

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 11/29/2004
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 09/28/2004.

TITLE: Application for Commercial Fisheries Authorization under Section 118 of the Marine Mammal Protection Act

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0293
EXPIRATION DATE: 08/31/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	12,000	2,800	304
New	12,000	2,800	304
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE:

SEE PAGE 2 FOR TERMS OF CLEARANCE

TERMS OF CLEARANCE:

OMB notes that the agency has failed to comply with previous terms of clearance for this collection. These terms of clearance are repeated below. Therefore this collection is approved for only nine months. In that time the agency must develop a plan for providing for electronic submission of this information or provide a detailed explanation of why electronic submission is either prohibited by statute or technically impossible.

OMB notes that this collection is not compliant with the principles of the Government Paperwork Elimination Act (GPEA) and that the agency has not provided sufficient explanation of why this collection is not yet or cannot be made to provide an electronic submission option. Therefore, this collection is approved for one year, during which time the agency must reevaluate its GPEA compliance with respect to this collection and provide a plan to accept optional electronic submissions.

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
APPLICATION FOR THE MARINE MAMMAL AUTHORIZATION PROGRAM
UNDER SECTION 118 OF THE MARINE MAMMAL PROTECTION ACT
OMB CONTROL NO. 0648-0293**

A. JUSTIFICATION

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

The Marine Mammal Protection Act (16 U.S.C. 1361 et seq.; MMPA or the Act) mandates the protection and conservation of marine mammals. The taking of marine mammals, except under limited exceptions, is a violation of the Act. MMPA section 118 provides an exception to that prohibition for taking of marine mammals incidental to commercial fishing operations subject to requirements listed in that section. The owner of any fishing vessel engaged in a fishery identified by NMFS as having either frequent (Category I) or an occasional (Category II) taking of a marine mammal must register with the Secretary in order to obtain an authorization for taking marine mammals and to be legally operating in that fishery. Fishers operating in fisheries identified by NMFS as having only a remote chance (Category III) to take marine mammals need not apply.

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 applicable NOAA Information Quality Guidelines.

The information to obtain an authorization is supplied by the fisher operating in a Category I and II fishery as mandated by Section 118 (c)(2)(A) of the MMPA. The MMPA states: “An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A)(i) or (ii) upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used.”

A valid certificate of authorization protects the fisher from prosecution under the MMPA for violation of the moratorium on taking marine mammals. Without the information collection, NMFS would be unaware of the need for the fisher to be included under the authorization system. The information needed to register, renew, or update a commercial fishery authorization is found at 50 CFR 229.4 and includes the following:

- a. Name, address, and telephone number of the owner of a vessel or non-vessel gear and name and address of the operator if other than the owner;
- b. Name and length of the vessel, home port, U.S. Coast Guard documentation number or State registration number, State commercial license number of the fishing vessel which

- will operate under the authorization, and for a non vessel fishery, a description of the gear and state commercial license number;
- c. A list of the fishery(s) in which the fisher will be engaged; and
 - d. A certification of the accuracy of the information being submitted.

Modifications to (a),(b), and (c) above must be submitted within 10 days of any change. To facilitate the application process, NMFS mails application forms or renewal forms to all fishers identified within the Category I and II fisheries. Renewal forms are pre-filled out by a computer generated with previously submitted information, allowing the fishers to make modifications to the form instead of filling out a new form.

Most of the information requested above is required by statute, NMFS determined that the home port and the length of the vessel were necessary information. This information is vital for the mandatory observer program for Category I and II fisheries. Information concerning the time, duration, and location of fishery operations, and the type and nature of gear is mandated by the MMPA. The MMPA requires NMFS to establish an observer program for Category I and II fisheries; therefore the home port and the size of the vessel is required because NMFS will need to know the location for boarding the vessel, and whether the vessel is large enough to take an observer. While this additional information is required only for participants in Category I and II fisheries, the categories are subject to change.

Certain information available elsewhere may be used to assist and /or verify the information collection request for registrations. For example, copies of existing State fishing licenses, federal fishing license applications, or foreign fishing permit applications may be used for this information request. Not all fishers have an interaction problem with marine mammals. Therefore, short of registering all U.S. fishers through State licenses and requiring all U.S. fishers to send in annual reports for renewal of their certificates, the submission of an application to receive an authorization is the best alternative for keeping the burden to a minimum.

It is anticipated that the 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 all 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.

