

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 09/27/2002  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of the reinstatement of an information collection received on 08/05/2002.

TITLE: Surf Clam/Ocean Quahog Transfer Log

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0238

EXPIRATION DATE: 09/30/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	618	52	0
Difference	618	52	0
Program Change		52	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

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

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

## 19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
SURF CLAM/OCEAN QUAHOG TRANSFER LOG  
OMB CONTROL NO. 0648-0238**

**A. JUSTIFICATION**

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

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the Secretary of Commerce is authorized to adopt such regulations as may be necessary to carry out the conservation and management objectives of Fishery Management Plans. Amendment #8 to the Fishery Management Plan for Surf Clams and Ocean Quahogs was published on June 14, 1990, with the regulations effective September 30, 1990. The amendment provided for individual transferable quotas (ITQs) by species (surf clam or ocean quahog) for individuals who were qualified to receive an ITQ for either or both species. ITQs were issued in September, 1990, to individual owners based on their percentage share of the annual allowed quota for harvest.

Allocations are expressed in terms of bushels, but tracked and transferred in terms of the cages in which harvested product is landed and shipped (cages contain 32 bushels of product). To facilitate enforcement and tracking, sequentially numbered tags are issued to each owner on an annual basis and all cages of product must be tagged, with tag use reported by both the harvesting vessel and the purchasing dealer. Individual allocations are transferable per regulations found at 50 CFR 648.70(b)(1) and (2). Owners may transfer their allocation on a permanent basis or may transfer tags to other vessel owners to use on a temporary basis. This transferability means that the allocation ownership changes constantly, and the ITQ Allocation Transfer Form is used by allocation holders to register these transfers with NMFS. Once processed, new allocation permits are issued and all databases are updated.

Information required on the transfer form includes allocation owner name, allocation number (assigned by NMFS for internal tracking), and the numbers of the tags associated with the transfer. The ITQ management scheme gives transferable ownership of the resource to individual allocation holders. Each allocation owner is issued an allocation permit which specifies the amount of their allocation and the tag numbers they are required to use during the harvest of their allocation. If any transfer is made, NMFS records must be updated and revised allocation permits must be issued.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used.**

The allocation permits are used by Law Enforcement agents in the field to verify that individual harvesters are authorized to use the tags they possess, and to ensure that individual allocations are not exceeded since overfishing of individual allocations would lead to overfishing of the overall species quota.

**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.**

Because the form is used to transfer individually-owned property, NMFS General Counsel requires a hard copy form with an original signature. To reduce the burden on NMFS, computers are used to process and compile the allocation information submitted by the applicant.

**4. Describe efforts to identify duplication.**

The information requested is unique so there is no duplication of effort.

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

Small businesses are the primary respondents of the data collection. The form used to gather data on ITQ transfers is designed to be simple and easy to complete, thus, saving time for the both the respondents and monitors of the system. The ability to make timely transfers gives these businesses the flexibility to make rational business decisions.

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

The frequency of submission is entirely up to the allocation holder. If the collection was not conducted, NMFS could not properly track and enforce the ITQ system.

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

The collection is consistent with OMB guidelines.

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

A Federal Register Notice (copy attached) solicited public comment on this renewal. No comments were received.

The ITQ management system was developed under the Magnuson-Stevens Fishery Conservation and Management Act, and was the subject of extensive public hearing and public comment. As the ITQ management system has evolved operationally, comment has been obtained on a

ongoing basis through the Mid-Atlantic Fishery Management Council's Industry Advisors and Surf Clam/Ocean Quahog Subcommittee.

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

No payments or gifts are made.

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

The NMFS General Counsel has ruled that allocation information is public information because the ITQ system assigns shares of a public resource to the allocation holders. Industry participants are well aware of this fact, and they are among the primary requesters of this information as they seek to transfer or obtain allocation.

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

No sensitive questions are asked.

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

See table below:

No. of Allocation Holders	No. of Transfers per Holder	Total No. of Transfers per Year	Hrs per Transfer	Total Hours	Cost to Public	Cost to Government
206	3	618	0.0833	51.5	\$210	\$1,030

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

See the table in #12 above for postage costs.

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

See the table in #12 above.

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

This is a program change for the reinstatement of an expired approval.

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

The results will not be published.

**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.**

The expiration date will be displayed.

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

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.





# REQUEST FOR SURF CLAM - OCEAN QUAHOG TRANSFER

Check appropriate box and provide all information requested.

