

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

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

09/27/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 06/23/2005.

TITLE: Northeast Region Sea Scallop Framework 16
Adjustment

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0509
EXPIRATION DATE: 09/30/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	79,460	863	764
New	79,460	863	764
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
NORTHEAST REGION SEA SCALLOP FRAMEWORK 16 ADJUSTMENT
OMB CONTROL NO.: 0648-0509**

INTRODUCTION

This submission requests approval from the Office of Management and Budget (OMB) to renew the Paperwork Reduction Act (PRA) clearance of the information collection specified in Framework 16 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and Framework 39 to the Northeast Multispecies FMP (Framework 16/39) and approved under OMB Control No.: 0648-0509. This collection requires vessels fishing for sea scallops in the re-opened portions of the groundfish closed areas to have a functional Vessel Monitoring System (VMS) onboard, and to use the VMS email messaging capability to comply with reporting and notification requirements. Framework 16/39 established these reporting requirements for scallop vessels issued general category permits and fishing in a scallop Area Access Program. The requirement is currently approved through June 30, 2005. This submission requests a 3-year renewal of this collection of information.

A. JUSTIFICATION

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

The New England Fishery Management Council (Council) developed Amendment 10 to the FMP to implement a scallop Area Access Program as part of an area rotation management program. Framework 16/39 extended the VMS reporting requirements of the FMP to include general category scallop vessels when fishing in the Area Access Program. These requirements are: (1) Installation of VMS units on general category scallop vessels wishing to participate in the Area Access Program; (2) documentation of installation of VMS units; (3) daily reporting via VMS of trip information, including scallop and yellowtail flounder catch; (4) notification via VMS of intent to fish in the Area Access Program in any given month (5 days prior to the first of the month); (5) notification at least 72 hours prior to departing on an access area trip in order to allow for the deployment of a NMFS at-sea observer; (6) notification prior to leaving port on an access area trip; and (7) VMS polling every 30 minutes.

These information reporting requirements are necessary to provide the National Marine Fisheries Service (NMFS) with the necessary tools to monitor the fishery, make in-season adjustments to the trip allocations, or close access areas to scallop fishing. The FMP requires all scallop vessels issued limited access vessel permits to have a VMS onboard. Framework 16/39 extended this requirement to vessels issued open access vessel permits (so-called general category permits). Allowing general category scallop vessels to participate in the Area Access Program allows them the same economic opportunities as limited access scallop vessels, therefore, the reporting requirements and monitoring must be extended to the general category vessels.

The VMS is a comprehensive information system that serves as an important enforcement tool. Enforcement officials utilize the VMS unit to identify vessels participating in the Access Area Program and to monitor their activity and landings. The VMS also plays a critical role in monitoring the catch limits specified under the Area Access Program for scallops and yellowtail

flounder, and thus to prevent overfishing. This collection contains VMS reporting requirements that provide information on the catch of scallops and yellowtail flounder, including reports provided through a mandatory observer program. PRA approval is requested for the following requirements:

VMS Installation:

All general category vessels that participate in the Access Area Program must install an operational VMS on the vessel. This is consistent with regulations that require all limited access vessels to install and maintain an operational VMS on their vessels. As part of the vessel permitting process, such vessels must provide documentation that a VMS unit has been installed on the vessel.

Daily VMS Reporting:

- Total scallops kept;
- Total yellowtail caught (kept and discarded);
- Total number of tows;
- The Fishing Vessel Trip Report log page.

Other VMS Reporting:

To provide the NMFS Observer Program with information to plan staff assignments, a vessel owner/operator intending to participate in the Area Access Program during a given month must notify NMFS of this intention at least 5 days prior to the first of the month and e-mail the following information: Vessel name and permit number, owner and operator's name, owner and operator's phone numbers, and number of trips anticipated for the month in question.

Framework 16/39 requires that NMFS observers sail on approximately 18% of access area trips to collect data that will be used to supplement that provided by vessel owners/operators.

In addition to the general notification required above, in order to facilitate the random observer selection process, a vessel owner/operator must provide NMFS with notice at least 72 hours prior to the start of a trip into an access area.

On the day that the vessel leave port to fish under the Area Access Program, the owner/operator must provide notice to NMFS via VMS prior to leaving port.