Fishers need only to mail in the authorization form, which is made available to them in the NMFS regions, and through fishery organizations, at docks, etc. Renewal notifications are pre-

filled out by computer; the fishers need only to make any corrections and sign. Authorization forms must be returned to NMFS via mail accompanied by the required registration fee.

4. Describe efforts to identify duplication.

Fishers in Category I or II fisheries are statutorily required to submit the information in the authorization form to lawfully take marine mammals incidental in fishing operations. The authorization is granted on an annual basis.

Some states have integrated the NMFS registration process into the existing state fishery registration process and fishers in those fisheries do not need to file a separate federal registration. Many states are not automated and NMFS, in order to reduce burden, has automated its authorization system. Federal fishing permits are limited in the number of fisheries that are included in the system. Therefore, a single licensing system for the authorization was the only option available.

Although NMFS has joint authority with the U.S. Fish and Wildlife Service (USFWS), Department of Interior, to manage marine mammals, the U.S. Department of Interior has not been authorized by statute to promulgate regulations on this matter. Therefore, USFWS has not established its own registration and reporting system. NMFS continues to consult with the USFWS on this matter and a USFWS staff person has attended task force meetings with NMFS, but NMFS remains responsible for the information collection process, distributing authorizations, and maintaining the marine mammal reporting system.

Certain fisheries, registration for a marine mammal authorization may be coordinated with existing state or Federal fishery or vessel permit or licensing programs. If applicable, vessels owners will be notified of this simplified registration process when they apply for their state or Federal permit or license.

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 entities. The MMPA instructs the Secretary to develop, in consultation with the appropriate states, Regional Fishery Management Councils, and other interested parties, the means by which the granting and administration of authorizations shall be integrated and coordinated with existing fishery licenses, registrations, and related programs, to the maximum extent practicable. However, as mentioned in item 4 above, to date, some state license systems do not appear to be compatible.

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

Commercial fishery authorization applications are required annually as mandated by statute (16 U.S.C. 1387 (c)(2)(A)). Without the registrations, NMFS would be unable to execute its observer

program and to determine the impact of U.S. commercial fisheries on marine mammal populations and stocks.

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

The collection is consistent with the guidelines.

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

A Federal Register Notice (copy attached) solicited public comment on this submission, but none was received.

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

There is no provision to provide any payment or gift to respondents.

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

Certain information supplied on this form may be considered proprietary and therefore subject to data confidentiality restrictions of 50 CFR 229.11.

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

No sensitive questions are asked.

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

The number of burden hours in the general public is directly proportional to the number of applicants that wish to be covered.

NMFS has estimated that there are 22,400 fishing vessels that can be included in either a Category I or II fishery and therefore will need to register for an authorization and obtain a decal and/or Authorization Certificate. However, based on experience with the general permit program, less than full compliance was noted. Through enforcement actions against fishermen

for failure to apply and prohibiting fishermen from fishing unless they have an authorization, applications would not be expected to decrease and might possibly increase in the final years of the program.

Some states have integrated the NMFS registration process into the existing state fishery registration process and do not need to file a separate federal registration. The annual burden hours for Category I & II fisheries are estimated as:

- New applications: 10,000 vessels x 15 minutes/application*/year = 2,500 hours
- Renewal applications: 2,000 vessels x 9 minutes/application/year = 300 hours

(*As fishermen are expected to apply for any additional fisheries at the time of the initial application, no additional burden hours are warranted for multiple fishery applicants.)

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

The annual costs to the Category I & II fishers to apply for authorization annually is estimated as follows:

Application fee, \$25 plus postage, \$.37 = \$25.37 per applicant/year.
12,000 applications x \$25.37/application = \$304,440.

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

The fee recovers all federal processing costs. Some states have integrated the NMFS's registration process into the existing state fishery registration process and do not need to file a federal registration.

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

N/A.

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

There are no plans to publish the results of this collection.

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.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.