**SUBMIT TO**  
**SURF CLAM/OCEAN QUAHOG TRANSFERS**  
**US DEPARTMENT OF COMMERCE, NOAA**  
**NATIONAL MARINE FISHERIES SERVICE**  
**ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930**

PERMANENTLY transfer allocation as follows:

From: \_\_\_\_\_  
(name in which allocation is owned) (allocation #)

To: \_\_\_\_\_  
(name in which allocation is owned) (allocation #)

Cages \_\_\_\_\_ Tag numbers \_\_\_\_\_ through \_\_\_\_\_

TEMPORARILY transfer cage tags as follows:

From: \_\_\_\_\_  
(name in which allocation is owned) (allocation #)

To: \_\_\_\_\_  
(name in which allocation is owned) (allocation #)

Cages \_\_\_\_\_ Tag numbers \_\_\_\_\_ through \_\_\_\_\_

If recipient is a new allocation holder, the following information is required (NMFS will assign the new allocation number):

Vessel \_\_\_\_\_  
Owner \_\_\_\_\_  
Street \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Telephone \_\_\_\_\_

Signed: \_\_\_\_\_  
(Transferer)

Signed: \_\_\_\_\_  
(Recipient)

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

This form is required under 50 CFR § 684.70 to monitor both permanent and temporary ownership of surf clam and ocean quahog individual quota allocations. Signature of this form certifies that allocation holders comply with allocation ownership requirements as specified in 50 CFR 5648.70 (b) (1) and (2), 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 a false statement on this form is punishable by law. Information submitted will be a part of the public record.

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 if 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, One Blackburn Drive, Gloucester, MA 01930.

Area II Sea Scallop Exemption Area fishery as of the date the Regional Administrator projects that 2,934 mt of Closed Area II sea scallops will be caught by vessels fishing in the Sea Scallop Exemption Program described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(ii) *Nantucket Lightship Sea Scallop Exemption Area*. NMFS shall terminate the Nantucket Lightship Sea Scallop Exemption Area fishery as of the date the Regional Administrator projects that 2,445 mt of Nantucket Lightship sea scallops will be caught by vessels fishing in the Sea Scallop Exemption Program described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(iii) *Closed Area I Sea Scallop Exemption Area*. NMFS shall terminate the Closed Area I Sea Scallop Exemption Area fishery as of the date the Regional Administrator projects that 3,111 mt of Closed Area I sea scallops will be caught by vessels fishing in the Sea Scallop Exemption Program described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(2) *Termination of sea scallop exemption area fisheries when the yellowtail flounder TAC is exceeded*—(i) *Closed Area II and Closed Area I Sea Scallop Exemption Areas*. NMFS shall terminate the Closed Area II and Closed Area I Sea Scallop Exemption Area fisheries as of the date the Regional Administrator projects that the 717.75 mt of Georges Bank yellowtail flounder will be caught by vessels fishing in the Sea Scallop Exemption Program described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(ii) *Nantucket Lightship Sea Scallop Exemption Area*. NMFS shall terminate the Nantucket Lightship Sea Scallop Exemption Area fishery as of the date the Regional Administrator projects that the 49.5 mt of Southern New England yellowtail flounder will be caught by vessels fishing in the Sea Scallop Exemption Program described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(g) *Transiting*. (1) *Closed Area II*. Limited access sea scallop vessels may not enter, fish, or be in the area known as the Closed Area II Sea Scallop Exemption Area described in paragraph (b)(1) of this section unless the operator has determined that there is a compelling safety reason and the vessel's fishing gear is stowed in accordance with the requirements of § 648.23(b).

(2) *The Nantucket Lightship Closed Area and Closed Area I*. Limited access sea scallop vessels fishing under a scallop DAS that have not declared a trip into the Sea Scallop Exemption Program may not enter, fish, or be in the areas known as the Nantucket Lightship and Closed Area I Sea Scallop Exemption Areas described in paragraphs (b)(2) and (b)(3), respectively, of this section, unless the vessel's fishing gear is stowed in accordance with the requirements of § 648.23(b).

(h) *VMS Polling*. For the duration of the Sea Scallop Exemption Program, as described under this section, all sea scallop limited access vessels equipped with a VMS unit will be polled twice per hour, regardless of whether the vessel is enrolled in the Sea Scallop Exemption Program.

