications equipment, to CCAMLR inspectors.

(g) Refuse to sign a written notification of alleged violations of Commis-

sion measures in effect prepared by a CCAMLR inspector.

(h) Assault, resist, oppose, impede, intimidate, or interfere with a CCAMLR inspector in the conduct of any boarding or inspection authorized by the Act, this subpart, or any permit issued under the Act.

(i) Use any vessel to engage in harvesting after the revocation, or during the period of suspension, of an applicable permit issued under the Act.

(j) Fail to identify, falsely identify, fail to properly maintain, or obscure the identification of a harvesting vessel or its gear as required by this subpart.

(k) Fish in a closed area.

(l) Trawl with a mesh size in any part of the trawl net smaller than that allowed for any directed fishing for Antarctic finfishes as specified in management measures issued pursuant to §300.111.

(m) Use any means or device that would reduce the size or obstruct the opening of the trawl meshes specified in management measures issued pursuant to §300.111.

(n) Possess fish in violation of the catch limit specified in management measures issued pursuant to §300.111.

(o) Discard netting or other substances in the Convention Area in violation of §300.109.

(p) Violate or attempt to violate any provision of this subpart, the Act, any other regulation promulgated under the Act or any permit issued under the Act.

(q) Provide incomplete or inaccurate information about the harvest, transshipment, landing, import or re-export of applicable species on any document required under this subpart.

(r) Receive AMLRs from a vessel without a dealer or harvesting permit issued under this subpart.

[61 FR 35550, July 5, 1996, as amended at 65 FR 30017, May 10, 2000]

§ 300.116 Facilitation of enforcement and inspection.

In addition to the facilitation of enforcement provisions of §300.5, the following requirements apply to this subpart.

(a) *Access and records.* (1) The owners and operator of each harvesting vessel

must provide authorized officers and CCAMLR inspectors access to all spaces where work is conducted or business papers and records are prepared or stored, including but not limited to personal quarters and areas within personal quarters. If inspection of a particular area would interfere with specific on-going scientific research, and if the operator of the harvesting vessel makes such assertion and produces an individual permit that covers that specific research, the authorized officer or CCAMLR inspector will not disturb the area, but will record the information pertaining to the denial of access.

(2) The owner and operator of each harvesting vessel must provide to authorized officers and CCAMLR inspectors all records and documents pertaining to the harvesting activities of the vessel, including but not limited to production records, fishing logs, navigation logs, transfer records, product receipts, cargo stowage plans or records, draft or displacement calculations, customs documents or records, and an accurate hold plan reflecting the current structure of the vessel's storage and factory spaces.

(3) Before leaving vessels that have been inspected, the CCAMLR inspector will give the master of the vessel a Certificate of Inspection and a written notification of any alleged violations of Commission measures in effect and will afford the master the opportunity to comment on it. The ship's master must sign the notification to acknowledge receipt and the opportunity to comment on it.

(b) *Reports by non-inspectors.* All scientists, fishermen, and other non-in-

spectors present in the Convention area and subject to the jurisdiction of the United States are encouraged to report any violation of Commission conservation and management measures observed in the Convention area to the Office of Ocean Affairs (CCAMLR Violations), Department of State, Room 5801, Washington, DC 20520.

(c) *Storage of AMLRs.* The operator of each harvesting vessel storing AMLRs in a storage space on board the vessel must ensure that non-resource items are neither stowed beneath nor covered by resource items, unless required to maintain the stability and safety of the vessel. Non-resource items include, but are not limited to, portable conveyors, exhaust fans, ladders, nets, fuel bladders, extra bin boards, or other moveable non-resource items. These non-resource items may be in a resource storage space when necessary for the safety of the vessel or crew or for the storage of the items. Lumber, bin boards, or other dunnage may be used for shoring or bracing of product to ensure the safety of crew and to prevent shifting of cargo within the space.

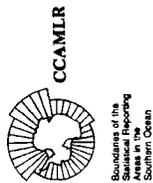
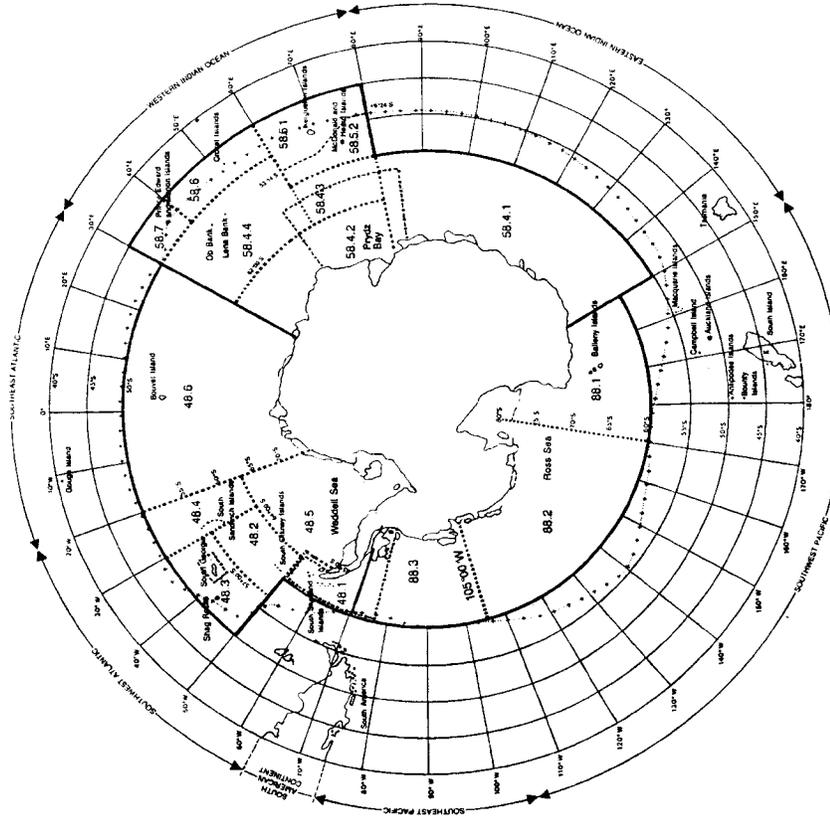
(d) *Disposition of resources denied entry.* [Reserved]

[61 FR 35550, July 5, 1996, as amended at 65 FR 30017, May 10, 2000]

§ 300.117 Penalties.

Any person or harvesting vessel found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, 15 CFR part 904, and other applicable laws.

