

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 05/27/2011

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

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 03/22/2011

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201103-0648-002
AGENCY ICR TRACKING NUMBER:
TITLE: Atlantic Sea Scallop Fishery Management Plan Data Collection
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0491

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: 05/31/2014

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	278,373	11,688	1,489,055
New	37,626	2,804	775,719
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	-24,384	-1,143	-28,416
Change due to Agency Adjustment	-216,363	-7,741	-684,920
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
VMS: trip declarations, power down codes and polling fees			50 CFR 648.9
Broken trip adjustment and access area trip exchange	NA, NA	Trip exchange request, Broken trip adjustment sheet	50 CFR 648.53
Trip Termination and Compensation Trip Identification			50 CFR 648.9
IFQ Ownership Cap Forms	NA	Vessel ownership form	50 CFR 648.53
RUPH Applications	NA	Application for vessel upgrade, replacement and confirmation of permit history	50 CFR 648.53
VMS Pre-Landing Notification (IFQ, NGOM)			50 CFR 648.53
Quota Transfer Applications - Temporary and Permanent	NA	Request to transfer LACG IFQ Scallop Allocation	50 CFR 648.53
Cost Recovery			50 CFR 648.53
Sector Proposals			50 CFR 648.63
Sector Operation Plans			50 CFR 648.63
VMS Catch Report			50 CFR 648.10

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
NORTHEAST REGION ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN
DATA COLLECTION
OMB CONTROL NO. 0648-0491**

INTRODUCTION:

This Paperwork Reduction Act (PRA) submission requests Office of Management and Budget (OMB) approval of revisions and renewal of the information collection requirements contained pertaining to the Atlantic Sea Scallop Fishery Management Plan (FMP) under OMB Control No. 0648-0491.

A. JUSTIFICATION

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

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States (U.S.). The majority of this responsibility has been delegated to the Councils and the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS).

The collection requirements under OMB Control No. 0648-0491 were renewed and revised in 2008 to include new reporting requirements under Amendment 11 to the FMP (73 FR 20090, April 14, 2008). Amendment 11 implemented new limited access general category (LAGC) permits requiring an application to be submitted. Amendment 11 also allowed vessels to appeal denials of permits, which also added to the collection budget under OMB Control No. 0648-0491. The collection requirements pertaining to these provisions are eliminated from OMB Control No. 0648-0491 because the initial application and appeal requirements are no longer in place.

This collection is also revised to include an adjustment through the reinstatement of a reporting requirement that was inadvertently removed from the OMB Control No. 0648-0491 reporting requirements during a previous renewal. This measure, requiring vessels to report daily scallop and yellowtail flounder catch while fishing in specified scallop access areas, has been part of the FMP since 1999. This revision of OMB Control No. 0648-0491 incorporates a collection burden adjustment and reinstates that reporting requirement.

In addition, the state waters exemption program enrollment covered under OMB Control No. 0648-0202 and is no longer included in this information collection.

To successfully implement and administer components of the FMP, OMB Control No. 0648-0491 includes the following information collections:

Vessel monitoring system (VMS) requirements:

- Trip declaration, including powerdown provisions
 - Trip termination and compensation trip identification
 - VMS purchase and installation
 - VMS daily catch reports
 - VMS pre-land reports
 - VMS polling frequency
1. Access area broken trip notification requirements
 2. Access area trip exchange application procedures
 3. Permit Provisions for LAGC vessels
 4. IFQ Transfers
 5. Cost Recovery
 6. IFQ Sector Program

VMS Requirements

VMS requirements under the FMP apply to all vessels issued a scallop permit and VMS serves as an important enforcement and fishery monitoring tool. The details of the VMS requirements are provided below. Enforcement officials utilize VMS data to monitor vessel activity relative to scallop access areas and fishery closure areas. NMFS monitors vessel activity relative to fleetwide trip allocations and uses information submitted through VMS to monitor catch relative to fishery total allowable catch (TAC). Lastly, vessel owners and operators use VMS as a real-time notification and information transmission to enable more efficient coordination with NMFS for receipt and approval of broken trips. This real-time data transmission enables more efficient management and operation of the scallop fishery.

Trip Declaration and Powerdown

Vessels issued limited access and LAGC IFQ and NGOM permits are required to declare a fishing activity code prior to leaving port. This enables NMFS to monitor a vessel's fishing activity, vessel allocation, catch, and trip information relative to catch and trip limits under the FMP. Owners/operators of LAGC IFQ and NGOM vessels can also turn their VMS units off when the vessel is tied to the dock or mooring to reduce electrical power costs when the vessel is inactive. Prior to turning off the VMS unit, the owner/operator must submit a powerdown declaration through VMS indicating to NMFS that the vessel is inactive. This serves the dual purpose of enabling the vessel owner/operator to make this declaration through an efficient system and enables NMFS to have real-time vessel activity status.

Trip Termination and Compensation Trip Identification

If a limited access vessel's trip is terminated before a vessel retains their possession limit (a so-called broken trip), a vessel owner may request from the Regional Administrator authorization to take an additional trip (a compensation trip) to retain the remainder of the possession limit. To do so, vessels are required to submit the VMS trip termination form prior to leaving the access

area and submit a compensation trip ID VMS form upon departing on the compensation trip. The VMS trip termination form requires the vessel operator to provide estimated scallop meat weight onboard, estimated landing time and the reason the vessel “broke” the trip. The compensation trip ID is entered into the compensation trip ID VMS form prior to departing on the compensation trip. The costs of these forms are estimated to be minimal, and be outweighed by the benefits of the broken trip program.

VMS Purchase and Installation

Under Amendment 11, VMS reporting requirements were extended to all LAGC scallop vessels. Vessels that apply and qualify for a general category scallop permit would be required to purchase, install, and maintain a VMS on their vessel. VMS reporting requirements would be identical to 1B VMS reporting requirements (OMB Control No. 0648-0491); including trip declaration, powerdown, and polling frequency requirements. This VMS requirement has been implemented to improve scallop regulation enforcement and oversight of the above permit restrictions and requirements.

VMS Catch Reports

The owner or operator must submit reports through the VMS for each day fished when declared in the Sea Scallop Area Access Program, including trips accompanied by a NMFS-approved observer. The reports must be submitted in 24-hour intervals, for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day and must include:

- Total pounds of scallop meats kept,
- Total number of tows,
- The Fishing Vessel Trip Report log page number,
- Total pounds of yellowtail flounder kept and
- Total pounds of yellowtail flounder discarded.

Submission of this information on a daily basis is needed for monitoring yellowtail flounder catch relative to scallop catch. Yellowtail flounder catch in the scallop access areas is limited by a TAC and NMFS must close the applicable access area when the yellowtail flounder TAC is harvested.

VMS Pre-land Reports

The FMP requires individual fishing quota (IFQ) and Northern Gulf of Maine (NGOM) vessels to submit a VMS pre-landing notification form prior to crossing the demarcation line on their return to port that would provide scallop hail weight, estimated time and port of landing. Data from the VMS pre-landing notification form submitted by IFQ vessels is used to enforce and oversee individual fishing quotas, alert enforcement personnel approximately when, where and how much a vessel should have onboard, and enforce the 400 lb IFQ possession limit. Data from the VMS pre-landing notification form submitted by NGOM vessels is used to monitor the

Northern Gulf of Maine Management Area TAC quota and to enforce the 200 lb Northern Gulf of Maine Management Area possession limit.

VMS Polling Frequency

The twice per hour polling frequency is applied to all vessels issued a scallop permit. This polling frequency enhances the monitoring capability to catch violators fishing in the closed areas. Since the average polling increased from 30 minutes to 1 hour, there is a 50% chance of detecting entries into the closed areas of more than 15 minutes. This requirement applies to the Occasional and LAGC scallop vessels only, as Full-time and Part-time vessels have been accounted for in OMB Control No. 0648-0202.

Broken Trip Adjustment Sheet

A vessel owner must submit a broken trip adjustment sheet upon returning to port. The broken trip adjustment sheet requires the vessel owner's name, vessel name, permit number, United States Coast Guard (USCG) documentation number, vessel operator name, date and time of incident, date of VMS notification, pounds of scallops landed, access area fished, nature of the incident, trip departure date, landing date, and signature.

Access Area Trip Exchange Application

The one-for-one access area trip exchange program provides flexibility to scallop vessels regarding where they may fish. Participants need to send an access area trip exchange application to NMFS with the following information: vessel name and permit number, owner name and signature, specification of the areas involved in the exchange. Both vessels involved in the exchange are required to submit forms for cross-verification. This provision of flexibility to vessels regarding which areas to fish is expected to decrease the possibility of revenue loss to those vessels that are unable to access some distant areas due to vessel capacity constraints. Although there will be some transaction costs associated with the exchange of access area trips, the net result will likely be a reduction in overall costs of fishing. Administrative and enforcement costs associated with the exchange of controlled access trip authorizations are modest when compared with the potential improvement in controlled access allocation programs and reduced economic cost to industry.

Permit Provisions for Limited Access General Category (LAGC) Permits

Amendment 11 implemented a limited access permit program in 2008 for general category scallop vessels with the creation of 3 LAGC scallop permit categories: IFQ, Incidental Catch (IC), and NGOM. As with all of the Northeast Regional Office's (NERO's) limited access permit programs, if a vessel owner wants to move their permit to a new vessel or retain their permit eligibility through a confirmation of permit history (CPH), they must complete a replacement, upgrade, permit history (RUPH) application. This requirement is necessary to allow vessel owners to transfer the vessel's eligibility to a new vessel or retain the eligibility in CPH if the vessel has been destroyed or sold.