VMS Polling Frequency:

The polling frequency for general category vessels with VMS units is twice per hour. This polling frequency will provide enforcement with enhanced the monitoring in order to catch violators when fishing in closed areas. Since the polling would be every 30 minutes, there would be a fifty-percent chance of detecting entries into the closed areas of more than 15 minutes. This polling frequency is the same, as that required for limited access scallop vessels.

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

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. Several offices of NMFS, the U.S. Coast Guard and the Fishery Management Councils will utilize the information. Data collected through these

programs will be incorporated into the NMFS database. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals. As explained in the preceding paragraphs, and in Item #1 in particular, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

This collection uses existing technology to reduce reporting burdens. The VMS unit is used to monitor scallop vessel fishing locations by electronically polling the vessel's position. The addition of onboard observers and use of VMS messaging to report real-time scallop and yellowtail flounder catch are significant management information and enforcement tools. Use of VMS technology also helps verify fishing locations and monitoring. Further, this technology will result, in concert with the mandatory observer program, in more accurate monitoring of the area catch limits for scallops and yellowtail flounder, benefiting the scallop industry from improved management. The VMS also facilitates monitoring of the scallop fishery by enforcement agents. In fact, if this technology was not utilized, it is extremely unlikely that the New England Fishery Management Council would have approved the Area Access Program for scallops.

4. Describe efforts to identify duplication.

There is some duplication of reporting as a result of the need to collect daily catch data in order to assure that the catch limits for scallops and yellowtail flounder will not be exceeded. The daily reports duplicate some information that is also submitted in the more comprehensive Fishing Vessel Trip Reports (FVTRs) on a monthly basis. This duplication of effort is described further in Item 7.

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

Most of the respondents qualify as small businesses. Only the minimum data needed to monitor compliance with regulations are requested from all respondents (i.e., daily reports of scallop and yellowtail flounder catch). The VMS is already required for limited access scallop vessels fishing in the Area Access Program. These requirements will be extended to the general category vessels, which may optionally elect to participate in the Program. Since most of the respondents are small businesses, separate requirements based on the size of 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.

Daily messages are necessary to assure that scallop and yellowtail flounder catch limits are not exceeded, particularly with hundreds of vessels operating at the same time. Transmissions every 30 minutes are required to accurately determine fishing locations needed to enforce compliance with Area Access Program rules. Therefore, if the collection is not conducted or conducted less frequently, it may not be possible to accurately determine the fishing locations, assure compliance with the catch limits and other Area Access Program requirements.

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

The data collection is consistent with OMB guidelines, except that vessels will be required to use the VMS to report the catch of scallops and yellowtail flounder on a daily basis when the vessel is fishing in the Area Access Program. As described above, daily reports are required to accurately determine scallop and yellowtail flounder catch because there are area-specific catch limits specified for both species. This is the only way that actual catch can be verified on a near real-time basis. Although FVTRs are required on a monthly basis, and provide information about gross fishing areas, the data auditing process lengthens the time for the information to reach management offices to about 3 months. As a result, the information is not timely enough to use for monitoring catch limits. In addition, absent a VMS, there is no way to verify the catch locations as reported on the form.

In order to enforce restrictions on scallop vessels fishing in the Area Access Program, it is necessary to poll scallop vessels every 30 minutes.

In order to provide information needed to properly deploy NMFS at-sea observers, the Area Access Program requires 72 hours advance notification of a trip.

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.

The specific requirements of Framework 16/39 were developed over the course of about 6 months and received extensive public discussion in Council, committee and industry advisory meetings. The Council held several meetings during December 2003 and January 2004 to develop and consider alternatives to the reporting requirements proposed by Framework 16/39. Section 1.2 of the Framework 16/39 document enumerates these meetings and provides information about their nature. Interested parties were provided the opportunity to submit written comments at these meetings, which are included in Section 11.0 of Framework 16/39. The proposed rule for Framework 16/39 provided an additional opportunity for the public to comment on the proposed requirements. A Federal Register notice being published in

conjunction with this submission will solicit public comment on the renewal of these requirements.

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

No payment or gift will be made to respondents. Observers may be paid from the proceeds of an additional DAS/pounds allocation.

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

All data will be kept confidential as required by Section 402(b) of the Magnuson-Stevens Act, will be maintained in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e. vessel name, owner, etc.)

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.