FIGURE 1 TO SUBPART G—BOUNDARIES OF THE STATISTICAL REPORTING AREA IN THE SOUTHERN OCEAN

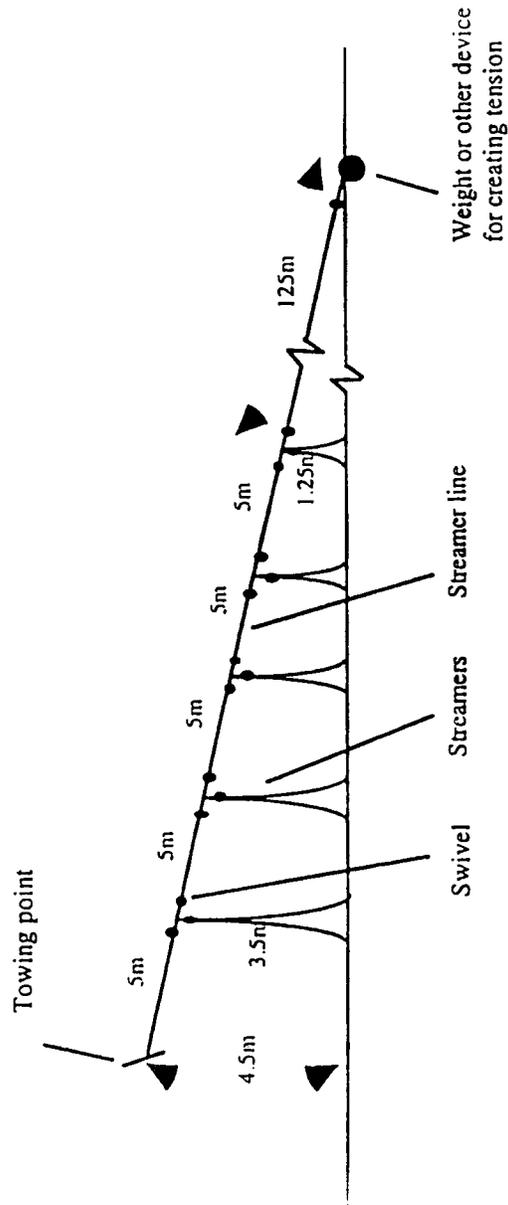


Boundaries of the
Statistical Reporting
Area in the Southern Ocean

- STATISTICAL AREA
- ZONE STATISTIQUE
- CTA/TCT/PCECER/PARCE
- AREA ESTADISTICA
- STATISTICAL SUBAREA
- SOUS-ZONE STATISTIQUE
- CTA/TCT/PCECER DOORPARCE
- SUBAREA ESTADISTICA
- ANTARCTIC CONVERGENCE
- CONVERGENGE ANTARCTIQUE
- ANTARCTIC CONVERGENCE
- CONVERGENCIA ANTARCTICA
- CONTINENT, ISLAND
- CONTINENT, ILE
- CONTINENTE, ISLA
- CONTINENTE, ISLA
- DISAGGREGATED ZONE
- ZONE DES ZONES INTEGRES
- PARCELA KONJELICERAK
- REGION DE ESTUDIO INTEGRADO

Boundaries of the Statistical Reporting Area in the Southern Ocean

FIGURE 2 TO SUBPART G—THE USE OF STREAMER LINES TO MINIMIZE THE INCIDENTAL MORTALITY OF SEABIRDS IN THE COURSE OF LONGLINE FISHING OR LONGLINE FISHING RESEARCH OPERATIONS IN THE CONVENTION AREA



The Use of Streamer Lines to Minimize the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research Operations in the Convention Area.

specifications is appropriate to the needs of the grantee.

§ 1309.52 Procurement procedures.

(a) All facility construction and major renovation transactions must comply with the procurement procedure in 45 CFR parts 74 or 92, and must be conducted in a manner to provide, to the maximum extent practical, open and free competition.

(b) All contracts for construction or major renovation of a facility to be paid for in whole or in part with Head Start funds require the prior, written approval of the responsible HHS official and shall be on a lump sum fixed-price basis.

(c) Prior written approval of the responsible HHS official is required for unsolicited modifications that would change the scope or objective of the project or would materially alter the costs of the project by increasing the amount of grant funds needed to complete the project.

(d) All construction and major renovation contracts for facilities acquired with grant funds shall contain a clause stating that the responsible HHS official or his or her designee shall have access at all reasonable times to the work being performed pursuant to the contract, at any stage of preparation or progress, and require that the contractor shall facilitate such access and inspection.

§ 1309.53 Inspection of work.

(a) The grantee must provide and maintain competent and adequate architectural or engineering inspection at the work site to insure that the completed work conforms to the approved plans and specifications.

(b) The grantee must submit a final architectural or engineering inspection report of the facility to the responsible HHS official within 30 calendar days of substantial completion of the construction or renovation.

§ 1309.54 Davis-Bacon Act.

Construction and renovation projects and subcontracts financed with funds awarded under the Head Start program are subject to the Davis-Bacon Act (40 U.S.C. 276a *et seq.*) and the Regulations of the Department of Labor, 29 CFR part 5. The grantee must provide an assurance that all laborers and mechanics employed by contractors or subcontractors in the construction or renovation of affected Head Start facilities shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor.

[FR Doc. 03-10644 Filed 4-30-03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 021016236-3089-02; I.D. 082002A]

RIN 0648-AP74

Antarctic Marine Living Resources; CCAMLR Ecosystem Monitoring Permits; Vessel Monitoring System; Catch Documentation Scheme; Fishing Season; Registered Agent; and Disposition of Seized AMLR

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to: lengthen the duration of the permit required to enter a Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Ecosystem Monitoring Program (CEMP) site from 1 year to up to 5 years; define the CCAMLR fishing season and require the use of an automated satellite-linked vessel monitoring system (VMS) for U.S. vessels harvesting Antarctic marine living resources (AMLR) in the area of the Convention on the Conservation of Antarctic Marine Living Resources (Convention); require foreign entities to designate and maintain a registered agent within the United States; prohibit the import of *Dissostichus* species (toothfish) identified as originating from certain high seas areas outside the Convention Area; incorporate into the Code of Federal Regulations the prohibition on the import of toothfish issued a Specially Validated *Dissostichus* Catch Document (SVD/CD); and institute a preapproval system for U.S. receivers and importers of *Dissostichus eleginoides* (Patagonian toothfish) and *Dissostichus mawsoni* (Antarctic toothfish). This final rule is intended to implement U.S. obligations as a Member of CCAMLR and to conserve Antarctic and Patagonian toothfish by preventing and discouraging unlawful harvest and trade in these species and streamlining the administration of the *Dissostichus* Catch Document (DCD) scheme.

DATES: This final rule is effective June 2, 2003, except that amendments to §§ 300.107 and 300.113 are effective June 16, 2003.

ADDRESSES: Copies of the Environmental Assessment and Regulatory Impact Review/Final

Regulatory Flexibility Analysis (EA and RIR/FRFA) supporting this action may be obtained from Dean Swanson, International Fisheries Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Send comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule to Dean Swanson at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Dean Swanson at 301-713-2276, fax 301-713-2313.

SUPPLEMENTARY INFORMATION: Antarctic fisheries are managed under the authority of the Antarctic Marine Living Resources Convention Act of 1984 (Act) codified at 16 U.S.C. 2431 *et seq.* NMFS implements conservation measures developed by CCAMLR and adopted by the United States, through regulations at 50 CFR part 300, subparts A and G. Background information about the need for revisions to the Antarctic fisheries regulations was provided in the preamble to the proposed rule (67 FR 64853, October 22, 2002) and is not repeated here.

