

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/29/2010

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Suzanne Hilding
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 01/21/2010

ACTION REQUESTED: No material or nonsubstantive change to a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201001-0648-007

AGENCY ICR TRACKING NUMBER:

TITLE: Alaska Cooperatives in the Bering Sea and Aleutian Islands (Formerly: American Fisheries Act: Recordkeeping and Reporting Requirements)

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 0648-0401

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 08/31/2010

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	167	470	225
New	156	162	225
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	-11	-308	0
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Salmon Bycatch Reduction Inter-Cooperative Agreement (ICA) application and renewal letter			50 CFR 679
Annual Cooperative Report			50 CFR 679.61
ICA Appeal			50 CFR 679
Inshore Catcher Vessel Cooperative Pollock Catch report			50 CFR 679
Agent for Service of Process			50 CFR 679

JUSTIFICATION FOR CHANGE
ALASKA COOPERATIVES IN THE BERING SEA AND ALEUTIAN ISLANDS
OMB CONTROL NO. 0648-0401

We are requesting minor adjustments associated with a pending final rule (RIN 0648-AY28) to remove reporting requirements for an Annual Preliminary American Fisheries Act (AFA) Cooperative Report and revise reporting requirements for an AFA Cooperative Annual Report.

Under regulations implementing the AFA (67 FR 79692; December 30, 2002), the AFA cooperatives are required to submit to the Council each year a preliminary and a final report describing their pollock fishing (see § 679.61(f)). The AFA cooperative annual reports are required to provide information about how each cooperative allocated pollock, other groundfish species, and prohibited species among the vessels in the cooperative; the catch of these species by area by each vessel in the cooperative; information about how the cooperative monitored fishing by its members; and a description of any actions taken by the cooperative to penalize vessels that exceeded the catch and prohibitive species catch (PSC) allocations made to the vessel by the cooperative. The purpose of the cooperative reports is to provide the Council information upon which decisions are made on cooperative allocations and on sideboard protection measures.

The North Pacific Fishery Management Council (Council) originally recommended that the National Marine Fisheries Service (NMFS) require a preliminary report to provide as much information as was available by December 1 and a final report to update or add any information that became available by February 1 of the following year.

Since implementation of these requirements, the Council determined that the information in the preliminary report is not necessary to develop its recommendations on final groundfish specifications. Therefore, NMFS removes the requirement for an annual preliminary AFA cooperative report and augments the requirements for an AFA final report. A single AFA cooperative final report, renamed an annual AFA cooperative report, would provide sufficient information to the Council and the industry about the fishing activities of the AFA cooperatives.

This action results in a reduction of burden of 308 hours. Some decrease in miscellaneous costs might occur due to postage cost differences. However, at this time we are not revising our cost estimate based on this change.

PAPERWORK REDUCTION ACT CHANGE WORKSHEET

Agency/Subagency	OMB Control Number _____ - _____	
<i>Enter only items that change</i>		
	Current record	New record
Agency form number (s)		
Annual reporting and recordkeeping hour burden		
Number of respondents		
Total annual responses		
Percent of these responses collected electronically	%	%
Total annual hours		
Difference		
Explanation of difference		
Program change		
Adjustment		
Annual reporting and recordkeeping cost burden (in thousands of dollars)		
Total annualized Capital/Startup costs		
Total annual costs (O&M)		
Total annualized cost requested		
Difference		
Explanation of difference		
Program change		
Adjustment		
Other changes**		
Signature of Senior Official or designee:	Date:	For OIRA Use _____ _____

** This form cannot be used to extend an expiration date.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 679 and 680

[Docket No.]

RIN 0648-AY28

Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands
Crab Rationalization Program; Recordkeeping and Reporting

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

ACTION: Final rule.

SUMMARY: This action removes the requirement for American Fisheries Act cooperatives participating in the directed pollock fishery to prepare and submit a preliminary annual report described in 50 CFR 679.61(f). This action also removes the Crab Rationalization Program requirements described in 50 CFR 680 to (1) weigh all offloaded crab on a state-approved scale that produces a printed record and (2) report this information at the time of offload to NMFS on a catcher/processor offload report. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Electronic copies of the Regulatory Impact Review (RIR), the categorical exclusion memoranda as well as the Programmatic Supplemental Environmental Impact

Statement prepared for Alaska groundfish fisheries may be obtained from the Alaska Region website at <http://www.alaskafisheries.noaa.gov>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS Alaska, Sustainable Fisheries Division and by e-mail to David.Rostker@omb.eop.gov, or fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the U.S. groundfish fisheries in the Exclusive Economic Zone off Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). The crab fisheries are managed under the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP). The BSAI FMP, GOA FMP, and Crab FMP were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations implementing the FMPs appear at 50 CFR part 679 and part 680. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council has adopted and NMFS has implemented numerous management programs that allocate quota share and associated harvesting or processing privileges to qualified entities.