Table 5 summarizes the burden hours, number of respondents, and total burden of the VMS reporting requirements and VMS polling frequency. The 863 burden hours are based on the number of participants expected in the controlled access program.

A. Estimation of the number of participants and access area trips:

Because vessels with general category scallop permits will have the option of participating in the Area Access Program, the number of participants could not be estimated accurately. As Table 1 shows, the number of general category scallop permits has been over 2,200 since year 2000, and reached a peak with 2,493 permits in 2002, but declined to 2257 in 2003. Table 2 summarizes the characteristics of the vessels with general category scallop permits in terms of length and gross tonnage. Only a small proportion of these vessels, about 8% to 12 %, actually participated in the sea scallop fishery in the past. Table 3 shows that the number of general category scallop vessels that were active in the scallop fishery increased from 194 in year 2000 to 274 in 2001 fishing year, and about 270 during March 1, 2002 to Dec 31, 2002. While access to the controlled areas of Georges Bank could provide incentive for more vessels with general category scallop permits to enter the fishery, the costs of VMS and observer coverage will have the opposite impact by reducing the profitability of the Area Access Program trips. For these reasons, the number of general category scallop vessels that will actively participate in the Area Access Program is assumed to stay about the same as before, and is estimated at 274 vessels. This is a conservative estimate reflecting the maximum number of general category scallop vessels that were active in the fishery during the fishing years from 2000 to 2002. The total number of general category

scallop vessels participating in the Area Access Program could be less than 274 due to the requirement of installing VMS, and the travel costs to the access areas.

The total number of general category scallop trips was about 4,301 during fishing year 2001--an average of 16 trips per vessel. These were all open area trips because at that time general category scallop vessels were not authorized to fish within any of the groundfish closed areas. It is difficult to estimate how many trips general category vessels will take into the access areas. This submission makes an estimate by assuming that the proportion of access area trips to the total number of 2001 trips will be the same as the proportion of landings estimated to be harvested from the access areas to total scallop landings from all areas for the years 2004 and 2005. Framework 16/39 estimated that the total landings from all areas would be 58.6 million in 2004 and 52.3 million in 2005, with 2004 landings of 27.3 million lb and 2005 landings of 22.6 million lb coming from the access areas. Therefore, the access area landings are estimated to be 46.6% of total scallop landings in 2004 and 43.4% in 2005, resulting in an average of 45% for these two years.

Assuming that same amount of scallops (in pounds) are landed per trip from all areas, the estimated number of trips to the access areas would be 45% of all trips. Applying this percentage to the 16 trips per vessel in 2001 results in an estimate that 7.2 trips per year will be taken to the access areas by general category scallop vessels. This estimate could represent an upper bound because the actual number of trips could be less due to the costs associated with VMS requirements.

B. Vessel Monitoring System (VMS), installation and verification:

Area-specific trip allocations and catch limits to control fishing mortality by area make it essential that reported catch and fishing location are accurate. For this reason, along with the limited access scallop vessels, the vessels with general category scallop permits planning to fish in the Area Access Program will be required to use a VMS approved by NMFS. General category scallop vessels not currently required to have VMS may purchase or lease VMS in order to take their trips within the access areas.

The VMS will help enforce scallop and yellowtail flounder catch limits. The VMS will provide a record of the vessel's location that can be compared to report fishing locations to verify accurate reporting, as there are areas open to fishing near the controlled access areas. The VMS will allow patrol units to rapidly identify the location of the boats so it can be confirmed that they are permitted to fish in the Area Access Program.

If these 274 general category scallop vessels decide to participate in the Area Access Program, installation of the VMS will probably require the presence of the owner or his representative. The installation time is estimated to take 60 minutes, for a total burden of 274 hours. Submission of proof of VMS installation (verification) is estimated at 5 minutes per submission, for a total burden of 22.85 hours. The estimated annual cost to respondents assumes a respondent wage and overhead value of \$15/hour. Using this figure, the annualized cost to respondents would be approximately \$4,110.00 for the installation time and \$342.77 for the verification requirement.

C. VMS Daily Reporting:

Daily electronic reports will be submitted by the vessel owner/operator or observer assigned to the trip. Observers submit reports of catch for use in monitoring the scallop and yellowtail flounder catch limits. Using VMS to submit these reports will greatly improve efficiency and reduce the costs associated with report submission and processing when compared to fax submissions, which have been required in other regions of the country.