To maintain the historical character of the general category fishery, there is a restriction on the amount of quota a given vessel owner can have. Specifically, vessel owners cannot own more than 5% of the general category IFQ Total Allowable Catch (TAC). Consequently, IFQ permit holders are required to submit an ownership form with their permit renewal each year documenting all of the IFQ vessels in which they have an ownership interest. The ownership form is necessary to effectively administer the ownership cap.

IFQ Transfers

IFQ permit holders can temporarily and/or permanently transfer individual fishing quota from one IFQ vessel to another. Quota transfers are requested through the submission of transfer applications. Required information includes vessel information, quota transfer information, and authorizing signatures from both parties. The IFQ transfer program is entirely optional, and provides greater flexibility for IFQ permit holders by enabling them to increase their vessel's IFQ or for individuals to lease or sell IFQ if they choose not to fish the allocation.

Cost Recovery

Section 304(d)(2) of the Magnuson-Stevens Act (MSA) requires an IFQ cost recovery plan to recover management and enforcement costs for IFQ fisheries. The FMP includes an IFQ cost recovery program, whereby NMFS will collect up to 3% of ex-vessel value of landed product to cover actual costs directly related to enforcement and management of the IFQ program. IFQ permit holders are required to submit a cost recovery payment annually via a pre-existing Federal payment system called www.pay.gov, which is also currently used by the Alaska Region and the Southeast Region. Information submitted via the internet will require the user to establish an online account, including personal and financial information. This requirement is necessary in order to comply with the provisions of the MSA and to collect payments from individuals that have been granted an allocation to a public resource.

IFQ Sector Program

The FMP contains provisions that authorize allocation of a portion of the overall IFQ fishery TAC to a self-selected group of IFQ permit holders (sector), provided the sector provides adequate information describing the formation of the sector and its intended plan of operations. Individuals or other entities (corporations, cooperatives, etc.) proposing a sector are required to submit documents as described below.

Sector Allocation Proposal

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council, at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55.

This document specifies the proposed maximum amount of TAC to be allocated to sector participants and the sector's proposed rules describing movement of vessels among sectors or to the common pool of vessels managed under the FMP. This document is required to include an

appropriate analysis that assesses the impacts of the proposed sector, in compliance with the National Environmental Policy Act (NEPA).

Operations Plan

A group that wants to form a sector and receive an allocation is required to submit a legally binding operations plan to the Council and the Regional Administrator. The operations plan must be agreed upon and signed by all members of the sector and, if approved, would constitute a contract.

This document provides a list of all participants involved with the sector; a contract signed by all proposed participants; historic information on the catch history, TAC associated with the proposed sector; detailed information regarding potential redistribution of TAC within the sector, if applicable; a plan and analysis of specific management rules for sector participants, including plans for the enforcement of sector rules and the monitoring of landings and discards; and procedures for the removal of participants from the sector. This document is required to include a supplementary NEPA analysis that would include a revised assessment of the impacts of the proposed sector based upon changes that may have occurred since the submission of the sector allocation proposal mentioned above.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. NMFS may consult with the Council and would solicit public comment on the operations plan for at least 15 days, through proposed rulemaking in the Federal Register. Upon review of the public comments, the Regional Administrator may approve or disapprove sector operations, through a final determination pursuant to the Administrative Procedure Act.

This information is necessary to describe the proposed sector and the proposed rules under which the sector would operate. This information is used to determine whether this sector would maintain consistency with the goals and objectives of the FMP.

2. Explain how, by whom, how frequently, and for what purpose the information would be used. If the information collected would be disseminated to the public or used to support information that would be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Several offices of NMFS, the USCG and the Fishery Management Councils will utilize the information. The number of responses for each requirement is provided in Part A, Question 12 and Table 1 in this document. Data collected through these programs will be incorporated into the NMFS database and are used to track and confirm vessel permit status and eligibility, and IFQ status. Vessel replacements, CPH applications, and IFQ transfer requests are expected to be submitted regularly throughout the year. VMS submissions are submitted daily throughout the year depending on vessel activity. Sector applications and operations plans are submitted once per year. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals.

As explained above, 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 to Question 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.

Permit requirements

RUPH and CPH applications are available on the Northeast Regional Office's Web site at www.nero.noaa.gov. Posting this information on the Web makes it easier for the general public to obtain necessary forms and instructions, and eases the administrative burden on the agency. However, submission of paper forms is necessary for recordkeeping and for verification of original signature of the applicant or agent.

VMS Requirements

VMS reporting requirements are done through electronic transmissions of codes and information. VMS form items are collected and housed in databases automatically, minimizing data entry by the vessel operator. Vessel owners may also download broken trip adjustment sheets and access area trip exchange applications from the Regional Office Web site and may submit these forms via FAX. VMS position data is collected via automated polling. The VMS catch report and pre-landing notification form are available electronically through the vessel's VMS unit. These VMS forms are submitted electronically from the vessel.

IFQ Transfers

IFQ transfer applications are available via NERO's Web site, www.nero.noaa.gov. Applications may be emailed to NERO's IFQ transfer email address.

Cost Recovery

Vessel owners will submit payment via the secure internet site: www.pay.gov.

NMFS collects all other information from vessel owners and/or operators through completed forms that can be sent by mail, fax, or scanned and emailed.

4. Describe efforts to identify duplication.

The reporting requirements under OMB Control No. 0648-0491 do not duplicate any other reporting requirements.

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

The proposed collection of information would not have a significant impact on small entities. Only the minimum data to meet the requirements of the above data needs are requested from all participants. Furthermore, detailed instructions are included with all required applications and forms to help facilitate proper completion. Since all of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

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

To monitor compliance with access area trip allocations for occasional vessels and the general category fleet, VMS transmissions are required. This data is collected at a rate deemed necessary to ensure scallop fleet activities comply with FMP requirements. The twice per hour polling frequency enhances monitoring capability to catch violators fishing in closed areas.

The broken trip and trip exchange programs promote industry cost effectiveness and flexibility. Without the broken trip and trip exchange program collections, these programs could not be administered. Without proper administration and oversight, these programs could not function, and industry would lose these beneficial programs.

The LAGC permit provisions under OMB Control No. 0648-0491 are necessary to ensure consistent permit application procedures and to promote effective management of the scallop fishery. The RUPH applications are consistent with all other NERO limited access fisheries, and provide vessel owners flexibility to move and maintain their eligibility for the general category scallop fishery as they change vessels.

VMS polling and reporting requirements are critical in the enforcement of scallop regulations and the oversight of individual fishing quotas, the Northern Gulf of Maine Management Area TAC, and access area trip quotas. Without these requirements, it would be extremely difficult to enforce spatial and temporal restrictions in addition to other regulatory requirements, and impossible to effectively manage access area trip limits and the Northern Gulf of Maine Management Area TAC.

IFQ transfer applications are needed to implement a transfer program. Without these applications, industry would not be afforded the benefit of the transfer program.

The cost recovery requirements are critical to administer the cost recovery program and collect payment from IFQ permit holders. The minimum amount of information would be collected to effectively administer this program.

Without sector application, analysis, and reporting requirements, NMFS could not successfully implement a sector program.

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

Vessel applicants would be required to submit RUPH applications for each such action. It is possible that an applicant may perform a replacement or CPH more often than quarterly. Vessels would be required to submit a VMS trip declaration and pre-landing notification report each fishing trip. Consequently, individuals may be required to submit a trip identification code more often than quarterly. Similarly, broken scallop access area trips requiring the submission of a broken trip request form are not predictable and occur frequently throughout the year. IFQ vessel owners may transfer quota, and limited access vessel owners may exchange access area trips more frequently than quarterly, but this collection is completely voluntary and to the benefit of the fishing industry. A vessel owner may submit more than one transfer application quarterly. Each time a vessel enrolls in the state waters exemption program, they would be required to submit the appropriate VMS code and enrollment form. They are allowed to enroll in this program more often than quarterly.

8. Provide information on 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 published on September 10, 2010 (75 FR 55304) solicited comments. No comments were received.

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

No payment or gift would be made to respondents.

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

Most information is kept confidential as required by Section 402(b) of the Magnuson-Stevens Act, would be maintained in accordance with [NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics](#), and would not be transferred for public use except in aggregate statistical form (and without identifying the source of data, i.e. vessel name, owner, etc.). However, RUPH form states that that specific information is not kept confidential and will be posted on the applicable Web site.

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.

There are no questions of a sensitive nature.

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

A full summary of the burden to the public associated with this collection of information can be found in Table 1.

OMB Control No. 0648-0491 has been updated in this renewal to reflect more recent information. There are currently 347 vessels with limited access scallop permits, 362 vessels with LAGC IFQ permits, 127 vessels with LAGC NGOM permits, and 294 vessels with LAGC IC permits. However, these numbers do not represent the number of responses because not all vessels fish for scallops. **NMFS estimates that 320 limited access vessels, 200 LAGC IFQ, and 100 LAGC NGOM vessels will fish for scallops each fishing year – a total of 620 respondents.** LAGC IC vessels will operate only under other fisheries that have reporting requirements under those other fishery FMPs. Exception to the 620 respondents: for VMS polling, all 783 LAGC vessels are counted as respondents, regardless of whether they are fishing for scallops, as the charges are still incurred (limited access permitted vessels' polling charges are counted under OMB Control No. 0648-0202).