[65 FR 37912, June 19, 2000]

## Subpart E—Management Measures for the Atlantic Surf Clam and Ocean Quahog Fisheries

### § 648.70 Annual individual allocations.

(a) *General*. (1) For each fishing year, the Regional Administrator shall determine the allocation of surf clams and ocean quahogs for each vessel owner issued an allocation for the preceding fishing year, by multiplying the quotas specified for each species by the Regional Administrator under § 648.71 by the allocation percentage, specified for that owner on the allocation permit for the preceding fishing year, adjusted to account for any transfer pursuant to paragraph (b) of this section. These allocations shall be made in the form of an allocation permit specifying for each species the allocation percentage and the allocation in bushels. Such permits shall be issued on or before December 15, to the registered holders

§ 648.71

50 CFR Ch. VI (10–1–00 Edition)

who were assigned an allocation by November 1. The total number of bushels of allocation shall be divided by 32 to determine the appropriate number of cage tags to be issued or acquired under § 648.75. Amounts of allocation 0.5 or smaller created by this division shall be rounded downward to the nearest whole number and amounts of allocation greater than 0.5 created by this division shall be rounded upward to the nearest whole number so that allocations are specified in whole cages. An allocation permit is only valid for the entity for which it is issued.

(2) The Regional Administrator may, after publication of a fee notification in the FEDERAL REGISTER, charge a permit fee before issuance of the permit to recover administrative expenses. Failure to pay the fee will preclude issuance of the permit.

(b) *Transfers*—(1) *Allocation percentage*. Subject to the approval of the Regional Administrator, part or all of an allocation percentage may be transferred, in amounts equivalent to not less than 160 bu (8,500 L) (i.e., 5 cages) in the year in which the transfer is made, to any person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a). Approval of a transfer by the Regional Administrator and for a new allocation permit reflecting that transfer may be requested by submitting a written application for approval of the transfer and for issuance of a new allocation permit to the Regional Administrator at least 10 days before the date on which the applicant desires the transfer to be effective, in the form of a completed transfer log supplied by the Regional Administrator. The transfer is not effective until the new holder receives a new or revised annual allocation permit from the Regional Administrator. An application for transfer may not be made between October 15 and December 31 of each year.

(2) *Cage tags*. Cage tags issued pursuant to § 648.75 may be transferred in quantities of not less than 5 tags at any one time, subject to the restrictions and procedure specified in paragraph (b)(1) of this section; provided that application for such cage tag transfers may be made at any time before December 10 of each year and the

transfer is effective upon the receipt by the transferee of written authorization from the Regional Administrator.

(3) *Review*. If the Regional Administrator determines that the applicant has been issued a Notice of Permit Sanction for a violation of the Magnuson Act that has not been resolved, he/she may decline to approve such transfer pending resolution of the matter.

§ 648.71 **Catch quotas.**

(a) *Surf clams*. The amount of surf clams that may be caught annually by fishing vessels subject to these regulations will be specified by the Assistant Administrator, on or about December 1 of each year, within the range of 1.85 to 3.4 million bu (98.5 to 181 million L).

(1) *Establishing quotas*. (i) Prior to the beginning of each year, the MAFMC, following an opportunity for public comment, will recommend to the Assistant Administrator quotas and estimates of DAH and DAP within the ranges specified. In selecting the quota, the MAFMC shall consider current stock assessments, catch reports, and other relevant information concerning:

(A) Exploitable and spawning biomass relative to the OY.

(B) Fishing mortality rates relative to the OY.

(C) Magnitude of incoming recruitment.

(D) Projected effort and corresponding catches.

(E) Geographical distribution of the catch relative to the geographical distribution of the resource.

(F) Status of areas previously closed to surf clam fishing that are to be opened during the year and areas likely to be closed to fishing during the year.

(ii) The quota shall be set at that amount that is most consistent with the objectives of the Atlantic Surf Clam and Ocean Quahog FMP. The Assistant Administrator may set quotas at quantities different from the MAFMC's recommendations only if he/she can demonstrate that the MAFMC's recommendations violate the national standards of the Magnuson Act and the objectives of the Atlantic Surf Clam and Ocean Quahog FMP.

**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;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing 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, 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;

(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 describe the likely effects, if any, of the conservation and management measures on--

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

(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;

(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;

(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;

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

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

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;

(2) 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;

(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;

(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;

(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, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic 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;

16 U.S.C. 1853

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

(12) 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



*Application accepted by Commissioner of Customs: April 13, 2001.*

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 01-10858 Filed 4-30-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042601B]

#### Survey of Intent and Capacity to Process Fish and Shellfish

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed information collection; comment request.