All general category scallop vessels, including those subject to observer coverage, must have or obtain an operational VMS aboard their vessel in order to participate in the Area Access Program. These VMS units incorporate electronic communication equipment that can facilitate electronic reporting of fisheries data. The equipment includes satellite communication units for at-sea vessels, and computer hardware and software. These requirements do not impose a substantial burden on the industry other than purchasing and installing the necessary VMS equipment.

The observer reporting requirements affect all 274 general category vessels that are projected to participate in the Area Access Program. As explained above, the number of controlled access trips by these vessels is estimated to be 7.2 trips per vessel, which totals to 1,973 days for all 274 general category vessels. However, not all trips will include an observer, and for these trips, the captain or the crew will make the daily reports. According to the analyses in Framework 16 (Section 4.17), observers will be present on an average of 18% of the access area trips.

Therefore, the trips with observer coverage will total 355 days, and with observers transmitting an average of 10 minutes per day, total time burden equals to 59.18 hours (355 days * 0.1667 hours). The remaining 82% of the trips would not have an observer, and would account for 1,618 days (274 * 7.2 trips * 0.82), and 269.72 hours in transmission time. Annual transmission of data time from 274 vessels without observers on board equals to 269.72 hours (1618 days * 0.1667 hours), and \$4,045.80 in cost of time evaluated at \$15 per hour. There are no time costs for the public from this requirement when the observer makes the transmission. However, VMS transmission involves a fixed rate per message as discussed in Item 13 (D) below.

D. Notifications:

Three types of notifications are required from vessels participating in the Area Access Program: (1) a requirement to notify NMFS via VMS message of the intent to fish in the Program for any given month (five days prior to the first of the month); (2) a requirement to notify NMFS at least 72 hours prior to departing on an Area Access Program trip in order to allow for observer assignment; and (3) a requirement to notify NMFS prior to departing on an Area Access Program trip.

Hourly burdens and monetary costs associated with each of these notification requirements are itemized in Table 5. If 274 general category vessels participate in the Area Access Program, and take 7.2 trips to the access areas, they would need to send 1,973 electronic messages for each requirement. Assuming that each message takes about 2 minutes to transmit, total transmission time would be 65.89 hours for all 274 general category vessels from each notification requirement. The reporting cost to the public of these requirements is zero because the messages are transmitted electronically. There is a monetary cost, however, as discussed in Item 13 below

for each message sent via VMS (\$0.79 per message) and these costs are included as other costs in Table 5.

E. VMS Polling Frequency:

All vessels that have a VMS unit will be required to have the polling frequency of twice per hour. Transmission of polling data from 274 vessels is based on 7.2 trips per year each averaging 18 hours, which translated into 35,510.40 hours. The VMS unit will automatically transmit the polling data at an average of 5 seconds per poll, which equals to 98.64 hours (35,510.40 * 0.0014). The reporting cost to the public of these requirements is zero because the messages are transmitted electronically. There is a monetary cost, however, as discussed in Item 13 below, for each poll (\$0.50 per poll), which is included in Table 5 under other costs.

Total burden costs to public under item 12:

The cost to the public from all these requirements, including VMS installation (\$4,110), verification requirements (\$342.77), and daily VMS/observer reporting requirements (\$4,045.80) total to \$8,498.81 (Table 5).

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

As stated previously, all general category vessels that participate in the Area Access Program must install an operational VMS aboard the vessel. The costs to the public from VMS requirements include the cost of the equipment, installation and monthly message costs. In addition, there are monetary costs associated with the VMS notification requirements, electronic messages and polling.

Annualized capital and start-up costs:

NMFS must approve any VMS system selected for use. Currently there are two vendors that offer VMS equipment approved for use in the Northeast Region: Boatracs, Inc. and Skymate, Inc. A Boatracs system purchase and installation costs about \$6,000. Boatracs offers a lease-to-own option at \$4,258/year for a 24-month lease or \$3,029/year for 36 months.¹ A Skymate system installation will range from \$3,400 to \$5,400 because of various options available, with an additional \$400 charge for installation.