Table 1 summarizes the time burden of these reporting requirements. This analysis assumes a labor cost of \$15/hour.

Trip Declaration, Including Powerdown

Vessels must submit a trip declaration code each time they sail.

The 320 limited access vessels will take on average a total of 2,000 trips (estimated 20,000 days allocated per year / 10 days per trip), for a total of 2,000 trip declarations. At 2 minutes per response, the total time burden for the limited access fleet is estimated to be 67 hr (4,000 min/60).

It will take 7,500 IFQ trips to harvest the total allowable catch (approximately 3 million lb annually (3 mlb/400 lb per trip)) for the IFQ fleet and 350 NGOM trips to harvest the 70,000 lb annual NGOM TAC (70,000 lb/200 lb per trip), for a total of 7,850 LAGC trips per year. LAGC vessels may send a power down code at the conclusion of each trip, generating an additional 7,850 declarations.

Therefore, the total trip declaration and power down time burden for the LAGC fleet is estimated to be 523 hours (2 minutes x 7,850 declaration codes) + (2 minutes x 7,850 power down codes) = 31,404/ 60 = 523 hours).

The total time burden for 17,700 declarations is estimated to be **590 hr**. At an hourly rate of \$15, the annualized time burden would be **\$8,850**.

Trip Termination and Compensation Trip Identification

The average number of broken trips per year is estimated to be 300 based on prior years. Average response time to complete and submit the VMS trip termination form is estimated to be two minutes, for a total burden of 10 hours ($300 \times 2 \text{ minutes} = 600/60 = 10 \text{ hours}$). Average response time to complete the VMS compensation trip ID form is estimated to be two minutes, for a total burden of 10 hours ($300 \times 2 \text{ minutes} = 600/60 = 10 \text{ hours}$). For all of the entities to complete all of these requirements, the estimated total time burden is **20 hr** ($10 + 10$). At an hourly rate of \$15, the annualized time burden would be **\$300**.

VMS Purchase and Installation

Vessel owners with a limited access or LAGC permit on their vessel have already purchased and installed VMS systems in order to comply with the VMS requirement in the regulations implementing the FMP. Therefore, only those vessel owners that replace a limited access or LAGC permit that is in confirmation of permit history would need to purchase and install a VMS unit. An estimated 10 vessels per year would purchase and install VMS units. However, approved hours for additional VMS purchase and installation in OMB Control No. 0648-0202 more than adequately cover these estimated 10 VMS units.

VMS Daily Catch Reports

Annual transmission of data from all vessels fishing in access areas, based on 10,000 total access area fishing days per season and response time of 2 minutes per response, is estimated to be **333 hr** ($(10,000 \text{ days} \times 2 \text{ min})/60$). At an hourly rate of \$15, the annualized time burden would be **\$4,995**.

VMS Prelanding Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. It is estimated that it would take 5 minutes per each of the 7,850 reports, for an annual pre-landing notification time burden of **654 hr** ($7,850 \times 5 \text{ minutes}/60 \text{ minutes}$). At an hourly rate of \$15, this burden would be **\$9,810**.

VMS Polling Frequency

There are 347 limited access scallop vessels and 783 LAGC scallop vessels subject to the half-hour VMS polling frequency. However, only the polling frequency for LAGC vessels is covered under the 0648-0491 collection because the limited access vessels are covered under OMB Control No. 0648-0202. Since the transmission of position polling is automated through the vessel's VMS, there is no associated time burden with this reporting requirement.

Access Area Broken Trip Adjustment Sheet

The average number of broken trips per year is estimated to be 300, based on prior years. Average time to complete the broken trip adjustment sheet is estimated to be 10 minutes, for a total burden of **50 hr** (10/60 x 300). At an hourly rate of \$15, the annualized time burden would be **\$750**.

Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges, based on prior years. Since each exchange involves two vessels, the number of entities affected is estimated to be 180. Average response time to complete the trip exchange application has been estimated to be 15 minutes, for a total burden of **45 hr** (15/60 x 180). At an hourly rate of \$15, the annualized time burden would be **\$675**.

Permit Provisions for LAGC Vessels

To implement the 5% IFQ ownership cap, vessel owners would be required to submit an ownership form with each permit renewal (permit renewals are part of the Northeast Permit Family of Forms, OMB Control No. 0648-0202). There are 322 IFQ permits subject to the ownership cap, and it would take an estimated 5 minutes to complete each ownership form; therefore, the annual reporting burden would be **27 hr** (322 x 5 minutes/60 minutes). At an hourly rate of \$15, the annualized time burden would be **\$405**.

RUPH Applications

LAGC scallop vessels are subject to the same replacement and permit history restrictions as other NERO limited access fisheries. Completion of an RUPH application requires an estimated 3 hours per response. It is estimated that no more than 50 RUPH applications would be received annually. The resultant burden would be **150 hr** (3 x 50). At an hourly rate of \$15 / hour, the total public cost burden for RUPH applications would be **\$2,250** per year.

IFQ Transfers

Quota temporary transfers and permanent transfers apply to IFQ vessels only. In 2010 (the first year in which IFQ could be transferred) there were 184 transfers through December 2010. A total of 200 leases could be expected for the full year (the scallop fishing year runs from March 1 through February 28). Each application would include information from both parties involved in the temporary transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per temporary quota transfer application. Therefore, the estimated temporary transfer burden would be **33 hours** (200 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for temporary quota transfer applications would be **\$495**.

In the 2010 fishing year, there were 3 permanent IFQ transfer requests. Assuming this provision is utilized more after the first year of the IFQ program, there would be approximately 10

permanent quota transfers per year. Each application would include information from both parties involved in the transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per permanent transfer application. Therefore, the estimated permanent quota transfer burden would be **2 hours** (10 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for permanent quota transfer applications would be **\$30**.

Cost Recovery

NERO will be implementing the first cost recovery program for this fishery in 2011, so there are no current NERO data for use in estimating the burden associated with submitting a cost recovery payment. Using the burden per response used by the Alaska Region's Alaska Individual Fishing Quota Cost-Recovery Program Requirements (OMB Control No. 0648-0398) as a proxy for the scallop IFQ program, NMFS estimates that it would take 2 hours per response. The owner of each IFQ vessel that lands scallops is required to submit a cost recovery payment once annually. After taking IFQ transfers into account, 200 of the 349 IFQ vessels are expected to land scallops. Therefore, 200 payments would take **400 hours**. At an hourly rate of \$15 / hour, the total public cost burden for cost recovery would be **\$6,000**.

IFQ Sector Program

One sector proposal was received in 2008 but was withdrawn. NERO estimates that there would be 2 sector proposals annually. The earliest the sectors proposed in the 2011 year could be implemented would be the 2012 fishing year. Therefore, these sectors would be required to submit operation plans for the 2013 fishing year.

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55. Based upon consultations with the Northeast multispecies sector program, it is estimated it would take 150 hours to prepare and submit a sector proposal. Therefore, the annualized time burden for sector proposals would be **300 hours** per year (2 x 150). At an hourly rate of \$15 / hour, the total public cost burden for sector proposals would be **\$4,500**.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. Based upon consultations with the Northeast multispecies sector program, each operations plan takes approximately 100 hours. Therefore, it is estimated it would take **200 hours** to submit 2 operation plans. At an hourly rate of \$15/ hour, the annual time burden cost would be approximately **\$3,000**.

Total annual time burden and labor cost to respondents are 2,804 hr and \$42,060.00, respectively (see Table 1).

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 Question 12 above).

A full summary of the cost to the public associated with this collection of information can be found in Table 1.

Trip Declaration, Including Powerdown

It is estimated that each trip declaration costs \$0.79 to transmit; therefore, total transmission costs for limited access scallop vessels will be \$1,580 (2,000 x \$0.79) and for LAGC vessels, will be \$6,201.50 (7,850 x \$0.79). In addition, each powerdown transmission will cost \$0.79, for a total of \$6,201.50 (7,850 x \$0.79). The total cost for transmitting trip declarations is **\$13,983** (\$6,201.50 + \$6,201.50 + \$1,580.00).

Trip Termination and Compensation Trip Identification

Recordkeeping and reporting costs to respondents resulting from the VMS trip termination and compensation trip identification include transmitting the VMS trip termination form and transmitting the compensation trip ID form. It is estimated that each VMS form costs \$0.79 to transmit; therefore total transmission costs for both the VMS trip termination form and compensation trip ID form are **\$474** (2 x 300 x 0.79).

VMS Purchase and Installation

Costs are covered under OMB Control No. 0638-0202.

VMS Daily Catch Reports

Cost to respondents based on the number of messages (10,000) and \$0.79 fixed rate per VMS e-mail message (Boatracs), is **\$7,900** (10,000 x \$0.79).

VMS Preland Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. Cost to respondents based on 7,850 messages and \$0.79 fixed rate per VMS e-mail message (Boatracs), is **\$6,201.50 (\$6,202)** (7,850 x \$0.79).

VMS Polling Frequency

Annual dues paid by VMS users are determined by polling frequency. There are 783 LAGC vessels subject to this requirement. The annual average cost of operating a VMS at a polling rate of once every half hour is \$953.70. The total annual cost to scallop vessels is **\$746,747.10 (\$746,747)** (783 x \$953.70).