Background

Crab Rationalization Program

The Crab Rationalization (CR) Program is a limited access system that allocates BSAI crab resources among harvesters, processors, and coastal communities.

Currently, NMFS requires all crab individual fishing quota (IFQ) harvested and processed by catcher/processors be weighed at-sea prior to processing and that crab weights obtained from at-sea scales be audited at the point of offload. This requires a crab catcher/processor to offload all product shoreside at a designated port and weigh that product on a scale approved by the state in which the CR crab is removed from the vessel.

The owner or operator of a catcher/processor that harvested and processed CR crab must complete a catcher/processor offload report at the time of offload of CR crab and attach a scale printout showing gross product offload weight. The weights reported on the offload reports include not only the weight of crab but also the weight of packaging, pallets, and glaze. While deductions for these items can be made, the deductions create variance in the total weight of crab landed shoreside. For this reason NMFS finds it difficult to use the weights of the offload report to audit the weight obtained from the at-sea hopper scales.

Advancements in at-sea reporting (eLandings) and the reliability of the at-sea motion-compensated hopper scales have changed the need for CR catcher/processor offload reporting. Catcher/processors use eLandings to report total harvest of CR crab to NMFS weekly while at sea, which provides NMFS with up-to-date accounting of total crab harvested.

Motion-compensated hopper scales provide reliable, independent estimates of the total catch by quota sector for all crab harvested. NOAA Fisheries Office for Law Enforcement (OLE) uses eLandings weekly reports, the printouts from the hopper scales showing the total weight of crab harvested, and additional auditing methods to monitor CR quota accounting instead of using the catcher/processor offload reports.

Because offload reports no longer are required by NOAA Fisheries, this rule removes those requirements for the CR Program. In doing so, NMFS relieves unnecessary restrictions on the fishing industry. To avoid redundancy in accounting and to reduce costs to NMFS and the industry, NMFS removes the requirement at §680.5(e) for the owner or operator of a catcher/processor to complete and submit to NMFS at the time of offload of CR crab, a catcher/processor offload report with its attached scale printout showing gross product offload weight. Section 680.5(a)(2)(i)(H) is removed because it is a cross-reference to §680.5(e), which was removed. This rule also removes the requirement at §680.23(b)(4) for catcher/processors to weigh all offloaded CR Program crab on a state-approved scale.

American Fisheries Act (AFA)

The American Fisheries Act (AFA) established a limited access program for the inshore sector of the BSAI pollock fishery that is based on the formation of fishery cooperatives around each inshore pollock processor. Implementing regulations are found at 50 CFR part 679, Subpart F.

Currently, all AFA cooperatives are required to submit preliminary and final annual written reports on directed pollock fishing activity to the North Pacific Fisheries Management Council (Council). The preliminary AFA cooperative report is due to the Council by December 1 of the year in which the pollock fishing occurred. The final AFA cooperative report is due by February 1 of the following year. With this action, NMFS removes the requirement for a preliminary AFA cooperative report required in §679.61(f), because a single final report from each AFA cooperative provides sufficient information about the fishing activities of the AFA cooperatives participating in the directed pollock fishery. The preliminary report is redundant and unnecessary.

The AFA cooperative annual reports are required to provide information about how the cooperative allocated pollock, other groundfish species, and prohibited species among the vessels in the cooperative; the catch of these species by area for each vessel in the cooperative; information about how the cooperative monitored fishing by its members; and a description of any actions taken by the cooperative to penalize vessels that exceeded the catch and bycatch allocations made to the vessel by the cooperative.

The Council originally recommended both a preliminary and a final annual report because it wanted to have this report available for its December Council meeting, when it adopts annual groundfish harvest specifications for the upcoming fishing year. However, the Council recognized that because the pollock fisheries close on November 1, one month may not be enough time for the AFA cooperative representatives to compile all of the required information. In addition, it was possible to update some of the catch and bycatch data after the end of the year. Therefore, it recommended that NMFS require a preliminary report to provide as much information as was available by December 1 and a final report to update or add any information that became available after December 1.

Since implementation of this requirement, the information in the preliminary report has not been necessary for the Council to develop its recommendations on final groundfish specifications. The final report submittal deadline is changed to April 1. NMFS removes the requirement for a preliminary AFA cooperative report required in §679.61(f). A single final report from each AFA cooperative would provide sufficient information about the fishing activities of the AFA cooperatives participating in the directed pollock fishery.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator of Fisheries (AA) finds good cause to waive prior notice and opportunity for public comment otherwise required by the section.