The annualized equipment costs based on a five-year amortization of the purchase and installation price is \$1,200 for Boatracs and \$1,160 (maximum) for Skymate. If 274 vessels participate in the controlled access program and install VMS, total costs would amount to \$328,800 for Boatracs and \$317,840 for Skymate (Table 4). These costs should be compared with the potential benefits from the regulations, as will be discussed below.

¹ Information is based on personal communications with Bob Negroni of Boatracs, Inc.

Total operations, maintenance, and purchases of services component:

The primary cost after purchase and installation of a VMS is the charge for the messages that communicate the required reports. The total costs for these messages depend on the system chosen for operation (Boatrac or Skymate). There is no estimated maintenance charge for either system.

Boatrac currently charges a flat rate for messaging of \$125/month, based on one message each hour of every day. Message costs are about \$0.10 per message for Skymate, or about \$75/month for a message each hour of every day.² Total annualized costs of VMS messaging per vessel are estimated to be \$1,500 for Boatrac and \$900 for Skymate, based on one message per hour every day. Thus, based on 274 vessels being required to be newly equipped with a VMS, total message costs to the public are \$411,100 with Boatrac, and \$246,600 with Skymate.

Annual message costs to the public are summarized in Table 4. The total costs for the 274 general category vessels are estimated at \$411,000 a year for Boatrac and \$246,600 for Skymate.

B. Verification:

Verification of the VMS installation must be provided to NMFS as part of the annual permit process. The costs of providing proof of VMS installation is estimated at \$1 per response, for total cost of \$274 (Table 5).

C. VMS daily reporting:

Daily reporting requirements affect all 274 general category vessels that are assumed to participate in the Area Access Program. As estimated in Item 12 (D) above, the number of controlled access trips by these vessels is estimated to be 7.2 trips per vessel, which totals to 1,973 days (or 1,973 day-trips). This is equivalent to 1,973 daily messages, of which 355 are estimated to be sent by observers and 1,658 messages by the captain or the crew. Total annual cost to the public, based on the number of messages and \$0.79 fixed rate per VMS e-mail message (Boatrac), is \$1,558.51 [1,973 messages, one report per day, times \$0.79] as shown in Table 5.

D. Notifications:

The three types of notifications required from vessels participating in the Area Access Program are described in Item 12 (D). Hourly burdens and monetary costs from each of these notification requirements are itemized in Table 5. If 274 general category vessels participate in the program, and take 7.2 trips to the access areas, they would need to send 1,973 electronic messages and would incur a reporting burden of \$1,558.51 for each type of notification. The cost is the product of the number of messages times \$0.79 fixed rate per VMS e-mail message. The cost of these three notification requirements totals \$4,675.54.

² Information is based on personal communications with Sandra Yin of NMFS.

E. VMS Polling Frequency:

All vessels that have a VMS unit will be required to have the polling frequency of twice per hour. Transmission of polling data from 274 vessels is based on 7.2 trips per year each averaging 18 hours, which translated into 35,510.40 hours, or polls. The VMS unit will automatically transmit the polling data at an average of average of 5 seconds per poll, which equals to 49.71 hours ($35,510.40 * 0.0014$). The cost associated with this increase in polling frequency represents a cost of \$17,755.20 (35,510.40 polls at \$0.50 per poll).

Summary of costs:

The total costs for the 274 general category vessels from VMS reporting requirements are estimated at \$739,800 a year for Boatracs which includes equipment (\$328,800) and message costs (\$411,000) as shown in Table 4. These costs are estimated at \$564,440 for Skymate (\$317,840 for equipment and \$246,600 for messaging). Table 5 uses the higher costs for Boatracs in the calculation of total costs. Other monetary costs include daily VMS/observer reporting burden (\$1,558.51), VMS notification requirements (\$4,675.54), and VMS polling (\$17,755.20). Summing these costs results in a total monetary burden of \$764,063.41, as shown in Table 5.

Overall, the monetary costs to the industry from the VMS monitoring, reporting and notification requirements are expected, however, to be lower than estimated above. Some general category scallop vessels may have already installed VMS. VMS also has positive impacts on the industry through improved enforcement, compliance, and management of the fishery resources as summarized under Item 1 of this analysis. The benefits are summarized below:

- Catch data handled electronically;
- Yellowtail flounder discard data available daily;
- Reduced administrative costs;
- Improved timeliness of data.