**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, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before July 2, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to George Darcy, Assistant Regional Administrator, Sustainable Fisheries Division, 1 Blackburn Circle, Gloucester, MA, 01930, (978) 281-9331, fax (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Fishery Management Plans for Atlantic Surf Clams and Ocean Quahogs, and Atlantic Mackerel, Squid, and Butterfish include requirements that the National Marine Fisheries Service and/or the Mid-Atlantic Fishery Management Council survey domestic processors and joint venture operators annually to establish industry capacity to utilize the managed species.

A survey, described in the squid, mackerel and butterfish regulations at 50 CFR 648.21(b), is used to establish the intent and capacity of the U.S.

industry to utilize allowable harvest in a given year. If the U.S. industry is unable to fully utilize the allowed harvest of Atlantic mackerel, the excess may be used in establishing levels of catch for joint ventures and/or direct foreign harvest.

A survey, required under the surf clam and ocean quahog regulations at 50 CFR 648.7(a)(3)(ii), is used to obtain data for use in monitoring present processing activities and estimating future production at the processing plant level.

Both annual surveys seek information concerning the annual capacity to process these species; the historical amount of product processed; and the quantity of product to be processed in the future.

##### II. Method of Collection

Telephone surveys are used for the surf clam/ocean quahog fishery, and paper forms are used for the Atlantic mackerel, squid, and butterfish fisheries.

##### III. Data

*OMB Number:* 0648-0235.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 54.

*Estimated Time Per Response:* 5 minutes per report for the surf clam/ocean quahog fishery, 15 minutes per report for other fisheries.

*Estimated Total Annual Burden Hours:* 10.

*Estimated Total Annual Cost to Public:* \$19.

##### 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: April 25, 2001.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 01-10787 Filed 4-30-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042601C]

#### Surf Clam/Ocean Quahog Transfer Log

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed information collection; comment request.

**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, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before July 2, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to George Darcy, Assistant Regional Administrator, Sustainable Fisheries Division, 1 Blackburn Circle, Gloucester, MA, 01930, (978) 281-9331, fax (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Persons holding Individual Transferable Quotas (ITQ) in the surf clam/ocean quahog fishery are annually issued an allowable quota for harvest. Individual allocations may be transferred to other fishermen, but the ITQ holder must register such a transfer with NOAA in advance. The information is used by NOAA for enforcing the quotas.

##### II. Method of Collection

A paper form is used for each transfer.

##### III. Data

*OMB Number:* 0648-0238.

*Form Number:* None.

*Type of Review:* Regular submission.

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

*Estimated Number of Respondents:* 206.

*Estimated Time Per Response:* 5 minutes.

*Estimated Total Annual Burden Hours:* 52.

*Estimated Total Annual Cost to Public:* \$216.

#### 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: April 25, 2001.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 01-10788 Filed 4-30-01; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 042601D]

##### NOAA Satellite Ground Station Customer Questionnaire

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed information collection; comment request.

**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, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before July 2, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Wayne Winston, E/SP3, Room 3320, 5200 Auth Road, Suitland MD 20746-4304 (phone 301-457-5681)

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

NOAA operates meteorological satellite imagery transmission systems whose data are available worldwide. Any user can establish a ground station for receiving the data without prior consent from NOAA. Surveying of customers allows NOAA to learn about who uses the data, how, with what equipment, the location of the equipment, and similar subjects. This information is used to help determine the possible impact of signal or data changes, to identify users for future contacts, and to annually report to the World Meteorological Organization on the geographic location and capabilities of known receiving stations.

##### II. Method of Collection

People contacting NOAA in a way that indicates that they may operate a satellite receiving station for acquiring NOAA data are mailed a questionnaire. An electronic version is available to persons accessing the related NOAA Web site.

##### III. Data

*OMB Number:* 0648-0227.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected public:* Not-for-profit institutions, individuals or households, business or other for-profit organizations, farms, and state, local, or tribal government.

*Estimated Number of Respondents:* 300.

*Estimated Time Per Response:* 10 minutes.

*Estimated Total Annual Burden Hours:* 50.

*Estimated Total Annual Cost to Public:* \$50.

##### 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: April 25, 2001.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 01-10789 Filed 4-30-01; 8:45 am]

**BILLING CODE 3510-HR-S**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 042401E]

##### New England Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Red Crab Advisory Panel and Scientific and Statistical Committee, (SSC) to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meetings will be held between May 15, 2001, and May 18, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held in Newburyport, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

**SUPPLEMENTARY INFORMATION:**