Fees will be charged for reviewing and processing preapproval DCDs. A system of calculating fees and billing for fees was discussed in the proposed rule. NMFS will use a much simpler procedure already in use by an unrelated permitting system by specifying the application fee in the instructions accompanying each application form for DCD preapproval. The methodology for calculating the fee is in accordance with procedures specified in the NOAA Finance Handbook for determining administrative costs of special products and services. "Instructions for Completing the NOAA Product/Service Cost Computation Form" from Chapter 9, Section 10 of the NOAA Finance Handbook, may be obtained by contacting NMFS (see **ADDRESSES**). This action will simplify the DCD application process for applicants and DCD program personnel without affecting the amount of the fee.

Comments and Responses

NMFS received written comments during the 30-day comment period on the proposed rule. When drafting the final regulations and the final EA and RIR/FRFA, NMFS considered all comments received. Comments were received on the proposed rule from

several importers of toothfish or their representatives and several environmental organizations. All commenters supported the need for the proposed regulations in general. Some had specific concerns.

Comment 1: One commenter said that the proposed change regarding registered agents was unnecessary because any foreign-based importer of record must, under Customs Service regulations, appoint a registered agent in the United States authorized to accept service of process.

Response: NMFS disagrees that requiring a registered agent is unnecessary. The registered agent required in Customs Service regulations is not necessarily authorized to facilitate the implementation of NMFS regulations. However, it would be acceptable to NMFS for any foreign-based importer of record to appoint the same registered agent to NMFS and to the Customs Service.

Comment 2: One commenter strongly supported the proposal to prohibit the importation of *Dissostichus* ssp. identified as being harvested from Food and Agriculture Organization (FAO) Statistical Areas 51 and 57. Other commenters opposed the proposal, believing that NMFS lacks sufficient evidence that these areas cannot sustain a healthy fishery. One of these latter commenters argued that: the proposed action is based on speculation and inconsistent data; that action should not be taken until a stock assessment is completed; that NMFS does not have information that the DCDs from these areas are fraudulent; and that NMFS and CCAMLR should examine other alternatives.

Response: As the preamble to the proposed rule states, in October 2001, the Chair of the Scientific Committee advised CCAMLR that the catches reported in Area 51 were not credible. This same advice was ardently concurred in by the Scientific Committee in October 2002. In 2002, CCAMLR noted the following advice from the Scientific Committee:

-The catches attributed by catch documentation scheme (CDS) reports outside the Convention Area in Areas 51 and 57 were unlikely to have come from those areas (as explained in the preamble to the proposed rule) and most likely came from within the Indian Ocean sector of the Convention Area;

-Illegal, unregulated, and unreported (IUU) catches within the Indian Ocean sector of the Convention Area were most likely to be underestimated;

-The current levels of IUU fishing reported from Areas 51 and 57 would

have seriously depleted whatever stocks might have been present in those areas;

-Current levels of IUU fishing have depleted stocks in Division 58.4.4, and Subareas 58.6 and 58.7, while the catch rates in Division 58.5.1 have declined substantially.

CCAMLR noted with great concern that the information presented by the Scientific Committee indicated continued high levels of IUU fishing in the Convention Area. The majority of Members of CCAMLR agreed that catches reported from Areas 51 and 57 were not credible. They also expressed concern that the information reported in catch documents did not match available knowledge of toothfish distribution and potential biomass for waters in these two adjacent areas, outside the Convention Area.

After extensive discussion at CCAMLR XXI concerning the use of VMS to confirm areas of harvest for vessels fishing outside the Convention Area and specifically on the high seas, it was concluded that most flag states whose vessels had reported large catches from high seas areas had not, in fact, implemented the required VMS in accordance with the applicable CCAMLR conservation measure. Although some states reported compliance with this requirement, it came to light during the discussions that there were serious flaws in the types of systems being used including, but not limited to, the use of manual systems that could be easily manipulated, systems that could simply be turned on and off at will, systems not inspected at port for proper operation, and even the complete absence of any operational VMS on some vessels. Therefore, verification of catch dates and locations of harvest on the high seas by landing or importing states via VMS reports is not a viable option. The view of the United States, in light of these shortcomings and without the reliability of verification procedures, is that there is no alternative to the implementation of a ban on all imports whose catch is reported as having been harvested from FAO Areas 51 and 57.

CCAMLR requested all Members fishing for toothfish on the high seas outside the Convention Area to again submit verifiable documentation next year on VMS and other catch verification procedures. In particular, the reports should include verification procedures, specifications of the VMS equipment installed on board each fishing vessel, and details of software used to monitor the position and movement of vessels. Australia tabled a proposal for a centralized VMS, or a dual reporting VMS system that would

provide CCAMLR with real-time VMS information on all fishing vessels.

Although most Members supported the idea that CCAMLR should receive VMS data, some took the view that this information should be provided to CCAMLR from the fishing monitoring center of the vessel's flag state. The United States, along with Australia, viewed this support as progress but believes that it does not provide the level of integrity to the VMS data that would give importing states a well-documented instrument to supply solid verification of catch.

The combination of the lack of confidence that catches are being reported accurately from vessels claiming to fish on the high seas, specifically FAO Areas 51 and 57, and the failure of CCAMLR Members to either adopt a centralized VMS system or to fully comply with the current VMS requirements convinces NMFS that a ban on the importation of toothfish originating in Areas 51 or 57 is the only solution.

Comment 3: One commenter strongly supported the proposal to require VMS transponders on all U.S. fishing vessels authorized to fish for AMLRs.

Response: NMFS agrees.

Comment 4: One commenter supported the proposal to prohibit the importation of toothfish harvested in violation of CCAMLR's conservation measures even if accompanied by a SVDCCD.

Response: NMFS agrees.

Comment 5: One commenter did not want seized AMLRs to be allowed to re-enter trade, but also did not want them destroyed.

Response: NMFS has not resolved all issues associated with the disposition of AMLRs denied entry and has decided to continue to reserve § 300.116(d), "Disposition of resources denied entry" as a place-holder for future regulations governing this issue.

Comment 6: One commenter supports requiring preapproval as proposed for § 300.113.

Response: NMFS agrees.

Changes From the Proposed Rule

Section 300.107(c)(1)(iii) was clarified to say that fish taken from either Statistical Area 51 or Statistical Area 57 would not be issued a preapproval.

Section 300.107(c)(7) and the reference to it in § 300.107(c)(1)(ii) have been removed because they created a 60-day exception to a requirement for a DCD which expired in 2000.

The paragraphs in § 300.113 have been redesignated to include a new paragraph (c) regarding the simplified means to be used for collecting fees for

DCDs, and to reflect that the final two paragraphs under § 300.113 (i.e., (j) and (k)) are not subsets of the "Exception" paragraph as set forth in the proposed rule.