Access Area Broken Trip Adjustment Sheet

Recordkeeping and reporting costs to respondents resulting from the broken trip program includes submitting a broken trip adjustment sheet, and printing and stationary costs. Each broken trip adjustment sheet costs \$0.44 to mail, therefore total mailing costs are \$132.00 (0.44×300). An additional \$10 has been included to cover printing and stationary costs. The total annual cost for this requirement is **\$142**.

Access Area Trip Exchange

Additional costs to respondents resulting from the trip exchange program include application mailing costs, and printing and stationary costs. NMFS expects 90 applications to be submitted for trip exchanges. Each application costs \$0.44 to mail; therefore, total mailing costs are \$39.60 ($90 \times 0.44 = \39.60). An additional \$10 has been included to cover printing and stationary costs. Therefore, total costs are **\$49.60 (\$50)**.

Permit Provisions for LAGC Vessels

The IFQ ownership form must be submitted with either an initial or renewal permit application, which is covered under OMB Control No. 0648-0202. Therefore, there are no additional costs associated with this collection.

RUPH Applications

It is estimated that it would cost approximately \$1 in mail fees and \$1 in copy fees to submit an RUPH application. Therefore, it is estimated that 100 RUPH applications submitted annually would cost **\$100** to print and mail ($\$2 \times 100$).

IFQ Transfers

It is estimated that IFQ transfer submission would cost \$0.44 postage and \$0.10 copy fees per transfer application (\$0.54 total). Electronic submissions have no associated cost since the cost of the transmission is included in overall internet service fees, but almost all transfers are submitted via mail. Since NMFS anticipates approximately 210 transfers per year (200 temporary transfers, 10 permanent transfers) the resultant annual cost burden would be **\$113.40 (\$113)** ($210 \times \$0.54$).

Cost Recovery

PRA collection cost does not include the actual cost recovery funds submitted by industry; only the costs associated with the submission of these funds. Since cost recovery would be collected only via the internet, there is no cost burden associated with this cost recovery program.

IFQ Sector Program

The submission of sector allocation proposals and plans of operations would incur costs from copying and postage of these documents. Costs are for one proposal and one operation plan annually for each sector proposal. Based upon Northeast multispecies sector program estimates as documented in OMB Collection No. 0648-0489, it would cost \$1.00 for one copy of each 10-page document (\$2.00 total), and two \$0.44 stamps for each document. The total cost burden for each sector proposal and operation plan is estimated to cost \$3.76 (\$2.00 + (2x \$0.88)). Therefore, the annual cost for 2 sector proposals and 2 operation plans would be **\$7.52 (\$8)** (2 x \$3.76).

Total annual cost excluding time burden to respondents is \$775,719.

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

The following summarizes the costs to the Federal government, based on an hourly wage rate of \$25. There are no other costs to the Federal government other than the time burden associated with processing and reviewing submitted information and approving and implementing resulting actions (see Table 1).

Trip Declaration, Including Powerdown

There is no cost to the Federal Government for processing trip declarations and powerdown codes.

Trip Termination and Compensation Trip Identification

NMFS would require 1 minute of staff time per trip termination and 1 minute of staff time per compensation trip identification submitted through VMS, for a total of 10 hrs annually (600 *(2/60)). The total cost to the Federal Government is estimated to be **\$250** (10 hr * \$25/hr).

VMS Purchase and Installation

There is no cost to the Federal Government for VMS Purchase and Installation.

VMS Daily Catch Reports

There is no cost to the Federal Government for processing VMS daily catch reports.

VMS Preland Reports

There is no cost to the Federal Government for processing VMS preland reports.

VMS Polling Frequency

There is no cost to the Federal Government for the VMS polling frequency.

Access Area Broken Trip Adjustment Sheet

The average number of broken trips per year is estimated to be 300 based on prior years. Average time for NMFS to review and process the broken trip adjustment sheet is estimated to be 30 minutes, for a total burden of 150 hours ($30/60 * 300$). Cost to the Federal Government would be **\$3,750** ($150 \times \25).

Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges based on prior years. Average time for NMFS to review and process a trip exchange application has been estimated to be 15 minutes, for a total burden of 45 hours ($15/60 \times 90$). Cost to the Federal Government would be **\$1,125** ($45 \times \25).

Permit Provisions for LAGC Vessels

It takes approximately 10 minutes to process each ownership cap form. Since there are 322 vessels subject to the ownership cap requirement, the annual government burden would be 54 hr ($10/60 \times 322$). The cost to the Federal Government would therefore be **\$1,350** ($54 \times \25).

RUPH Applications

It would take NMFS staff one hour to review each RUPH application, with an estimated 50 RUPH applications submitted annually (for LAGC permits only). The total government time burden would be 50 hr. At a rate of \$25 per hour, the cost to the Federal Government is estimated to be **\$1,250** ($50 \times \25).

IFQ Transfers

It is estimated that it would take 15 minutes for NMFS to process each transfer request and 210 requests (temporary and permanent) are expected annually for a total of 53 hr of government time ($15/60 * 210$). Therefore, the annual government cost would be **\$1,325** ($53 * \25).

Cost Recovery

Cost recovery payments would be collected through www.pay.gov, an established government payment collection program. Since the program has been established to accept payment from www.pay.gov, there would be no additional cost to the government since the scallop cost recovery program would be completely automated.

IFQ Sector Program

Based upon Northeast multispecies sector program estimates, sector proposals and operation plans require extensive review by the Council and NMFS staff to ensure that proposals and operation plans meet the objectives of the FMP. It is estimated that each proposal and operation

plan requires approximately 150 hours to review, process and implement. The annual cost to the government would be of **\$7,500** (300 x \$25).

Total annual cost to the Federal government is \$16,550 (see Table 1).

15. Explain the reasons for any program changes or adjustments.

This revision accounts for several adjustments, including a re-evaluation of the number of respondents and the number of responses per requirement. In addition, the state waters exemption program enrollment is covered under OMB Control No. 0648-0202 and is no longer included in this information collection.

Program changes: Provisions pertaining to the initial application and appeal process for LAGC vessels have been eliminated and the VMS catch reporting requirement has been added back into the collection requirements after its omission from the prior renewal.

Together, these changes have resulted in a net decrease in the burden of 8,884 hours and costs of \$713,336.

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

The results from this collection may be used in scientific, management, technical or general information publications such as the Fisheries of the United States, which follows prescribed statistical tabulations and summary table format, and the annual Stock Assessment and Fishery Evaluation (SAFE) Report prepared by the NEFMC for the scallop fishery. Data obtained from this collection would be available to the public upon request in summary form only. Furthermore, data are available to NMFS employees in detailed form on a need-to-know basis only.

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.

Except for VMS forms, all forms would display the OMB Control Number and expiration date along with information relevant to the Paperwork Reduction Act of 1995. The VMS forms would not display this information because these forms are in electronic media format only. There is limited space in this format to provide the expiration date. One of the approved VMS vendors (Boatracs, Inc) has a limit of 50 lines of text per macro or VMS form, and is also limited to a total of 600 lines of text for all macros. As VMS requirements become more complex with changing Northeast regulations, the macros are approaching these limits. Including the PRA text would negatively impact NMFS' ability to expand the macros within the current limits to comply with regulatory changes. NMFS will continue to display the OMB Control Number for VMS reporting requirements on Small Entity Compliance Guides (i.e., permit holder letters) that describe and explain the VMS reporting requirements.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures.

TABLE 1

Reporting Requirement	# Items	Responses per item	Total responses	Burden hours	Wages and salaries	Recordkeeping/reporting costs	Cost to Government
IFQ Ownership Cap Forms	322	1	322	27	\$405	\$0	\$1,350
RUPH applications	50	1	50	150	\$2,250	\$100	\$1,250
VMS Purchase and Installation*	0	0	0	0	\$0	\$0	\$0
VMS polling	783	1	0	0	\$0	\$746,747	\$0
Trip Declaration and Power down	5,917	1	17,700	590	\$8,850	\$13,983	\$0
Trip Termination and Compensation Trip Declaration	300	2	600	20	\$300	\$474	\$250
VMS Catch Report	10,000	1	10,000	333	\$4,995	\$7,900	\$0
VMS Pre-Landing Notification Form (IFQ, NGOM)	7,850	1	7,850	654	\$9,810	\$6,202	\$0
Broken Trip Sheet	300	1	300	50	\$750	\$142	\$3,750
Trip Exchange Request	90	2	180	45	\$675	\$50	\$1,125
Quota Transfer Applications (temporary and permanent)	210	2	420	35	\$525	\$113	\$1,325
Cost Recovery	200	1	200	400	\$6,000	\$0	
Sector Proposals and Operation Plans	2	1	4	500	\$7,500	\$8	\$7,500
TOTAL	-	-	37,626	2,804	\$42,060	\$775,719	\$16,550

*As noted in Part A, Questions 12 and 13, burden hours and costs are covered under OMB Control No 0648-0202.