VMS monitoring will also provide numerous benefits for vessels operations in terms of improved safety, flexibility, and vessel record keeping. Although these benefits to the public cannot be estimated in estimated in monetary terms, they are outlined below:

- Improved vessel safety due to the precise location data that would be available to rescuers in an emergency;
- Improved vessel record-keeping - more accurate plotting of tow results - catches, bottom characteristics and potential obstructions;
- More accurate monitoring of vessel operations by owners who are not aboard the vessels;
- Secure two-way communications between vessels and shore allows captains and owners to communicate valuable information about catches, markets, logistics, etc.;
- The VMS would back-up global positioning systems currently used by vessels - this benefit will be greater when the LORAN system is eliminated in the future;
- As closed areas become more enforceable, they could be smaller - yet still result in an equivalent level of conservation;
- Would increase the flexibility of vessels operations by making area closure smaller or by making feasible measures that apply trip limits to specific areas.

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

The estimates of the annual administrative and enforcement costs to the Federal Government from the existing VMS program at NMFS' Northeast Regional Office are summarized in Table 6. The ongoing (recurring) costs amount to \$300,000 a year and include staff costs, internet connection, training, travel and the annual costs for equipment and the back-up system. These costs are not expected to increase with the VMS requirement for General Category vessels. Respondents will submit verification of VMS installation as part of the vessel permitting process, and the Government will confirm receipt of proof through the review of permits. Costs associated with processing this verification are assumed to be insignificant when considering the current magnitude of the permitting program.

A VMS system could potentially enable the U.S. Coast Guard to fully meet its fisheries program standards without additional resources. VMS coverage in the access areas significantly improves the Coast Guard's ability to detect violators and respond with the appropriate action. It will augment cutter and aircraft patrols and allow them to be used to enforce other management measures. A VMS also makes boarding efforts more efficient, as it will help Coast Guard distribute boardings in a more equitable manner across all fleet sectors.

Further discussion of additional benefits from VMS monitoring for the public and the Government in terms of improved compliance, enforcement and management is provided in items 1, 5, and 13 above.

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

Currently all program participants have completed their payments, so for this renewal period, there are no capital/start-up costs included.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States, which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. 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.

There are no reasons why display would be inappropriate.

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

No statistical methods are employed in the information collection procedures; the requirements are mandatory for participants in the Atlantic sea scallop fishery.

TABLES

Table 1. General category permits in the sea scallop fishery.

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Number of general category permits	1,960	2,067	1,984	1,993	1,930	2,074	2,247	2,293	2,493	2,257

Table 2. Characteristic of the vessels with General Category permits.

Vessel size	Numbers	Percentage
Less than 50 ft.	1667	71%
50-70ft.	389	17%
Greater than 70 ft.	287	12%
Total	2343	100%
0-50 GRT	1812	77%
51-100GRT	241	10%
101-150GRT	178	8%
Greater than 150 GRT	108	5%
Total *	2339	100%

* 4 vessels did not provide tonnage information.

Table 3. General Category scallop trips

Year/Data	Total	Per vessel (Average)
2001 Fishing year		
Number of trips	4,301	16
Number of Vessels	274	NA
Scallops landings (lb.)	970,201	3,541
Scallop Revenue (\$)	5,281,090	19,274
Revenue from all species (\$)	9,993,610	36,473
2000 Fishing year		
Number of trips	1,590	8
Number of Vessels	194	NA
Scallops landings (lb.)	198,991	1,026
Scallop Revenue (\$)	1,154,457	5,951
Revenue from all species (\$)	6,050,689	31,189

Data Source: Tables 39 and 40 in Section 7.1 of Amendment 10 FSEIS.

Table 4. Annualized VMS estimates for General Category vessels

Equipment	Number of Entities	Equipment Costs	Total Equipment Costs	Annual Message Costs (1)	Total Message Costs	Total Annual Costs per Vessel	Total Costs
Boatracs	274	1,200	328,800	1,500	411,000	2,700	\$739,800
Skymate	274	1,160	317,840	900	246,600	2,060	\$564,440