Section 300.113(a) was revised to make it clear that dealers intending to import or re-export AMLR must obtain an AMLR dealer permit and that preapproval is required for each shipment of *Dissostichus* species.

Provisions governing changes to applications under § 300.113(g)(1) have been modified to make the extension period for applications discretionary with NMFS. This modification has been made to give NMFS the flexibility to avoid frivolous extensions.

Section 300.113(i)(2) was modified to make it easier for a foreign-based importer of record to identify its resident agent to NMFS.

Section 300.118 has been eliminated to reduce the complexity of collecting fees for DCDs.

Classification

This final rule is published under the authority of the Antarctic Marine Living Resources Convention Act of 1984, codified at 16 U.S.C. 2431 *et seq.* This final rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to the Regulatory Flexibility Act (RFA), NMFS prepared an "Initial Regulatory Flexibility Analysis for the Proposed Rule to Institute Various Measures Pertaining to United States Obligations Regarding Antarctica and Antarctic Living Marine Resources, Including Implementation of Preapproval Procedure for *Dissostichus* spp. Catch Documentation Scheme." No comments from the public were received on this document. That analysis has been finalized and incorporated with the Environmental Assessment and Regulatory Impact Review as the EA and RIR/FRFA. It describes the effects of the various measures in this final rule, as well as alternatives where appropriate, as follows:

1. The measure to *lengthen the duration of the permit* required to enter a CEMP site from 1 year to up to 5 years would apply to parties currently holding, or who obtain in the future, a CEMP permit. To date, the only entity to hold a CEMP permit has been the NMFS Antarctic Research Group, which is not a small entity. The effect of this action would be to ease a restriction by allowing permits to last for a longer period of time. As such, there is no significant economic impact that NMFS must consider minimizing.

2. The measure to *define the CCAMLR fishing season as December 1—November 30* would apply to U.S. vessels that fish for AMLR. There are currently three U.S. vessels permitted to fish for AMLR (1 for crab and 2 for krill) all of which NMFS believes to be small entities. The establishment of the fishing season is intended to improve administration of CCAMLR's annual conservation measures. It would not affect the amount of quota available for fishermen, nor would it affect when fishing could occur. Therefore, the measure would not result in any significant economic impacts that NMFS must consider minimizing. It is an administrative change that would not be expected to affect the practices of the fishermen.

3. The measure to *require the use of an automated satellite-linked VMS* for all U.S. vessels harvesting AMLR in the area of the Convention would apply to the three vessels permitted to participate in such fisheries (the 1 crab vessel and the 2 krill vessels), all of which NMFS believes to be small entities. Currently, the vessel permitted for crab does not participate in the fisheries. NMFS estimates the cost of purchasing and installing the VMS units at about \$3,250 per unit. The cost of operating the unit while in Convention waters is estimated to be no more than \$1,000 per year.

NMFS considered the alternative of excluding vessels fishing exclusively for krill from the requirement. CCAMLR did not explicitly require Parties to implement a VMS program in the krill fishery. However, for reasons articulated in the preamble to the proposed rule, NMFS believes that applying the VMS requirement to the krill fishery will further its compliance with its obligations with respect to the Antarctic and AMLR. Therefore, this alternative is not the preferred alternative.

4. The measure to *require foreign entities to designate and maintain a registered agent within the United States* would not apply to any "small entities" as defined pursuant to the RFA. This measure would not apply to any small government jurisdictions or small organizations. While it would apply to businesses, some of which may be considered small, the Small Business Administration has defined "small business concern" to apply only to businesses operating primarily within the United States (13 CFR 121.105). NMFS is not aware of an alternative approach that would accomplish its objectives with regard to this provision.

5. The measure to *define SVDCCD* currently has no regulatory requirements attached to it. It is

informational only and as such has no effect on any small entities. No alternatives have been identified.

6. The measure to *institute a preapproval system for U.S. receivers and importers of Patagonian toothfish and Antarctic toothfish* would apply to dealers, importers, and, as applicable, re-exporters. It is estimated that about 60 dealers/importers are involved in the permitted trade and that 80 firms would apply for dealer permits and preapproval. The estimated costs to importers of toothfish are approximately \$4,134 per firm per year, and \$330,750 industry-wide per year. These costs include the burden-hour costs of submitting an annual permit, per-shipment preapproval permits, catch documentation, and NMFS's fees. It is estimated that there are about 50 re-exporters. The estimated costs to re-exporters of toothfish are about \$11 per firm per year and \$550 industry-wide per year. These costs include the burden hours associated with annual permit applications and catch documentation requirements, and NMFS's fees.

U.S. imports of toothfish in 2001 had an estimated value of \$97 million. Compliance costs (industry and agency) would likely not exceed \$600,000 per year during the next 3 years. Currently, no U.S. fishing entity participates in the harvesting of toothfish. It is not possible to determine the number of firms that would qualify as small entities. The final rule would impose annual burden costs of \$330,750 and \$550 on importing and re-exporting firms, respectively.

NMFS considered two alternatives to the final preapproval system: maintaining the status quo, and implementing a total ban on imports of toothfish. Maintaining the current system may not have a short-term economic or social impact on importers or other dealers of toothfish in trade networks, but could have harmful long-term economic implications if further steps are not taken to discourage and prevent IUU fishing of toothfish.

Overfishing, which eventually leads to reduced supply, and the associated price increases will, in all likelihood, dampen this trade. Price increases would likely result in some substitution by consumers. Toothfish products may also be diverted to alternate markets in East Asia where consumers are willing to pay higher prices for species deemed to be luxury items. As a consequence, toothfish could become increasingly rare in the U.S. marketplace.

Similarly, the "status quo" alternative would have little short-term economic or social impacts on the U.S. consumer, but, in the long-term, would jeopardize the availability of toothfish to

consumers at prices they are willing to pay or, in the extreme, at any price.

Alternatively, the total ban measure would address concerns over the overharvesting of toothfish by denying the U.S. market (estimated at 15–20 percent of the world market) to IUU harvested toothfish. (Note: in this document, non-IUU harvested toothfish means toothfish harvested in the CCAMLR Convention Area in conformity with CCAMLR rules, toothfish harvested in high seas areas outside of the CCAMLR Convention Area, or toothfish harvested in areas of national jurisdiction in conformity with the rules applicable in those national jurisdictions. Harvesting in high seas areas where no regional fishery management organization's rules apply is often unreported and unregulated, and thus may pose an obstacle to achieving a sustainable fishery. In the case of such toothfish fisheries, this assumption is almost certainly correct.) However, it would also prohibit importation of toothfish legally harvested within the CCAMLR Convention Area or in exclusive economic zones and impose an unreasonable and unfair burden on U.S. importers and consumers. Given the U.S. portion of the global market, there is a very real possibility that the market would simply shift to other locations, thereby contributing nothing toward bringing IUU fishing for toothfish under control. This alternative also could be incompatible with U.S. obligations under international trade law and pending obligations under the CCAMLR Convention. As a result, this alternative is not preferred.