Broken Trip Adjustment Sheet

SUBMIT TO:

NATIONAL MARINE FISHERIES SERVICE
SUSTAINABLE FISHERIES DIVISION
55 GREAT REPUBLIC DRIVE, GLOUCRSTER, MA 01930
FAX: (978) 281-9135

Information:

Owner name/corporation:

Vessel name:

Permit #:

USCG doc/State reg #:

Vessel operator:

Reason for broken trip:

Date VMS Broken Trip Notification Form sent to NMFS:

Pounds of scallops landed:

Access Area fished:

Broken trip departure date:

Broken Trip landing date:

Vessel owner signature: _____ Date: _____

This form is required under 50 CFR § 648.60 to monitor the days-at-sea allocation and usage for limited access scallop permit holders. Signature of this form certifies that permit holder requirements specified in 50 CFR § 648.60, and that the information provided on this form is true, complete and correct to the best of their knowledge, and made in good faith (18 U.S.C. 1001). Making false statement on this form is punishable by law.

Notwithstanding any 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.

Public Reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden to NMFS, 55 Great Republic Drive, Gloucester, MA 01930; and to OMB, Paperwork Reduction project, Washington, DC 20509.

*OMB Control No. 0648-0491
Expiration Date: 03/31/2011*



Vessel Ownership Form

- Completion of this form is required with each application for a Northeast Federal fishing permit.
- List all persons and entities who have an ownership interest in the vessel that is the subject of this application.
- Owners or persons who have an ownership interest in a vessel are defined as and include, but are not limited to, corporations, partnerships, LLCs, persons who are shareholders in a corporation, persons who have formed a partnership (general or limited), and any other entities that have ownership interest in the vessel.

Section A – Vessel applying for permit

Vessel Name:	Permit or Hull Number:
--------------	------------------------

Section B - All persons and entities that have an ownership interest in the vessel must be listed below. Do not include employees of the business unless they are an owner of the vessel or company.

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix Name
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix Name
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix Name
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named in *Section A* above. I affirm, subject to the penalties provided in 18 U.S.C. 1001, that all information that I have given in obtaining this permit is true and correct.
 OMB# 0648-0202 Expires 04/30/2013

Name of Applicant (print clearly) _____

Signature of Applicant _____ Date _____

Please use the back of this form to provide information on all persons with an ownership interest in the vessel.

Page 2 - Section B Continued - All persons and entities that have an ownership interest in the vessel must be listed below. Do not include employees of the business unless they are an owner of the vessel or company.

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix Name
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix Name
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix Name
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix Name
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix Name
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named in *Section A* above. I affirm, subject to the penalties provided in 18 U.S.C. 1001, that all information that I have given in obtaining this permit is true and correct.

OMB# 0648-0202 Expires 04/30/2013

Name of Applicant (print clearly) _____

Signature of Applicant _____ Date _____

Please copy this form as needed to provide information on all persons with an ownership interest in the vessel in Section A.



US Department of Commerce
NOAA/National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276

Application for Vessel Replacement, Upgrade, and Confirmation of Permit History

Instructions

You can use this application to request a vessel replacement, a vessel upgrade, or a confirmation of permit history. Each of these actions is defined below. Please read this carefully and check the action(s) for which you are applying. You may apply for more than one action on this application.

Which of the following actions are being requested?

- Vessel replacement. **(Section A)** This is a replacement of one vessel by another vessel and the transfer of fishing histories and limited access permit eligibility from the old vessel to the new vessel. **Please read the vessel replacement information on page two of the instructions prior to completing Section A.**
- Vessel Upgrade. **(Section B)** This is an increase in the vessel's length, tonnage, or horsepower as the result of alterations made to the vessel. **Note:** There are no upgrade restrictions for vessels that hold **only** limited access lobster, handgear permits, and/or limited access general category (LAGC) scallop permits.
- Confirmation of Permit History. **(Section C)** A confirmation of permit history is required when a vessel that has been issued a limited access permit has sunk, been destroyed, or been sold to another person without its permit history and a new vessel has not been purchased. **Possession of a confirmation of permit history will allow the applicant to maintain permit eligibility without owning a vessel. An application for a confirmation of permit history must be received by the Regional Administrator no later than 30 days prior to the end of the first full fishing year in which a vessel's permit cannot be issued.**

Unless otherwise stated, the word "permit" means a limited access or moratorium permit.

You must complete and sign page 3, "General Information" or your application will be returned. After completing page 3, also complete the appropriate section applicable to your request. You must send all of the required verifying documents or your application will not be processed. You will also need to submit an Initial Vessel Application for the replacement vessel.

Supplemental Information for Vessel Replacements and Upgrades

Vessel Baseline Specifications and Allowed Upgrades

For all vessels with limited access permits (except lobster, handgear, and/or LAGC scallop), the vessel size and engine horsepower may only be increased once, either through upgrade or replacement. A **10%** increase in length overall, gross registered tonnage, and net tonnage, and a **20%** increase in engine horsepower are allowed. Vessel size and engine horsepower upgrades may be done separately. Any increase in vessel size, including length overall, gross registered tonnage and net tonnage must be done at the same time. Note: If your vessel has **only** a lobster limited access, handgear limited access, and/or LAGC scallop permit, there are no size restrictions on the replacement vessel; however, if you have either of those permits and another limited access permit, the replacement vessel is subject to the above restrictions.

A limited access permit cannot be “split” from another limited access permit. This means if two or more limited access permits are on one boat they may not be divided and put on two boats. Please call 978-281-9315 for additional explanation if you have any questions about this restriction.

To determine whether your new vessel (or upgraded vessel) may be issued a limited access permit, the size of the new vessel is compared to the “vessel baseline.” A vessel baseline is the vessel’s length overall, gross registered tonnage, net tonnage, and engine horsepower as of:

- A. The date the vessel which was initially issued an Atlantic herring, a multispecies, or a scallop permit applied for that permit; or
- B. March 22, 1999, for the following limited access permits: Black sea bass, *Loligo* squid/butterfish, *Illex* squid, scup, summer flounder, and Maine mahogany quahog.
- C. The effective date of the permit for subsequent limited access fisheries (e.g., monkfish, tilefish, etc.).

If you have both a multispecies or limited access scallop permit **and** any one of the following permits: Atlantic herring, Black sea bass, *Loligo* squid, *Illex* squid, scup, summer flounder, monkfish, tilefish, or Maine mahogany quahog, you may have multiple baselines. The statement of accuracy, on pages 3 and 4 of this package, is needed to verify the vessels’ specifications.

Please be aware that fishing histories are directly related to the permits. If you wish to retain the fishing history of a species for which there is NOT a specific permit then the bill of sale must indicate this desire.

Scallop Trawl Net Authorization (Replacements Only)

Scallop vessels holding a permit authorization to fish for scallops with trawl nets can be replaced, and the scallop trawl net authorization passed to the replacement vessel. However, the replacement vessel must meet the same limitations on fishing for scallops with scallop dredges that the vessel it is replacing met. If the limitations are not met then the replacement vessel may have to relinquish the scallop trawl net authorization. These limitations include NOT having fished for scallops with a scallop dredge after December 31, 1987; NOT having fished for scallops with a scallop dredge on no more than 10 trips from January 1, 1988, through December 31, 1994; and having an engine with no greater than 450 horsepower.

General Information
This page must be completed by all applicants

Provide all verifying documentation, as requested (see Section D for acceptable forms).

Vessel Name: _____
(for Replacements: **old vessel**; for Confirmation of Permit History: **sold or sunken vessel**;
for Upgrades: vessel information **before the upgrade**)

Federal Northeast Fisheries Permit Number: _____

Coast Guard (CG) Documentation or State Registration Number: _____

Current owner of vessel or permit history: _____
Supporting document required: You must supply proof that you own the vessel (See Section D, Item 2) **or** that you own the fishing history and limited access permit eligibility of that vessel (See Section D, Item 3).

Owner's Address: _____

Owner's Phone Number: _____

All vessels: **You must submit documentation verifying the following (See Section D, Item 1):**

- | | |
|-------------------|-----------------------------|
| -- Length Overall | -- Gross Registered Tonnage |
| -- Net tonnage | -- Engine Horsepower |

Statement of Accuracy

Please mark the appropriate box for the baseline (old) vessel:

- The information I am submitting in order to establish my vessel's baseline accurately represents the vessel specifications as of March 22, 1999 (and/or as of the date of my first application for a limited access permit).
- The information I *previously* submitted in order to establish the 1994 (or 1996 hook gear) baseline for my vessel's multispecies or scallop moratorium permit also represents the vessel specifications as of March 22, 1999 (and/or as the date of my first application for a limited access permit).

Signature of vessel owner or authorized agent: _____

Printed Name: _____

Date: _____

Section A--Replacement
Applicants requesting a vessel replacement must complete this section.

Replacement Vessel (new vessel to be permitted)

Vessel Name: _____

Federal Northeast Permit Number (if issued): _____

Coast Guard (CG) Documentation or State Registration Number: _____
(Submit copy of CG documentation or State registration).

CG documented vessels: **You must submit a copy of the CG documentation papers and proof of engine horsepower (See Section D, Item 1).**

Other vessels: **You must submit documentation verifying the following (See Section D, Item 1):**
-- Length Overall -- Gross Registered Tonnage
-- Net tonnage -- Engine Horsepower

Statement of Accuracy

Please mark the appropriate box for the **replacement** vessel:

- The information I am submitting in order to establish my vessel's size and horsepower specifications accurately represents the vessel specifications as of today's date.
- Information *previously* submitted to NOAA Fisheries for the replacement vessel accurately represents the vessel's specifications as of today's date.

Please mark the **limited access permit histories** that you are transferring. You may only select the limited access permits for which the vessel being replaced is currently qualified. Please keep in mind that all limited access permits must be transferred together and cannot be separated (See the definition of splitting above).