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by OMB. These collections are presented by OMB Control Number.

OMB No. 0648-0401

Public reporting burden for AFA Cooperative Annual Preliminary Report is estimated to average 28 hours per response; this requirement is removed. Public reporting burden for AFA Annual Report is estimated to average 12 hours per response.

OMB Control Number 0648-0570

Public reporting burden for Catcher/processor Offload Report is estimated to average 20 minutes per response; this requirement is removed.

These public reporting estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information.

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.

This rule relieves restrictions by removing the requirement for AFA cooperatives participating in the directed pollock fishery to prepare and submit a preliminary annual report described in §679.61(f) and removes a requirement for CR crab catcher/processors to weigh all

offloaded crab on a state-approved scale that produces a printed record, as described in 680.23(b)(4) , and report this information at the time of offload to NMFS on a catcher/processor offload report, as described in §680.5(e). Because this rule relieves restrictions, it is not subject to the 30-day delayed effectiveness provision of the APA pursuant to 5 U.S.C. 553(d)(1).

Prior notice and comment and a delayed effectiveness date are contrary to the public interest because the revisions made by this rule remove restrictions for fishermen managed under the groundfish regulations and CR Program regulations. No aspect of this action is controversial.

For these reasons, the AA finds good cause to waive prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) and the 30-day delay in the effective date under 5 U.S.C. 553(d)(3), as such procedures would be contrary to the public interest. Because prior notice and opportunity for public comment are not required for this rule by 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.

The Acting AA for NMFS has determined that this action is consistent with Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

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

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by the Office for Management and Budget (OMB). The collections are listed below by OMB Control Number.

OMB 0648-0401

Public reporting burden per response is estimated to average 8 hours for an AFA preliminary annual report; and 4 hours for an AFA final annual report. The AFA preliminary annual report is removed with this action and the AFA final annual report is replaced with the AFA annual report which is estimated to average 12 hours per response.

OMB 0648-0570

Public reporting burden per response is estimated to average 20 minutes for a catcher/processor crab offload report.

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This collection-of-information is removed with this final rule. Send comments regarding this burden estimate or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and by e-mail to

David.Rostker@omb.eop.gov, or fax to 202-395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to 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.

List of Subjects in 50 CFR Parts 679 and 680

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated:

For the reasons set out in the preamble, 50 CFR parts 679 and 680 are amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 et seq.; 1540(f); 1801 et seq.; 1851 note; 3631 et seq.

2. In § 679.61, revise (f) introductory text, paragraph (f)(1), and paragraph (f)(2) introductory text to read as follows:

§ 679.61 Formation and operation of fishery cooperatives.

* * * * *

(f) * * *

Any fishery cooperative governed by this section must submit a final annual written report on fishing activity to the North Pacific Fishery Management Council, 605 West 14th Avenue, Suite 306, Anchorage, AK 99501. The Council will make copies of each report available to the public upon request.

(1) What is the submission deadline? The cooperative must submit the final report by April 1 of the following year. Annual reports must be postmarked by the submission deadline.

(2) What information must be included? The annual report must contain, at a minimum:

* * * * *

PART 680—SHELLFISH FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

3. The authority citation for part 680 continues to read as follows:

Authority: 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479.

§ 680.5 [Amended]

4. In § 680.5, remove and reserve paragraph (a)(2)(i)(H) and paragraph (e).

5. In § 680.23, revise paragraph (b)(4) to read as follows:

§ 680.23 Equipment and operational requirements.

* * * * *

(b) * * *

(4) Offload all CR crab product processed onboard at a shoreside location in the United States accessible by road or regularly scheduled air service; and

* * * * *

§ 680.23 [Amended]

6. At each of the locations shown in the “Location” column, remove the phrase indicated in the “Remove” column and replace it with the phrase indicated in the “Add” column for the number of times indicated in the “Frequency” column.

Location	Remove	Add	Frequency
§ 680.23(f)(3)(i)	delivery or offload are	delivery are	1
§ 680.23(f)(3)(ii)	CR crab or an offload of CR crab product must	CR crab must	1

PABearden 07 28 09

G:/fmgroup/R&R/crab/AFA and CR Report Removal 01 04 10 fr.fr.doc

R:/region/sf/2010/January/AFA and CR Report Removal 01 04 10 fr.fr.doc

Revised: GAberle 11 02 09

Revised: SSalveson 11 09 09; 12 03 09

Revised: Pbearden 01 04 09