MARINE MAMMAL AUTHORIZATION PROGRAM

The 1994 Amendments to the Marine Mammal Protection Act: Requirements for Commercial Fishers

National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910

September 2003

Under the 1994 amendments to the Marine Mammal Protection Act (MMPA), there have been a number of changes in the regulations governing the incidental taking of marine mammals in the course of commercial fishing operations, such as:

- seven-year goal for reducing incidental serious injury and mortality of marine mammals to insignificant levels approaching a zero mortality and serious injury rate
- simplified registration process for certain fisheries
- new criteria for Category I, II, and III fisheries
- reporting only when a marine mammal has been injured or killed
- prohibition against intentionally lethally taking marine mammals
- mechanism for issuing permits to incidentally take endangered and threatened marine mammals
- authority to place observers on vessels in any Category I or II fishery
- establishment of take reduction teams and development of take reduction plans for certain fisheries

The purpose of the Marine Mammal Authorization Program (MMAP) is to provide an exemption for commercial fishers from the general taking prohibitions of the MMPA. This program replaces the Interim Exemption for Commercial Fishing, in effect from 1989 to August 1995. Information on marine mammal interactions with commercial fishers collected under this program, as well as other sources, will provide the basis for determining whether the incidental serious injury and mortality of marine mammals in commercial fishing operations has been reduced to insignificant levels approaching a zero mortality and serious injury rate by April 30, 2001.

WHO NEEDS TO REGISTER?

As of March 1, 1996, the owner of a vessel or non-vessel gear engaging in a Category I or II fishery must obtain a marine mammal authorization from the National Marine Fisheries Service (NMFS), or its designated agent, in order to lawfully incidentally take a marine mammal in a commercial fishery. The fee for obtaining a new or renewed authorization each year is \$25, unless otherwise specified in the list of fisheries published annually by NMFS. Upon receipt of a completed registration, vessel

owners will be issued a decal to display on their vessel, and an authorization certificate to be in the possession of the operator while fishing. Owners of vessels or non-vessel gear in Category III fisheries may incidentally take marine mammals without registering for or receiving an authorization.

WHAT IS A CATEGORY I, II, OR III FISHERY?

The MMPA requires all commercial fisheries to be placed in one of three categories, based on the relative frequency of incidental serious injuries and mortalities of marine mammals in each fishery. Category I designates fisheries with frequent serious injuries and mortalities incidental to commercial fishing; Category II designates fisheries with occasional serious injuries and mortalities; Category III designates fisheries with a remote likelihood or no known serious injuries or mortalities. Regulations to implement the 1994 amendments to the MMPA established new criteria for defining “frequent”, “occasional”, and “remote likelihood”, based on the impact of fishery-related serious injuries and mortalities on each marine mammal stock. Every year, NMFS reviews and revises its list of Category I, II, and III fisheries based on new information. Consequently, the requirement to register with NMFS may change from one year to the next. Changes to the list of fisheries will be broadly publicized each year.

HOW ARE MARINE MAMMAL AUTHORIZATIONS OBTAINED?

NMFS, or its designated agent, makes every effort to mail all vessel owners that may participate in Category I or II fisheries a registration or renewal package by January 1 of each year. NMFS recommends that completed registration forms be submitted at least 30 days in advance of fishing. Vessel owners must have a valid authorization certificate in hand before resumption of fishing each calendar year. In certain fisheries, registration for a marine mammal authorization may be coordinated with existing state or Federal fishery or vessel permit or licensing programs. If applicable, vessel owners will be notified of this simplified registration process when they apply for their state or Federal permit or license. As of 1998, this simplified registration process was in place for vessel owners

participating in Washington, Oregon, and Alaska, the Gulf of Maine, U.S. Mid-Atlantic Lobster trap/pot fishery, the Atlantic squid, mackerel, butterfish trawl fishery, and the NE multi-species sink gillnet fisheries (see insert).

NMFS hopes to have this form of “one-stop-permitting” available to all vessel owners in the future.

ARE LOGBOOKS STILL REQUIRED?

The MMPA no longer requires vessel owners to submit marine mammal logbooks detailing each day’s fishing activity. However, all vessel owners or operators, regardless of the category of fishery they participate in, must report all incidental injuries and mortalities of marine mammals that have occurred as a result of commercial fishing operations. Reports must be sent to NMFS, by mail or fax, within 48 hours of the end of a fishing trip in which the injury or mortality occurred, or, for non-vessel fisheries, within 48 hours of the occurrence.

NMFS will provide postage-paid reporting forms to Category I and II vessel owners with their new or renewed authorization certificates each year. NMFS will also provide major ports and marinas with a supply of postage-paid reporting forms in the near future. Failure to report all incidental injuries and mortalities within 48 hours of the end of each fishing trip (or within 48 hours of an occurrence of an incidental injury or mortality in a non-vessel fishery) will subject such persons to suspension, revocation, or denial of a marine mammal authorization.