- | | |
|--|---|
| <input type="checkbox"/> Multispecies | <input type="checkbox"/> Scup |
| <input type="checkbox"/> Scallop (Full time, Part Time, or Occasional) | <input type="checkbox"/> Black Sea Bass |
| <input type="checkbox"/> Lobster | <input type="checkbox"/> <i>Loligo</i> squid/Butterfish |
| <input type="checkbox"/> Summer Flounder | <input type="checkbox"/> <i>Illex</i> Squid |
| <input type="checkbox"/> Maine Mahogany Quahog | <input type="checkbox"/> Monkfish |
| <input type="checkbox"/> Red Crab | <input type="checkbox"/> Tilefish |
| <input type="checkbox"/> Multispecies Handgear A | <input type="checkbox"/> Atlantic Herring |
-
- Scallop Type 7, 8, or 9 (authorized to use trawl nets). By checking this box you are also indicating that you have read the supplemental vessel replacement information regarding scallop trawl net authorizations on page 2 of the application.
 - LAGC Scallop

Section B--Upgrade

All applicants requesting a vessel upgrade **must** complete the following section.

The engine horsepower or size of a vessel with a limited access permit may be increased only once. A **10%** upgrade for length overall, gross registered tonnage, and net tonnage, and a **20%** upgrade for engine horsepower are allowed. Vessel size and engine horsepower upgrades may be done separately. Any increase in vessel size, including length overall, gross registered tonnage, and net tonnage must be done at the same time. Increases are compared to the information required under the General Information section of this package (page 3).

All changes in vessel specifications indicated below require verifying documentation. (See Section D, Item 1).

New Length Overall (LOA) _____ New Gross Registered Tonnage (GRT) _____

New Net Tonnage (NT) _____ New Horsepower (HP) _____

Note: Instead of gross registered tonnage and net tonnage information, you may submit verification of vessel breadth and depth, and length overall. This information will then be used to calculate GRT and NT using the simplified calculation method.

Section C--Confirmation of Permit History

All applicants requesting a Confirmation of Permit History (CPH) **must** complete the following section.

Indicate the permits requiring issuance of a Confirmation of Permit History. The following are the only fisheries for which CPH certificates are required or available. You may only apply for those permits for which the vessel is currently qualified:

- | | |
|--|---|
| <input type="checkbox"/> Multispecies | <input type="checkbox"/> Multispecies Handgear A |
| <input type="checkbox"/> Scallop (Full time, Part time, or Occasional) | <input type="checkbox"/> Scup |
| <input type="checkbox"/> LAGC Scallop | <input type="checkbox"/> Black Sea Bass |
| <input type="checkbox"/> Lobster | <input type="checkbox"/> <i>Loligo</i> squid/Butterfish |
| <input type="checkbox"/> Summer Flounder | <input type="checkbox"/> <i>Illex</i> Squid |
| <input type="checkbox"/> Maine Mahogany Quahog | <input type="checkbox"/> Monkfish |
| <input type="checkbox"/> Red Crab | <input type="checkbox"/> Tilefish |
| | <input type="checkbox"/> Atlantic Herring |

Please check all that apply:

- Vessel sold, but I have retained the permit history in the Bill of Sale (*Supporting documentation required. See Section D, Item 3*)
- Vessel destroyed (*Supporting documentation required. See Section D, Item 4*)

Section D--Supporting Documentation Required

The following are acceptable forms of verification. You are only required to submit one of the acceptable forms of documentation for any category.

1. Vessel specification documentation (Please Note: All documentation must include the name and documentation number of the vessel)
 - ▶ For all vessels, you must verify total engine horsepower by providing one of the following:
 - Marine survey documentation showing the name and location of the marine surveyor;
 - Mechanic certification on the mechanic's letterhead; or
 - Engine manufacturer specification and proof that the engine is installed on your vessel.
 - ▶ For Coast Guard documented vessels, you must provide a copy of the documentation papers.*
 - ▶ For State registered vessels, you must verify length overall, gross registered tonnage, and net tonnage by providing one of the following:
 - Marine survey documentation showing the name and location of the marine surveyor (survey may indicate either gross and net tons or provide information on the vessel's breadth and depth (not draft), and length overall); or
 - US Bureau of Shipping document.
2. Vessel ownership documentation
 - ▶ To verify the ownership of a vessel, please provide a copy of one of the following:
 - Current Coast Guard documentation; or
 - Current State registration.
 - Scallop vessel owners must include a list of all vessel names and permit numbers in which you have an ownership interest.
3. *Vessel permit history ownership*
 - ▶ To verify that you have retained the permit history of a vessel you no longer own, please provide one of the following:
 - A bill of sale or document stating that the permit history has been retained by you (the seller) and signed by you and the buyer; or
 - A copy of the confirmation of permit history.
4. *Vessel destruction*
 - ▶ To verify that the vessel has been destroyed or is no longer seaworthy, please provide one of the following:
 - Coast Guard accident report;
 - Insurance adjustor's report; or
 - Verification from certified marine surveyor that vessel is no longer seaworthy.

* By submitting this documentation, you confirm that the vessel length overall is correct as indicated on the CG documentation. If it is not, please submit additional documentation to confirm the length overall of the vessel.

NOTE: Submission of fraudulent or inaccurate information could result in enforcement action, up to and including fines, permit sanctions, or the revocation of limited access permits.

YOUR COMPLETED APPLICATION SHOULD INCLUDE THE FOLLOWING:

APPLICATION FOR VESSEL REPLACEMENT

1. You should complete and submit:
 - ▶ Page 3 - General Information
 - ▶ Page 4 - Section A--Replacement
2. You should submit the following supporting documentation for BOTH* the vessel being replaced (old vessel) and the replacement vessel:
 - ▶ Vessel specification documentation (See Section D-Item 1)(not necessary for vessels holding only limited access lobster and/or handgear permits)
 - ▶ Vessel/History ownership verification (See Section D-Items 2 or 3 as applicable) or
proof of vessel destruction (See Section D-Item 4)
3. You will need to submit an Initial Vessel Application for the replacement vessel.

* Note: If you have already established a baseline for the old vessel by submitting information verifying your vessel's baseline specifications, you will not need to submit additional verification. You should submit information about the replacement vessel.

APPLICATION FOR A VESSEL UPGRADE

1. You should complete and submit:
 - ▶ Page 3 - General Information
 - ▶ Page 5 - Section B--Upgrade
2. You should submit the following supporting documentation:
 - ▶ Vessel specification documentation (See Section D-Item 1)

APPLICATION FOR A CONFIRMATION OF PERMIT HISTORY

1. You should complete and submit
 - ▶ Page 3 - General Information
 - ▶ Page 5 - Section C--Confirmation of Permit History
2. You should submit the following supporting documentation:
 - ▶ History ownership verification (See Section D-Item 3) or
proof of vessel destruction (See Section D-Item 4)

rev.04/2008

OMB EqptqnlP q00648-0202 Expiration Date: 11/30/2009
OMB EqptqnlP q00648-0491 Expiration Date: 03/31/2011

Request for a replacement, upgrade notification, or history retention:

The application to allow the respondent to request a replacement of one vessel by another, change vessel specifications due to an upgrade, or retain a vessel's history, and is meant to aid in the administration and enforcement of the regulations that relate to these programs. This form will save the respondent time and effort in that all the requirements relating to the interrelated actions are included on one form. These requirements have been adopted as part of the effort reduction programs under the Fishery Management Plans (FMPs) that govern the fisheries involved, and are consistent with the conservation goals of the FMPs. The information provided on this application will allow industry members to replace older vessels with new vessels or retain histories, in a manner consistent with the effort reduction requirements of the FMPs. The information provided through any requests to upgrade a vessel specification will be used for the purposes of monitoring compliance with effort reduction programs.

The information requested on this form is not confidential and will be available to the general public.

BURDEN STATEMENT: Public reporting burden for this collection of information is estimated to average three hours per response for vessel replacements and upgrades, and 30 minutes for vessel history retention. These estimated response times 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 suggestions for reducing this burden to National Marine Fisheries Service, Sustainable Fisheries Division, 55 Great Republic Drive, Gloucester, MA 01930-2276.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to 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 current valid OMB Control Number.

Request to Transfer Limited
 Access General Category (LAGC)
 Individual Fishing Quota (IFQ)
 Scallop Allocation



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

2010 Fishing Year (March 1, 2010 – February 28, 2011)

This form must be used to request a temporary or permanent transfer of IFQ between two IFQ scallop vessels. Written approval or disapproval of the request will be provided within 30 days of receipt of this form. By signing the LAGC IFQ transfer form, Transferor/Seller certifies, under the penalties for perjury, that the vessel identified in the Transferor/Seller section of this form has not landed scallops in the applicable fishing year, and will not declare an LAGC trip or land scallops prior to the completion of the transfer requested on this form. By signing this form, both Transferor/Seller and Transferee/Buyer certify that he/she has read and understands the LAGC IFQ transfer program requirements and restrictions attached to this form.