7. The measure to *prohibit imports of toothfish identified as being harvested in FAO Areas 51 or 57* would apply to the U.S. dealers and importers described above (up to 60 of unknown size). The economic impacts of this prohibition are difficult to quantify. Because the rule is intended to address fraudulent trade in toothfish, the availability of toothfish on the world market could be reduced. This could result in the price of toothfish rising. However, to the extent that the permitted entities experience an increase in the cost of purchasing toothfish, they would most likely pass that cost on to consumers. On the other hand, it is likely that illegally harvested toothfish can be harvested and marketed more cheaply than toothfish harvested pursuant to the applicable CCAMLR conservation rules. To the extent that this rule would remove the market for illegally harvested toothfish, the rule might make it easier for dealers in legitimately harvested toothfish to make a profit (in that they would no longer

have to compete with unregulated fishermen).

As an alternative to the ban on imports identified as having been harvested in Areas 51 or 57, NMFS considered allowing importers to provide independent VMS data to support claims of catches from these two areas. For the reasons explained in the preamble to the proposed rule, current problems with reliability and lack of international protocol, NMFS believes that this alternative is impracticable.

The reporting, recordkeeping, and compliance requirements associated with this final rule are described in the Paperwork Reduction Act (PRA) discussion in this preamble, which follows below. In summary, this final rule modifies existing reporting requirements pertaining to the import of toothfish. The new burdens associated with these requirements would apply to the approximately 60 dealers who import. In addition, the requirement to install and operate VMS units would apply to the 3 U.S. vessels permitted to participate in the AMLR fisheries for crab/krill. The associated burden is estimated as no more than \$1,000 per year per vessel.

NMFS is not aware of any other Federal rules that would duplicate, overlap with, or conflict with the final rule.

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by OMB under control number 0648–0194. The requirements and their estimated response times are: 3 minutes for a DCD, 60 minutes for a CCAMLR Ecosystem Monitoring Program permit, 30 minutes for a CCAMLR Ecosystem Monitoring Program report, 15 minutes for a dealer permit application, 4 hours to install a VMS unit, 2 hours for annual maintenance of a VMS unit, 0.033 seconds every 4 hours for an automated position report from a VMS, and 15 minutes for a preapproval application.

The response estimates above 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 this data collection, including suggestions for reducing the burden, to NMFS, Office of Sustainable Fisheries, and OMB (see **ADDRESSES**).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply

with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

The effective date for revisions to §§ 300.107 and 300.113 is 45 days instead of 30 days for the remaining sections in order to accommodate toothfish shipments in transit.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Fishing vessels, Foreign relations, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: April 25, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 300, subpart G is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart G—Antarctic Marine Living Resources

1. The authority citation for 50 CFR part 300, subpart G continues to read as follows:

Authority: 16 U.S.C. 2431 *et seq.*, 31 U.S.C. 9701 *et seq.*

■ 2. In § 300.101, new definitions for “Specially Validated Dissostichus Catch Document” and “Vessel Monitoring System” are added in alphabetical order to read as follows:

§ 300.101 Definitions.

* * * * *

Specially Validated Dissostichus Catch Document (SVDCD) means a *Dissostichus* catch document that has been specially issued by a State to accompany seized or confiscated catch of *Dissostichus* spp. offered for sale or otherwise disposed of by the State.

* * * * *

Vessel Monitoring System (VMS) means a system that allows a Flag State, through the installation of satellite-tracking devices on board its fishing vessels to receive automatic transmission of certain information.

■ 3. In § 300.103, paragraph (h) is revised to read as follows:

§ 300.103 Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites.

* * * * *

(h) *Duration.* Permits issued under this section are valid for a period of up to five years. Applicants requesting a permit to reenter a Protected Site must include the most recent report required

by the general condition in the previously issued CEMP permit describing the activities conducted under authority of that permit.

* * * * *

■ 4. In § 300.107, paragraphs (a), (c)(1), and (c)(5) are revised to read as follows and paragraph (c)(7) is removed:

§ 300.107 Reporting and recordkeeping requirements.

(a) *Vessels.* The operator of any vessel required to have a harvesting permit under this subpart must:

(1) Accurately maintain on board the vessel all CCAMLR reports and records required by its permit.

(2) Make such reports and records available for inspection upon the request of an authorized officer or CCAMLR inspector.

(3) Within the time specified in the permit, submit a copy of such reports and records to NMFS at an address designated by NMFS.

(4) Install a NMFS-approved VMS unit on board the vessel and operate the VMS unit whenever the vessel enters Convention waters.

* * * * *

(c) * * *

(1) *General.* (i) The CCAMLR DCD must accompany all shipments of *Dissostichus* species as required in this paragraph (c).

(ii) No shipment of *Dissostichus* species shall be released for entry into the United States unless accompanied by a complete and validated CCAMLR DCD.

(iii) No shipment of *Dissostichus* species identified as originating from a high seas area designated by the Food and Agriculture Organization of the United Nations as Statistical Area 51 or Statistical Area 57 in the eastern and western Indian Ocean outside and north of the Convention Area shall be issued a preapproval.

* * * * *

(5) *Import.* (i) Any dealer who imports *Dissostichus* species must:

(A) Obtain the DCD and stamp on the DCD showing that NMFS has certified that preapproval has been granted for importation (and *Dissostichus* re-export document if applicable) with a unique export reference number that accompanies the import shipment,

(B) Ensure that the quantity of toothfish listed on the DCD (or *Dissostichus* re-export document if product is to be re-exported) matches the quantity listed on the preapproval application within a variance of 10 percent,

(C) Express mail or fax the catch documentation described in paragraphs

(c)(5)(i)(A) and (B) of this section to an address designated by NMFS so that NMFS receives the documentation at least 15 working days prior to import, and

(D) Retain a copy of the DCD for his/her records and provide copies to exporters as needed.

(ii) Dealers must retain at their place of business a copy of the DCD for a period of 2 years from the date on the DCD.

(iii) Exception. For shipments of *Dissostichus* species which are fresh and less than 2,000 kilograms in quantity, the application for approval of catch documents of toothfish must be submitted to NMFS within 24 hours of import.

* * * * *

■ 5. In § 300.111, a new paragraph (e) is added to read as follows:

§ 300.111 Framework for annual management measures.

* * * * *

(e) The fishing season for all Convention Area species is December 1 through November 30 of the following year, unless otherwise set in specific CCAMLR conservation measures.

■ 6. Section 300.113 is revised to read as follows:

§ 300.113 Dealer permits and preapproval.

(a) *General.* (1) A dealer intending to import or re-export AMLR must obtain an AMLR dealer permit valid for one year. Preapproval from NMFS is required for each shipment of *Dissostichus* species. Only those specific activities stipulated by the permit are authorized for the permit holder.