NMFS has defined a marine mammal injury as a wound or other physical harm. Signs of injury may include, but are not limited to:

- visible blood flow
- loss of or damage to an appendage or jaw
- inability to use one or more appendages
- asymmetry in the shape of the body or body position
- noticeable swelling or hemorrhage
- laceration, puncture or rupture of eyeball
- listless appearance or inability to defend itself
- inability to swim or dive upon release from fishing gear
- signs of equilibrium imbalance

Any animal that ingests fishing gear, or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body will be considered injured regardless of the absence of any wound or other evidence of injury.

CAN MARINE MAMMALS BE DETERRED FROM FISHING GEAR AND CATCH?

Vessel owners are strictly prohibited from intentionally lethally taking marine mammals in the course of commercial fishing operations. An exception is provided for an intentional lethal take imminently necessary in self-defense or to save the life of another person. If a marine mammal is killed in self-defense or to save the life of another person, a report must be filed with NMFS within 48 hours of the end of the fishing trip or, for non-vessel fisheries, within 48 hours of the mortality.

NMFS will be publishing guidelines for the safe deterrence of marine mammals. They will include the following:

- passive deterrence measures, such as nets, fences, or other types of physical barriers, provided the potential for marine mammal entanglement is not increased
- active deterrence measures, such as mechanical or electrical noisemakers, water sprayed from a hose, blunt objects to prod animals, large shielding objects (wood, metal, or fabric) to herd animals, and hazing actions by boat operators.

Deterrence measures should not separate a female and her offspring; break the skin of an animal; result in dislocation of or fracture of bones, limbs, or other appendages; be directed at the head or eyes of an animal; or be used on seals and sea lions hauled out on unimproved private property.

IS IT LEGAL TO TAKE ENDANGERED OR THREATENED MARINE MAMMALS?

NMFS must issue permits for the incidental, but not intentional, taking of marine mammals listed as endangered or threatened under the Endangered Species Act (ESA), if NMFS determines that:

- incidental mortality and serious injury due to commercial fishing will have a negligible impact on the affected species or stock,
- a recovery plan for that species or stock has been developed or is being developed, and
- where required under section 118, a monitoring program has been established, vessels are registered, and a take reduction plan has been developed or is being developed.

NMFS is currently revising its 3-year permits only for participants in fisheries that interact with stocks for which the above criteria have been met.

HOW WILL THE DEVELOPMENT OF TAKE REDUCTION PLANS AFFECT FISHING ACTIVITY?

Take reduction teams are currently being formed and convened with the purpose of developing take reduction plans to assist in the recovery or to prevent the depletion of strategic stocks that interact with Category I and II fisheries. A strategic stock is one which:

- is listed as endangered or threatened under the ESA
- is declining and likely to be listed as threatened under the ESA
- is listed as depleted under the MMPA
- has direct human-caused mortality which exceeds the stock's Potential Biological Removal (PBR) level.

The PBR for a marine mammal stock is the maximum number of animals, not including natural mortalities, that may be removed from that stock, while allowing the stock to reach or maintain its optimum sustainable population.

The immediate goal of take reduction plans is to reduce, within six months of its implementation, the incidental serious injury or mortality of marine mammals from commercial fishing to levels less than PBR. The long-term goal is to reduce, within five years of its implementation, the incidental serious injury and mortality of marine mammals from commercial fishing operations to insignificant levels approaching a zero serious injury and mortality rate, taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans. Take reductions teams will consist of

a balance of representatives of the fishing industry and non-resource user interests.

To date, five TRTs have been established. Meetings of each TRT are being professionally facilitated and are open to the public.

WHICH FISHERIES WILL CARRY OBSERVERS?

The MMPA provides NMFS with the authority to place observers on any Category I or II vessel. The purpose of observer programs is to:

- obtain reliable estimates of incidental serious injury and mortality of marine mammals
- determine the reliability of reports submitted by vessel owners and operators
- identify changes in fishing methods or technology that may increase or decrease incidental serious injury or mortality.

Fishing industry representatives will be notified and public meetings held whenever possible to provide advance notification to a fishery that observers will be required. Vessels that are notified of their requirement to carry an observer must comply with regulations regarding advance notification of anticipated fishing activity, cooperation with the observer in the performance of the observer's duties, and, when feasible, the collection and retention of marine mammals incidentally killed. Statutory changes in the 1994 amendments to the MMPA no longer exempt fishers from civil actions if an observer is ill, disabled, injured, or killed in the course of service. Vessel owners may wish to consider liability insurance to protect themselves if an accident occurs.