Section 1

Check which type of transfer you are requesting:

<input type="checkbox"/> Temporary IFQ Allocation Transfer	<input type="checkbox"/> Permanent IFQ Allocation Transfer
--	--

Section 2

Transferor (Seller)	
Name Phone Number: Mailing address:	IFQ Scallop Vessel Name Permit Number: USCG Doc or State Reg. Number:
Total Pounds of Vessel's Allocated IFQ being Transferred	Price Received for the Transfer: \$

Section 3

Transferee (Buyer)	
Name Phone Number: Mailing address:	IFQ Scallop Vessel Name: Permit Number: USCG Doc or State Reg. Number:

Section 4

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

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate to: NMFS, 55 Great Republic Drive, Gloucester, MA 01930. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

LAGC IFQ Transfer Program Requirements and Restrictions (June 2010)

IFQ transfer request submission

IFQ transfer applications may be submitted by mail, fax (978-281-9135), or email (ScallopIFQ.Transfer@noaa.gov). Emailed applications must be submitted with signatures and date in PDF format.

IFQ transfer restrictions.

- IFQ may not be transferred from or to a vessel issued both a limited access full-time, part-time, or occasional scallop permit and an IFQ scallop permit.
- An IFQ scallop vessel that has landed scallops at any time in a fishing year may not transfer that vessel's IFQ to another IFQ scallop vessel in the same fishing year.
- A vessel's IFQ may be transferred only once in a single fishing year; an IFQ scallop vessel can receive IFQ allocations from more than one IFQ scallop permit but may not transfer the IFQ allocation(s) to another vessel in the same fishing year.
- A transfer of an IFQ may not result in the sum of the IFQs on the receiving vessel exceeding 2 percent of the total allowable catch allocated to IFQ scallop vessels.
- A transfer of an IFQ may not result in the recipient having ownership of IFQ scallop allocations that exceeds 5 percent of the total allowable catch allocated to IFQ scallop vessels.
- The Regional Administrator has final approval authority for all IFQ transfer requests.

Temporary IFQ transfers (i.e., Leases).

- Temporary IFQ transfers shall be effective only for the fishing year in which the temporary transfer is requested, approved, and issued.
- The owner of a vessel issued an IFQ scallop permit may temporarily transfer some or all of the vessel's IFQ allocation.
- Temporary transfers may not be in amounts of less than 100 lb unless that value reflects the total IFQ allocation remaining on the transferor's vessel, or the vessel's entire IFQ allocation.

Permanent IFQ transfers.

- A vessel permanently transferring its IFQ to another vessel must transfer all of the Federal limited access permits for which the vessel is eligible to the recipient vessel in accordance with the vessel replacement restrictions under §648.4, or permanently cancel such permits.
- Any such transfer cannot be limited in duration and is permanent unless the IFQ is subsequently transferred to another IFQ scallop vessel, other than the originating IFQ scallop vessel, in a subsequent fishing year
- A vessel issued an IFQ scallop permit must permanently transfer its entire IFQ allocation.

Application requirements.

- The application must be signed by both parties (transferor and recipient) involved in the transfer of the IFQ or an authorized agent.
- Applications must be submitted to the NMFS Northeast Regional Office at least thirty days before the date on which the applicants desire to have the IFQ effective on the receiving vessel.
- The Regional Administrator shall notify the applicants of any deficiency in the application pursuant to this section.
- Applications may be submitted at any time during the scallop fishing year, provided the vessel transferring the IFQ has not utilized any of its IFQ in that fishing year.
- Applications for temporary transfers must be received 45 or more days prior to the end of the fishing year to allow time for a vessel to utilize the transferred IFQ prior to the expiration of the fishing year.

Application information. Information obtained from the transfer application will be subject to the confidentiality requirements of the Magnuson-Stevens Act. .

Approval of IFQ transfer applications. Unless an application to transfer IFQ is denied for reasons below, the Regional Administrator shall issue confirmation of application approval will be issued to both parties involved in the transfer within 30 days of receipt of an application.

Denial of transfer application. An application to transfer IFQ may be rejected for, but not limited to, the following reasons:

- The application is incomplete.
- The transferor/seller or transferee/recipient's vessel is not issued a valid IFQ scallop permit.
- The transferor's or recipient's vessel or IFQ scallop permit has been sanctioned, pursuant to an enforcement proceeding.
- The transfer will result in the recipient's vessel having an allocation that exceeds 2 percent of the total allowable catch allocated to IFQ scallop vessels.
- The transfer will result in the recipient having ownership of general category scallop allocation that exceeds 5 percent of the total allowable catch allocated to IFQ scallop vessels.

Upon denial of an application to transfer IFQ, the Regional Administrator shall send a letter to the applicants describing the reason(s) for the rejection. The decision by the Regional Administrator is the final agency decision and there is no opportunity to appeal the Regional Administrator's decision. Deficiencies in applications must be corrected with a new application for an IFQ transfer.

Cost Recovery

The Magnuson-Stevens Fishery Conservation and Management Act requires IFQ programs to include a cost recovery program, whereby NMFS will collect up to 3 percent of ex-vessel value of landed product to cover NMFS's actual costs directly related to the management, data collection, and enforcement of an IFQ program. The owner of a vessel issued an IFQ scallop permit will be responsible for paying this fee and IFQ scallop vessels incur a cost recovery fee liability for every landing of IFQ scallops, including scallops landed as a result of an IFQ transfer. Each IFQ scallop permit holder is responsible for his/her own fee for all of his/her IFQ scallop landings, and shall be responsible for submitting this payment to NMFS by January 1st each fishing year. If this fee is not paid NMFS will deny the LAGC IFQ permit application for the following fishing year.



SEA SCALLOP ACCESS AREA TRIP EXCHANGE APPLICATION

SUBMIT TO:
SFD - Sea Scallop Trip Exchange
NOAA Fisheries
55 Great Republic Drive, Gloucester, MA 01930
Fax: (978) 281-9135

Instructions: This form must be used to request a Sea Scallop Access Area trip exchange between two vessels. Trips may be exchanged on a one-for-one basis and may only occur between vessels within the same permit category (Full-time, Part-time, or Occasional). One form must be used for each exchange. This form may be duplicated for additional exchange requests. Vessel operators may not initiate the Access Area trip requested below until vessel owners receive written notice that the request has been approved. Written approval or disapproval of the request will be provided within 15 days of receipt of this form.

Vessel A: Owner Name _____ Permit # _____
Vessel Name _____ Official # _____

The owner of Vessel A wishes to give one trip to Vessel B in the following access area (Circle One):

NLAA ETAA DMV

Vessel B: Owner Name _____ Permit # _____
Vessel Name _____ Official # _____

In exchange, the owner of Vessel B wishes to give one trip to Vessel A in the following access area (Circle One):

NLAA ETAA DMV

Owner of Vessel A: _____ Date: _____
(Signature)

Owner of Vessel B: _____ Date: _____
(Signature)

Access area codes: Nantucket Lightship Access Area = NLAA; Elephant Trunk Access Area = ETAA; Delmarva Access Area = DMV

Signature of this form certifies that the information provided on this form is true, complete and correct to the best of the vessel owner's knowledge, and made in good faith (18 U.S.C. 1001). Making a false statement on this form is punishable by law.

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. Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden to NMFS, 55 Great Republic Drive, Gloucester MA 01930; and to OMB, Paperwork Reduction Project, Washington, DC 20509. OMB Control No. 0648-0491; Expiration Date: 03/31/2011

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) **REQUIRED PROVISIONS.**—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify—

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

109-479

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, economic information necessary to meet the requirements of this Act, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

109-479

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

(A) participants in the fisheries and fishing communities affected by the plan or amendment;

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

16 U.S.C. 1853
MSA § 303

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

109-479

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery, including its economic impact, and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors;

109-479

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery and;

109-479

(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may—

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to—

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

109-479

(2)(A) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

- (i) is based on the best scientific information available;
- (ii) includes criteria to assess the conservation benefit of the closed area;
- (iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and
- (iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the—

- (A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);
- (B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and
- (C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

109-479

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;

109-479

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

- (A) present participation in the fishery;
- (B) historical fishing practices in, and dependence on, the fishery;
- (C) the economics of the fishery;
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries;
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities;
- (F) the fair and equitable distribution of access privileges in the fishery; and
- (G) any other relevant considerations;

16 U.S.C. 1853
MSA § 303

(7) require fish processors who first receive fish that are subject to the plan to submit data which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research;

109-479

(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and

(14)[sic]¹⁵ prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.—Proposed regulations which the Council deems necessary or appropriate for the purposes of—

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

¹⁵ So in original.

P.L. 109-479, sec. 104(b), MSA § 303 note

16 U.S.C. 1853 note

EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(10)¹⁶—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

109-479

SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

16 U.S.C. 1853a

(a) **IN GENERAL.**—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

(b) **NO CREATION OF RIGHT, TITLE, OR INTEREST.**—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

¹⁶ Section 104(a)(10) of P.L. 109-479 added section 303(a)(15).

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding;

(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

(C) promote—

(i) fishing safety;

(ii) fishery conservation and management; and

(iii) social and economic benefits;

(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

(F) specify the goals of the program;

(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

- (A) the fishery has historically processed the fish outside of the United States; and
- (B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

(3) FISHING COMMUNITIES.—

(A) IN GENERAL.—

(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

- (I) be located within the management area of the relevant Council;
- (II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;
- (III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and
- (IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.