(2) An AMLR may be imported into the United States if its harvest has been authorized by a U.S.-issued individual permit issued under § 300.112 (a)(1) or its importation has been authorized by a NMFS-issued dealer permit and preapproval issued under paragraph (a) of this section. AMLRs may not be released for entry into the United States unless accompanied by the harvesting permit or the individual permit and the DCD for that shipment which has been stamped by NMFS certifying that preapproval has been granted to allow import.

(3) In no event may a marine mammal be imported into the United States unless authorized and accompanied by an import permit issued under the Marine Mammal Protection Act and/or the Endangered Species Act.

(4) A dealer permit or preapproval issued under this section does not authorize the harvest or transshipment

of any AMLR by or to a vessel of the United States.

(b) *Application.* Application forms for AMLR dealer permits and preapproval are available from NMFS. A complete and accurate application must be received by NMFS for each preapproval at least 15 working days before the anticipated date of the first receipt, importation, or re-export.

(c) *Fees.* A fee to recover the administrative expenses associated with processing preapproval applications will be charged. The amount of the fee will be determined in accordance with procedures specified in the NOAA Finance Handbook for calculating administrative costs of special products and services. The fee is specified with the preapproval application form. The appropriate fee must accompany each application and be paid by check, draft, or money order.

(d) *Issuance.* NMFS may issue a dealer permit or preapproval if it determines that the activity proposed by the dealer meets the requirements of the Act and that the resources were not or will not be harvested in violation of any conservation measure in force with respect to the United States or in violation of any regulation in this subpart.

(e) *Duration.* A permit issued under this section is valid from its date of issuance to its date of expiration unless it is revoked or suspended. A preapproval is valid until the product is imported (and re-exported, if applicable).

(f) *Transfer.* A permit issued under this section is not transferable or assignable.

(g) *Changes in information—*(1) Pending applications. Applicants for permits and preapproval under this section must report in writing to NMFS any change in the information submitted in their permit and preapproval applications. The processing period for the application may be extended as necessary to review and consider the change.

(2) Issued permits and preapprovals. Any entity issued a permit or preapproval under this section must report in writing to NMFS any changes in previously submitted information. Any changes that would result in a change in the receipt or importation authorized by the preapproval, such as harvesting vessel or country of origin, type and quantity of the resource to be received or imported, and Convention statistical subarea from which the resource was harvested, must be proposed in writing to NMFS and may not be undertaken unless authorized by

NMFS through issuance of a revised or new preapproval.

(h) *Revision, suspension, or revocation.* A permit or preapproval issued under this section may be revised, suspended, or revoked, based upon a violation of the permit, the Act, or this subpart. Failure to report a change in the information contained in a permit or preapproval application voids the application, permit, or preapproval as applicable. Title 15 CFR part 904 governs permit sanctions under this subpart.

(i) *Exception.* For shipments of *Dissostichus* species which are fresh and less than 2,000 kilograms in

quantity, the application for approval of catch documents of toothfish must be submitted to NMFS within 24 hours of import.

(j) *SVD*CD. Dealer permits will not be issued for *Dissostichus* spp. offered for sale or other disposition under a Specially Validated DCD.

(k) *Registered agent.* Foreign entities shall, as a condition of possessing a dealer permit, designate and maintain a registered agent within the United States that is authorized to accept service of process on behalf of that entity. Foreign based importers of record may identify to NMFS the

registered agent identified for Customs Service purposes.

■ 7. In § 300.115, new paragraphs (s) and (t) are added to read as follows:

§ 300.115 Prohibitions.

* * * * *

(s) Import *Dissostichus* spp. with a Specially Validated DCD.

(t) Import shipments of fresh *Dissostichus* spp. in quantities of 2,000 kilograms or more, or frozen *Dissostichus* spp., without a preapproval issued under § 300.113.

[FR Doc. 03-10679 Filed 4-30-03; 8:45 am]

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The Congress finds that -

(1)

the Convention on the Conservation of Antarctic Marine Living Resources establishes international mechanisms and creates legal obligations necessary for the protection and conservation of Antarctic marine living resources;

(2)

the Convention incorporates an innovative ecosystem approach to the management of Antarctic marine living resources, including standards designed to ensure the health of the individual populations and species and to maintain the health of the Antarctic marine ecosystem as a whole;

(3)

the Convention serves important United States environmental and resource management interests;

Search this title:

(4)

the Convention represents an important contribution to United States long term legal and political objectives of maintenance of Antarctica as an area of peaceful international cooperation;

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(5)

United States basic and directed research programs concerning the marine living resources of the Antarctic are essential to achieve the United States goal of effective implementation of the objectives of the Convention; and

(6)

the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of Antarctica.

(b) Purpose

The purpose of this chapter is to provide the legislative authority necessary to implement, with respect to the United States, the Convention on the Conservation of Antarctic Marine Living Resources

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Sec. 2432. - Definitions

For purposes of this chapter -

(1) Antarctic Convergence

The term "Antarctic Convergence" means a line joining the following points along the parallels of latitude and meridians of longitude: 50 degrees south, 0 degrees; 50 degrees south, 30 degrees east; 45 degrees south, 30 degrees east; 45 degrees south, 80 degrees east; 55 degrees south, 80 degrees east; 55 degrees south, 150 degrees east; 60 degrees south, 150 degrees east; 60 degrees south; [\[1\]](#) 50 degrees west; 50 degrees south, 50 degrees west; and 50 degrees south, 0 degrees.

(2) Antarctic marine living resources

The term "Antarctic marine living resources" means the population of finfish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.

(3) Commission

The term "Commission" means the Commission for the Conservation of Antarctic

Marine Living Resources established pursuant to article VII of the Convention.

(4) Convention

The term "Convention" means the Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra, Australia, May 7, 1980, and entered into force with respect to the United States on April 7, 1982.

(5) Harvesting or other associated activities

The terms "harvesting" and "harvesting or other associated activities" mean -

(A)

the harassing, molesting, harming, pursuing, hunting, shooting, wounding, killing, trapping, or capturing of Antarctic marine living resources;

(B)

attempting to engage in any activity set forth in subparagraph (A);

(C)

any other activity which can reasonably be expected to result in any activity described in subparagraph (A); and

(D)

any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

(6) Harvest

The term "harvest" means to engage in harvesting or other associated activities.

(7) Import

The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing constitutes an importation within the meaning of the customs laws of the United States. *Search this title:*

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(8) Person

The term "person" means an individual, partnership, corporation, trust, association, and any other entity subject to the jurisdiction of the United States.

(9) Scientific Committee

The term "Scientific Committee" means the Scientific Committee for the Conservation of Antarctic Marine Living Resources established pursuant to article XIV of the Convention.

(10) Vessel of the United States

The term "vessel of the United States" means -

(A)

a vessel documented under chapter [121](#) of title [46](#) or a vessel numbered as provided in chapter 123 of that title;

(B)

a vessel owned in whole or in part by -

(i)

the United States or a territory,
commonwealth, or possession of the
United States;

(ii)

a State or political subdivision thereof;

(iii)

a citizen or national of the United States;
or

(iv)

a corporation created under the laws of
the United States or any State, the
District of Columbia, or any territory,
commonwealth, or possession of the
United States;

unless the vessel has been granted the
nationality of a foreign nation in accordance
with Article 5 of the 1958 Convention on
the High Seas; and

(C)

a vessel that was once documented under
the laws of the United States and, in
violation of the laws of the United States,
was either sold to a person not a citizen of
the United States or placed under foreign

registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation in accordance with Article 5 of the 1958 Convention on the High Seas.