For more information about any of these programs, see our Web page at:
http://www.nmfs.noaa.gov/prot_res/mammals/mmap.html

For more information, or to obtain marine mammal registration or reporting forms, contact your nearest NMFS office:

Patricia Lawson
NMFS Office of Protected Resources
1315 East-West Highway
Silver Spring, MD 20910
301/713-2322
e-mail: Patricia.Lawson@noaa.gov

Marcia Hobbs
NMFS Northeast Region
One Blackburn Drive
Gloucester, MA 01930
978/281-9255
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9721 Executive Center Drive North
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7600 Sand Point Way, NE
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Don Petersen
NMFS Southwest Region
501 West Ocean Blvd
Suite 4200
Long Beach, CA 90802
562/980-4024
e-mail: Don.Petersen@noaa.gov

NMFS Alaska Region
P.O. Box 21668
709 West 9th Street
Juneau, AK 99802
907/586-7235

MARINE MAMMAL AUTHORIZATION PROGRAM

Certification

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I AM THE OWNER OF THE ABOVE NAMED VESSEL (OR NON-VESSEL FISHING GEAR), OR THAT I AM AUTHORIZED TO REGISTER FOR THIS AUTHORIZATION ON BEHALF OF THE OWNER, THAT I HAVE REVIEWED ALL INFORMATION CONTAINED IN THIS DOCUMENT, AND THAT IT IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature

Date

IF THIS REGISTRATION IS SIGNED BY A PERSON OTHER THAN THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE ABOVE-NAMED VESSEL, PLEASE COMPLETE THE FOLLOWING:

LAST NAME OF REPRESENTATIVE

FIRST NAME OF REPRESENTATIVE

M.I.

ADDRESS

CITY

STATE

ZIP CODE

Mail this completed registration form,
along with a check in the amount of \$25.00, payable to the National Marine Fisheries Service,
to the nearest NMFS regional office listed below.
(Please allow 30 days for processing):

Marcia Hobbs
NMFS Northeast Region
One Blackburn Dr
Gloucester, MA 01930
978 / 281-9328
e-mail: Marcia.Hobbs@noaa.gov

Teletha Griffin
NMFS Southeast Region
9721 Executive Center Dr North
St. Petersburg, FL 33702
727 / 570-5312
e-mail: Teletha.Griffin@noaa.gov

Don Petersen
NMFS Southwest Region
501 West Ocean Blvd, Suite 4200
Long Beach, CA 90802
562 / 980-4024
e-mail: Don.Petersen@noaa.gov

This collection of information is mandated by the Marine Mammal Protection Act (16 U.S.C. 1387) and by implementing regulations contained at 50 CFR 229.4. The information supplied on this form will be used by the National Marine Fisheries Service to approximate fishing effort in various fisheries which impact marine mammal populations in U.S. waters and to alert vessel owners of applicable rules and regulations regarding the incidental take of marine mammals in commercial fishing operations. Certain information supplied on this form may be considered proprietary and therefore subject to data confidentiality restrictions of 50 CFR Part 229.11.

Public reporting burden for this collection of information is estimated to average 15 minutes per response for new applications and 9 minutes per response for renewals, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Director, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, (301) 713-2332.

The National Marine Fisheries Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current and valid OMB control number. The OMB Control number for this form is 0648-0293, which expires on 09/30/2004.

Program Priorities: EDA encourages the submission of proposals that will significantly benefit trade-impacted manufacturing and production firms. EDA expects to proposals to demonstrate familiarity or an ability to quickly become familiar with the core TAAC objectives and activities outlined in the **SUMMARY** section above and in the FFO for this competitive solicitation.

Announcement and Award Dates: By August 15, 2004, EDA will notify applicants as to whether they will receive funding under this competition solicitation. It is anticipated that the successful applicant will be funded no later than September 30, 2004; however, there is no guarantee that the successful applicant will receive funding. Proposals that were not recommended for funding will be retained by EDA for one year, at which time such proposals will be destroyed.

The Department of Commerce Award Notification Requirements for Grants and Cooperative Agreements

Administrative and national policy requirements for all Department of Commerce awards are contained in the Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, published in the **Federal Register** on October 1, 2001 (66 FR 49917), as amended by the **Federal Register** notice published on October 30, 2002 (67 FR 66109). These notices may be accessed by entering the **Federal Register** volumes and page numbers noted in the previous sentence at the following GPO Web site <http://www.gpoaccess.gov/fr/retrieve.html>.