- (B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—
- (i) traditional fishing or processing practices in, and dependence on, the fishery;
 - (ii) the cultural and social framework relevant to the fishery;
 - (iii) economic barriers to access to fishery;
 - (iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
 - (v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and
 - (vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

(4) REGIONAL FISHERY ASSOCIATIONS.—

(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

- (i) be located within the management area of the relevant Council;
- (ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;
- (iii) be a voluntary association with established by-laws and operating procedures;
- (iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;
- (v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is [sic]¹⁷ members contribute; and
- (vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

¹⁷ So in original.

(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

- (i) traditional fishing or processing practices in, and dependence on, the fishery;
- (ii) the cultural and social framework relevant to the fishery;
- (iii) economic barriers to access to fishery;
- (iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
- (v) the administrative and fiduciary soundness of the association; and
- (vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

- (i) current and historical harvests;
- (ii) employment in the harvesting and processing sectors;
- (iii) investments in, and dependence upon, the fishery; and
- (iv) the current and historical participation of fishing communities;

(B) consider the basic cultural and social framework of the fishery, especially through—

- (i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and
- (ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

- (i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and
- (ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

(6) PROGRAM INITIATION.—

(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

(D) NEW ENGLAND AND GULF REFERENDUM.—

(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than 2/3 of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

(vi) In this subparagraph, the term ‘individual fishing quota’ does not include a sector allocation.

(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term ‘antitrust laws’ has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

16 U.S.C. 1853a
MSA § 303A

(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

(f) CHARACTERISTICS.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

(i) TRANSITION RULES.—

(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

(2) PACIFIC GROUND FISH PROPOSALS.—The requirements of this section, other than subparagraphs (A) and (B) of subsection (c)(1) and subparagraphs (A), (B), and (C) of paragraph (1) of this subsection, shall not apply to any proposal authorized under section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 that is submitted within the timeframe prescribed by that section.

16 U.S.C. 1853a note, 1854
MSA §§ 303A note, 304

P.L. 109-479, sec. 106(e), MSA § 303A note

16 U.S.C. 1853a note

APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a) [P.L. 109-479], shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

P.L. 104-297, sec. 108(i), MSA § 303 note

EXISTING QUOTA PLANS.—Nothing in this Act [P.L.104-297] or the amendments made by this Act shall be construed to require a reallocation of individual fishing quotas under any individual fishing quota program approved by the Secretary before January 4, 1995.

SEC. 304. ACTION BY THE SECRETARY

16 U.S.C. 1854

104-297

(a) REVIEW OF PLANS.—

(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

(2) In undertaking the review required under paragraph (1), the Secretary shall—

(A) take into account the information, views, and comments received from interested persons;

(B) consult with the Secretary of State with respect to foreign fishing; and

(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

(A) the applicable law with which the plan or amendment is inconsistent;

(B) the nature of such inconsistencies; and

(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

104-297

SEC. 402. INFORMATION COLLECTION

16 U.S.C. 1881a

109-479

(a) COLLECTION PROGRAMS.—

(1) COUNCIL REQUESTS.—If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.

109-479

(b) CONFIDENTIALITY OF INFORMATION.—

(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

(D) when required by court order;

(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—

(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

16 U.S.C. 1881a-1881b
MSA §§ 402-403

(d) **CONTRACTING AUTHORITY.**—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) **RESOURCE ASSESSMENTS.**—

(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2) The Secretary, in consultation with the appropriate Council and the fishing industry--

(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

104-297

SEC. 403. OBSERVERS

16 U.S.C. 1881b

(a) **GUIDELINES FOR CARRYING OBSERVERS.**—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—

(1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and

(2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Christopher Carbone on (301) 975-2952, or via e-mail at ccarbone@nist.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Sponsored by the National Institute of Standards and Technology (NIST), the Manufacturing Extension Partnership (MEP) is a national network of locally-based manufacturing extension centers working with small manufacturers to assist them improve their productivity, improve profitability and enhance their economic competitiveness. The information collected will provide the MEP with information regarding MEP Center performance regarding the delivery of technology, and business solutions to U.S.-based manufacturers. The collected information will assist in determining the performance of the MEP Centers at both local and national levels; provide information critical to monitoring and reporting on MEP programmatic performance; and assist management in policy decisions. Responses to the collection of information are mandatory per the regulations governing the operation of the MEP Program (15 CFR parts 290, 291, 292, and H.R. 1274—section 2).

The information will include center inputs and activities including services delivered, clients served, center staff, quarterly expenses and revenues, partners and affiliates, strategic plan, operating plans, and client success stories. No confidentiality for information submitted is promised or provided.

II. Method of Collection

Information will be collected electronically, on a quarterly basis.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Mep-funded

Recipients (centers).

Estimated Number of Respondents: 60.

Estimated Time per Response: 20 hours.

Estimated Total Annual Burden Hours: 4,800.

Estimated Total Annual Cost to Public: \$50,000.

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 3, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-22561 Filed 9-9-10; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Atlantic Sea Scallops Amendment 10 Data Collection**

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.

DATES: Written comments must be submitted on or before November 9, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 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 Peter Christopher, 978-281-9288 or Peter.Christopher@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

This request is for a revision and renewal of a currently approved information collection.

National Marine Fisheries Service (NMFS) Northeast Region manages the Atlantic sea scallop (scallop) fishery of the Exclusive Economic Zone (EEZ) off the East Coast under the Atlantic Sea Scallop Fishery Management Plan (FMP). The regulations implementing the FMP are at 50 CFR Part 648. This collection includes the following reporting requirements for scallop vessel owners, operators, and fishery participants: vessel monitoring system (VMS) trip declarations for all scallop vessels, including powerdown declarations; notification of access area trip termination for limited access scallop vessels; submission of access area compensation trip identification; submission of broken trip adjustment and access area trip exchange forms; VMS purchase and installation for individuals that purchase a Federally permitted-scallop vessel; submission of ownership cap forms for individual fishing quota (IFQ) scallop vessels; submission of vessel replacement, upgrade and permit history applications for IFQ, Northern Gulf of Maine (NGOM), and Incidental Catch (IC) scallop vessels; submission of VMS pre-landing notification form by IFQ vessels; enrollment into the State waters exemption program; submission of requests for IFQ transfers; payment of cost recovery bills for IFQ vessels; sector proposals for IFQ vessels and industry participants; sector operations plans for approved sector proposals.

II. Method of Collection

Participants will submit electronic VMS transmissions and paper applications by mail, facsimile, or e-mail.

III. Data

OMB Control Number: 0648-0491.

Form Number: None.

Type of Review: Renewal submission.

Affected Public: Business or other for-profits organizations.

Estimated Number of Respondents: 1,296.

Estimated Time per Response: VMS trip declaration, trip termination, compensation trip identification, powerdown provision, 2 minutes; broken trip adjustment and access area trip exchange, 10 minutes; VMS purchase and installation, 2 hours; IFQ ownership cap forms, 5 minutes; vessel replacement, upgrade and permit history applications, 3 hours; VMS pre-

landing notification form, 5 minutes; VMS State waters exemption program, 2 minutes; quota transfers, 10 minutes; cost recovery, 2 hours; sector proposals, 150 hours; sector operations plans, 100 hours; IFQ, Northern Gulf of Maine, and incidental catch vessel VMS requirements, 2 minutes.

Estimated Total Annual Burden Hours: 11,322.

Estimated Total Annual Cost to Public: \$1,488,557.

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 3, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-22575 Filed 9-9-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Social Impacts of the Implementation of a Catch Shares Program in the Mid-Atlantic

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before November 9, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 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 Lisa L. Colburn, (401) 782-3253 or Lisa.L.Colburn@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for new information collection.

Social Impact Assessment (SIA) is required in fisheries under both the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

The required information is used to evaluate the impacts of the proposed activity on fishermen still involved in fishing since catch shares were implemented. In promulgating and issuing regulations, National Marine Fisheries Service (NMFS) must determine the relative impacts of different management measures.

Catch shares are being highly encouraged as a core strategy to improve the status of fish stock and habitat, and also the social and economic status of communities and individual fishermen (NOAA Draft Catch Share Policy). The use of catch share programs will have an impact on those individuals participating in the affected fisheries. Possible impacts include loss of employment opportunities and shoreside infrastructure, and disruption to social networks.

Amendment 16 to the Multispecies (groundfish) Fishery Management Plan, implemented on May 1, 2010, is the largest catch share program in number of permit holders that has ever been implemented in the U.S., and includes 17 group quota or 'sector' allocations. More catch share plans are in discussion for the Northeast within the next several years. NMFS is required to assess the impact of these plans as well as their impacts relative to other management measures in place in the Northeast. The rapid implementation of the groundfish catch share program made capturing a full pre-implementation baseline virtually impossible. A University of Rhode Island survey of fishermen and

former fishermen in New England in 2009/2010 partially captured this baseline for fisheries in general, as well as some immediate post-implementation impacts for groundfishermen in that region. This research aims to study the immediate post-implementation effects on fishermen in the groundfish fishery and those that have already exited the fishery in the Mid-Atlantic, as well as provide a baseline for other fisheries prior to any implementation of additional catch share programs.

The data collected will provide a baseline description of the affected industry to compare with future assessments of fishermen and cover (1) Participation in sectors and the management process, (2) job satisfaction, and (3) self-reported general well-being. This information will lead to a greater understanding of the social impacts this management measure may have on the individuals in the fishery.

To achieve these goals it is critical to collect the necessary data immediately after the implementation of the program. This study is a post-implementation data collection effort to achieve the stated objectives.

II. Method of Collection

The surveys will be conducted by in-person interviews.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission (new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 300.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 125.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

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