(11) Vessel subject to the jurisdiction of the United States

The term "vessel subject to the jurisdiction of the United States" includes a vessel without nationality or a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of Article 6 of the 1958 Convention on the High Seas

[\[1\]](#) So in original. Probably should be a comma.

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The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, shall appoint an officer or employee of the United States as the United States representative to the Commission.

*Search this title:***(b) Representative to the Scientific Committee**

The Secretary of Commerce and the Director of the National Science Foundation, with the concurrence of the Secretary of State, shall designate the United States representative to the Scientific Committee.

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The United States representatives to the Commission and the Scientific Committee shall receive no additional compensation by reason of their services as such representatives

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system of observation and inspection****(a)** Conservation measures**(1)**

The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, is authorized -

(A)

to decide on behalf of the United States whether the United States is unable to accept or can no longer accept a conservation measure adopted by the Commission pursuant to article IX of the Convention, and

(B)

to notify the Commission of any such decision in accordance with article IX of the Convention.

(2)

The Secretary of State shall -

Search this title:

(A)

publish in the Federal Register, if practicable, timely notice of each proposed decision under paragraph (1) and invite written public comment regarding it; and

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publish in the Federal Register notice of each notification made to the Commission under paragraph (1).

(b) System of observation and inspection

The Secretary of State, with the concurrence of the Secretary of Commerce, the Director of the National Science Foundation and the Secretary of the department in which the Coast Guard is operating, is authorized to agree on behalf of the United States to the establishment of a system of observation and inspection, and to interim arrangements pending establishment of such a system, pursuant to article XXIV of the Convention.

(c) Communications from the Commission

The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, and other communications from the Commission and to take appropriate action on them, either directly or by reference to the appropriate authority

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It is unlawful for any person -

(1)

to engage in harvesting or other associated activities in violation of the provisions of the Convention or in violation of a conservation measure in force with respect to the United States pursuant to article IX of the Convention;

(2)

to violate any regulation promulgated under this chapter;

(3)

to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control or possession of, any Antarctic marine living resource (or part or product thereof) which he knows, or reasonably should have known, was harvested in violation of a conservation measure in force with respect to the United States pursuant to article IX of the Convention or in violation of any regulation promulgated under this chapter, without regard to the citizenship of the person that

Search this title:

harvested, or vessel that was used in the harvesting of, the Antarctic marine living resource (or part or product thereof);

(4)

to refuse to permit any authorized officer or employee of the United States to board a vessel of the United States or a vessel subject to the jurisdiction of the United States for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this chapter, or any regulations promulgated under this chapter;

(5)

to assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (4);

(6)

to resist a lawful arrest or detention for any act prohibited by this section; or

(7)

to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section

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Sec. 2436. - Regulations

The Secretary of Commerce, after consultation with the Secretary of State, the Secretary of the department in which the Coast Guard is operating, and the heads of other appropriate departments or agencies of the United States, shall promulgate such regulations as are necessary and appropriate to implement the provisions of this chapter

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Sec. 2439. - Enforcement

(a) Responsibility

The provisions of this chapter shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may utilize by agreement, on a reimbursable basis or otherwise, the personnel, services, and facilities of any other department or agency of the United States in the performance of such duties.

(b) Powers of authorized officers and employees

Any officer or employee of the United States who is authorized (by the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating, or the head of any department or agency of the United States which has entered into an agreement with either Secretary under subsection (a) of this section) to enforce the provisions of this chapter and of any regulation promulgated under this chapter may, in enforcing such provisions -

(1)

secure, execute, and serve any order, warrant, subpoena, or other process, which is issued under the authority of the United

States;

(2)

search without warrant any person, place, vehicle or aircraft subject to the jurisdiction of the United States where there are reasonable grounds to believe that a person has committed or is attempting to commit an act prohibited by section [2435](#) of this title;

(3)

with or without a warrant board and search or inspect any vessel of the United States or vessel subject to the jurisdiction of the United States;

(4)

seize without warrant -

(A)

any evidentiary item where there are reasonable grounds to believe that a person has committed or is attempting to commit an act prohibited by section [2435](#) of this title,

(B)

any Antarctic marine living resources (or part of is committed,

(C)

any vessel of the United States (including its gear, furniture, appurtenances, stores,

and cargo), any vessel subject to the jurisdiction of the United States (including its gear, furniture, appurtenances, stores, and cargo), and any vehicle, aircraft, or other means of transportation subject to the jurisdiction of the United States used in connection with such an act, and

(D)

any guns, traps, nets, or equipment used in connection with such an act;

(5)

offer and pay rewards for services or information which may lead to the apprehension of persons violating such provisions;

(6)

make inquiries, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter which is related to the enforcement of such provisions;

(7)

in coordination with the Secretary of the Treasury, detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation into, or exportation from, the United States;

(8)

make an arrest with or without a warrant with respect to any act prohibited by paragraph

Search this title:

(4), (5), (6), or (7) of section [2435](#) of this title if such officer or employee has reasonable grounds to believe that the person to be arrested is committing such act in his or her presence or view or has committed such act;

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

(9)

exercise enforcement powers conferred on such officer or employee under a system of observation and inspection, or interim arrangements pending the establishment of such a system, which the Secretary of State has agreed to on behalf of the United States pursuant to section [2434](#)(b) of this title; and

(10)

exercise any other authority which such officer or employee is permitted by law to exercise.

(c) Seizure

Subject to the succeeding provisions of this subsection, any property or item seized pursuant to subsection (b) of this section shall be held by any officer or employee of the United States, who is authorized by the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating, pending the disposition of civil or criminal proceedings concerning the violation relating to the property or item, or the institution of an action in rem for the forfeiture of such property or item. Such authorized officer or employee may, upon the order of a court of competent jurisdiction, either release such seized property or item to the wild or destroy such property or item, when the cost of maintenance of the property or item pending the disposition of the case is greater than the

legitimate market value of the property or item. Such authorized officer or employee and all officers or employees acting by or under his or her direction shall be indemnified from any penalties or actions for damages for so releasing or destroying such property or item. Such authorized officer or employee may, in lieu of holding such property or item, permit the owner or consignee thereof to post a bond or other satisfactory surety.

(d) Forfeiture

(1)

Any Antarctic marine living resource (or part or product thereof) with respect to which an act prohibited by section [2435](#) of this title is committed, any vessel of the United States (including its gear, furniture, appurtenances, stoves, and cargo), vessel subject to the jurisdiction of the United States (including its gear, furniture, appurtenances, stoves, and cargo), or vessel, vehicle, or aircraft or other means of transportation subject to the jurisdiction of the United States, which is used in connection with an act prohibited by section [2435](#) of this title, and all guns, traps, nets, and other equipment used in connection with such act, shall be subject to forfeiture to the United States.