Paperwork Reduction Act

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Forms ED-900P, SF-424A, SF-424-B and CD-346 have been approved by OMB under the control numbers 0610-0094, 0348-0044, 0348-0040 and 0605-0001, respectively. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with

Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/Regulatory Flexibility Act

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: June 9, 2004.

Mary Pleffner,

Acting Assistant Secretary for Economic Development.

[FR Doc. 04-13547 Filed 6-15-04; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061004A]

Proposed Information Collection; Comment Request; Application for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before August 16, 2004.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patricia Lawson, 301-713-2322, or at Patricia.Lawson@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Marine Mammal Protection Act requires any commercial fisher operating in Category I and II fisheries to register for a certificate of authorization that will allow the fisher to take marine mammals incidental to commercial fishing operations. Category I and II fisheries are those identified by NOAA as having either frequent or occasional takings of marine mammals.

Some states have integrated the National Marine Fisheries Service (NMFS) registration process into the existing state fishery registration process and fishers in those fisheries do not need to file a separate federal registration. If applicable, vessel owners will be notified of this simplified registration process when they apply for their state or Federal permit or license.

II. Method of Collection

Fishers mail in an application for exemption made available to them in the NMFS regions and through fishery organizations, at fishing docks, on NMFS web page, etc. Renewal notifications are mailed to registered fishers and must be returned through the mail with the required registration fee.

III. Data

OMB Number: 0648-0293.

Form Number: None.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 12,000.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 2,800 hours.

Estimated Total Annual Cost to Public: \$304,550.

IV. Request for Comments

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

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

Dated: June 8, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-13591 Filed 6-15-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1337]

Approval for Expanded Manufacturing Authority (Flavors and Fragrances) Within Foreign-Trade Subzones 44B, 44C and 44D, International Flavors & Fragrances, Inc.; Hazlet, Union Beach and Dayton, NJ

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the follow Order:

Whereas, the NJ Commerce & Economic Growth Commission, grantee of FTZ 44, has applied to expand the scope of manufacturing authority under FTZ procedures for FTZ Subzones 44B, 44C and 44D (International Flavors & Fragrances, Inc. Facilities in Hazlet, Union Beach and Dayton, New Jersey); to remove the special conditions of Board Order 366 (52 FR 47437, 12/14/87); to re-designate Subzones 44B, 44C and 44D as Subzone 44B; and, to reduce the acreage of Subzone 44C (FTZ Doc. 59-2003; filed 11/4/03);

Whereas, notice inviting public comment has been given in the **Federal Register** (68 FR 65244, 11/19/03); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby approves the request subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 3rd day of June 2004.

James J. Jochum,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 04-13493 Filed 6-15-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1336]

Grant of Authority for Subzone Status, American Eurocopter LLC (Helicopter and Helicopter Spare Parts); Grand Prairie, TX

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for “* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved; and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Dallas/Fort Worth International Airport Board, grantee of FTZ 39, has made application to the Board for authority to establish special-purpose subzone status at the helicopter warehousing/distribution facility of American Eurocopter LLC, located in Grand Prairie, Texas (FTZ Docket 38-2003, filed 8/4/03, and amended 1/20/04);

Whereas, notice inviting public comment has been given in the **Federal Register** (68 FR 47536, 8/11/03); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the helicopter warehousing and distribution facilities of American Eurocopter LLC, located in Grand Prairie, Texas (Subzone 39H), at the location described in the application, as amended, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 3rd day of June 2004.

James J. Jochum,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 04-13492 Filed 6-15-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-831]

Fresh Garlic From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On December 10, 2003, the Department of Commerce published the preliminary results of the administrative review and new shipper reviews of the antidumping duty order on fresh garlic from the People's Republic of China. The period of review is November 1, 2001, through October 31, 2002. The reviews cover six manufacturers/exporters.

We invited interested parties to comment on our preliminary results. Based on our analysis of the comments received, we have made certain changes to our calculations. The final dumping margins for these reviews are listed in the “Final Results of the Reviews” section below.

EFFECTIVE DATE: June 16, 2004.

FOR FURTHER INFORMATION CONTACT: Mino Hatten or Mark Ross, Office of Antidumping/Countervailing Duty Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1690 or (202) 482-4794, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 2003, the Department published the preliminary results of the administrative review and new shipper reviews of the antidumping duty order on fresh garlic from the People's Republic of China. See *Fresh Garlic from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and New Shipper Reviews*, 68 FR 68868 (December 10, 2003) (*Preliminary Results*). We invited parties to comment on our preliminary results.