(2)

Upon the forfeiture to the United States of any property or item described in paragraph (1), or upon the abandonment or waiver of any claim to any such property or item, it shall be disposed of by the Secretary of Commerce, or the Secretary of the department in which the

Coast Guard is operating, as the case may be, in such a manner, consistent with the purposes of this chapter, as may be prescribed by regulation.

(e) Application of customs laws

All provisions of law relating to the seizure, forfeiture, and condemnation of property (including vessels) for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, and the compromise of claims, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Customs Service may, for the purposes of this chapter, also be exercised or performed by the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating, or by such officers or employees of the United States as each Secretary may designate

[\[1\]](#) product thereof) with respect to which such an act

[\[1\]](#) So in original. Probably should be "or".

[Prev](#) | [Next](#)

Dated: September 10, 2002.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 03-23700 Filed 9-17-03; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 45-2003]

Foreign-Trade Zone 72—Indianapolis, Indiana, Area Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Indianapolis Airport Authority, grantee of Foreign-Trade Zone 72, requesting authority to expand FTZ 72 to include additional sites in the Indianapolis, Indiana area, within the Indianapolis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 10, 2003.

FTZ 72 was approved on September 28, 1981 (Board Order 179, 46 FR 50091, 10/9/81) and expanded on September 2, 1992 (Board Order 598, 57 FR 41915, 9/14/92). The zone project currently consists of the 5,500-acre Indianapolis International Airport complex.

The applicant is now requesting authority to expand the general-purpose zone to include four new sites (1,631.42 acres) in the Indianapolis area: *Proposed Site 2* (620.485 acres)—Anderson Business Development Center in Anderson (Madison County); *Proposed Site 2A* (128.536 acres)—greenfield property located north of Interstate 69, west of the Conrail Railroad track and south of West 73rd Street (County Road 450 South); *Proposed Site 2B* (35.067 acres)—manufacturing/distribution facilities and greenfield property located north of West 73rd Street and west of the Conrail Railroad track; *Proposed Site 2C* (154.76 acres)—warehousing/distribution facilities and greenfield property located at the end and north of West 73rd Street; *Proposed Site 2D* (132 acres)—manufacturing/distribution facilities and greenfield property located north of 32nd Street and west of Scatterfield Road; *Proposed Site 2E* (126.34 acres)—manufacturing/distribution facilities and greenfield property located north of 38th Street, east of Scatterfield Road and south of Mounds Road; and, *Proposed Site 2F* (43.782 acres)—industrial facility located south of Interstate 69, west of State Road 109 and north of 67th Street;

Proposed Site 3 (675.13 acres)—distribution/manufacturing facilities and greenfield property within the Park 100 Business Park, located at 71st Street and Interstate 465, Indianapolis (Marion County); *Proposed Site 4* (153.51 acres)—distribution/manufacturing facilities and greenfield property within the Park Fletcher Business Park, located at Interstate 465 and Airport Expressway in Indianapolis (Marion County); and, *Proposed Site 5* (182.295 acres)—Plainfield Business Park in Plainfield (Hendricks County): *Proposed Site 5A* (6 parcels, 113.615 acres)—industrial facilities and greenfield property located at Interstate 70 and Perry Road and *Proposed Site 5B* (68.68 acres)—distribution/manufacturing facility and greenfield property located at 2213-2233 Stafford Road. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the addresses below:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street NW., Washington, DC 20005; or

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue NW, Washington, DC 20230.

The closing period for their receipt is November 17, 2003. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to December 2, 2003).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce, Export Assistance Center, 11405 North Pennsylvania Street, Suite 106, Carmel, IN 46032.

Dated: September 10, 2003.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 03-23860 Filed 9-17-03; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091503A]

Proposed Information Collection; Comment Request; Antarctic Living Marine Resources Conservation and Management Measures.

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

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 17, 2003.

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 Robert Dickinson at 301-713-2276, ext. 154, or at Bob.Dickinson@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Pursuant to the Antarctic Marine Living Resources Convention Act of 1984, NOAA supports the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). CCAMLR meets annually to adopt conservation and management measures. These include harvesting restrictions, import controls, and data reporting requirements. As a member of CCAMLR, the United States is obligated to put these measures into effect.

II. Method of Collection

Information is submitted by a variety of means, including paper forms, automatic position reports from a Vessel Monitoring System, and radioed reports.

III. Data

OMB Number: 0648-0194.

Form Number: None.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 87.

Estimated Time Per Response: 15 minutes for a dealer permit application or a reexport permit application; 3 minutes for a dealer catch document; 15 minutes for a dealer reexport catch documentation; 15 minutes for a harvesting vessel catch document; 15 minutes for a pre-approval application for toothfish imports; 15 minutes for an import ticket; 0.33 seconds for an automatic position report from a Vessel Monitoring System (VMS); 4 hours to install a VMS; 2 hours for annual maintenance of a VMS; 28 hours for an application for a new or exploratory fishery; 1 hour for an application to harvest/transship; 2 minutes for a radioed position report; 1 hour for an application for a CCAMLR Ecosystem Monitoring Program permit; and 1 hour for a CCAMLR Ecosystem Monitoring Program site activity report.

Estimated Total Annual Burden Hours: 569.

Estimated Total Annual Cost to Public: \$68,000.

IV. Request for Comments

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

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

Dated: September 12, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-23863 Filed 9-17-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091503B]

Proposed Information Collection; Comment Request; Foreign Fishing Vessels Operating in Internal Waters.

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

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 17, 2003.

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 Robert Dickinson at 301-713-2276, ext. 154, or at Bob.Dickinson@noaa.gov.

SUPPLEMENTARY INFORMATION:
SUPPLEMENTARY INFORMATION:

I. Abstract

Foreign fishing vessels engaged in processing and support of U.S. fishing vessels within the internal waters of a state, in compliance with the terms and conditions set by the authorizing governor, are required to report the tonnage and location of fish received from U.S. vessels. This reporting is required by the Magnuson-Stevens Fishery Conservation and Management Act. Weekly reports are submitted to the NMFS Regional Administrator to allow monitoring of the quantity of fish received by foreign vessels.

II. Method of Collection

Reports may be submitted by fax, e-mail, or regular mail.

III. Data

OMB Number: 0648-0329.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 6.

Estimated Time Per Response: 30 minutes per weekly report.

Estimated Total Annual Burden Hours: 36.

Estimated Total Annual Cost to Public: \$144.

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: September 12, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-23864 Filed 9-17-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090903D]

Endangered Species; Permit No. 1187

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

ACTION: Scientific research permit modification.

SUMMARY: Notice is hereby given that a request for modification of scientific research permit no. 1187 submitted by Mr. Christopher J. McNally, St. George's School has been granted.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):