Table 5. Burden and Cost estimates for the Public and the Government

Requirement	Number of Entities	Items per Entity	Total Number of Responses	Response Time	Total Burden	Cost of Time to Public (1)	Other Costs to Public (2)(3)	Cost to Govt.
Vessel Monitoring System								
Installation	274	1	274	1	274	\$ 4,110.00		NA
Verification requirement	274	1	274	0.0834	22.85	\$ 342.77	\$274	NA
Reporting burden – hourly	NA							NA
Purchase and operation	274						\$739,800.00	NA
VMS/ Daily Observer Reporting Burden – with observer on board	274		355	0.1667	59.17		\$280.45	NA
VMS/ Daily reporting burden - no observer on board	274		1,618	0.1667	269.67	\$ 4,045.81	\$1,278.22	NA
Total -Daily reporting			1,973		328.90	\$ 4,045.81	\$1,558.67	NA
VMS / 5 Day Notification before Month of fishing	274	7.2	1973	0.0334	65.89		\$1,558.51	NA
VMS / 72-hour departure to a controlled access area	274	7.2	1973	0.0334	65.89		\$1,558.51	NA
Notification for the day vessel leaves on the access area trip	274	7.2	1973	0.0334	65.89		\$1,558.51	NA
Total -Notification requirements			5918		198		\$4,675.54	NA
VMS Polling- daily twice per hour	274	129.6	71,021	0.0014	98.64		\$17,755.20	NA
Total			79,460		863.16	\$8,498.58	\$764,063.41	0.00

Table 6. Costs to the Government from VMS Monitoring.

VMS Monitoring Annual Costs	
Salary and Benefits (1)	\$230,000
Internet Connection (2)	\$7,500
Equipment (3)	\$20,000
Back-up System (4)	\$38,960
Software Licensing	\$3,500
Supplies (5)	\$11,000
Training and travel	\$8,000
Total Ongoing Costs	\$300,000

Source: Data supplied by NMFS, Office of Enforcement, Northeast Regional Center, and NMFS Headquarters

1. Salary and benefits, three program support personnel.
2. 24-hour maintenance of secure Internet node at Gloucester, MA.
3. Lease and maintenance contract on CPU and monitor.
4. Lease and maintenance contract on CPU and monitor
5. Optical storage disks, repairs and supplies associated with non-lease equipment (modem, router, printer, thermal paper, WORM drive).

and removing the prohibition on the harvest, possession, and landing of GB yellowtail flounder by all NE multispecies vessels within the entire U.S./Canada Management Area, effective January 14, 2005. In addition, this action removes the previous daily poundage limits for GB yellowtail flounder and GB cod for the entire U.S./Canada Management Area and the Eastern U.S./Canada Area, respectively, and reinstates the 15,000 lb (6,804 kg) and 5,000 lb (2,268 kg) trip limit for GB yellowtail flounder and GB cod, respectively, consistent with ensuring that the TACs for these species will not be exceeded by the end of the 2004 fishing year. Removal of the daily poundage limits for these species provides flexibility to the fishing industry by allowing vessels that may need to end their trip prematurely due to an unexpected event, such as poor weather conditions, with the ability to retain their catch onboard when entering port (catches of species with daily poundage caps must be offloaded when a vessel enters port). The overall trip limits will help ensure that the mortality goals of the FMP are met. Additionally, trawl vessels fishing in the Eastern U.S./Canada Area may only fish with a haddock separator net, as described in § 648.85(a)(3)(iii)(A), for the purposes of reducing bycatch of both GB cod and GB yellowtail flounder to allow greater access to the remaining GB haddock TAC for the rest of the fishing year.

Yellowtail flounder landings will be closely monitored through VMS and other available information and, once 100 percent of the TAC allocation for GB yellowtail flounder is projected to be harvested, the Eastern U.S./Canada Area will be closed to NE multispecies DAS vessels and the harvesting, possession, and landing of yellowtail flounder by NE multispecies vessels in the U.S./Canada Management Area will be prohibited, in accordance with the regulations § 648.85(a)(3)(iv)(C)(3).

Classification

This action re-opens the Eastern U.S./Canada Area to the harvest of GB yellowtail flounder, and essentially restores access to this area with similar restrictions before the closure by removing a prohibition on the possession of GB yellowtail flounder in the U.S./Canada Management Area in order to allow vessels to fully harvest the TAC of GB yellowtail flounder. If implementation of this action is delayed, NMFS could be prevented from permitting the full harvest of the GB yellowtail flounder stock, GB cod, and GB haddock TACs. The directed harvest

of the GB yellowtail flounder stock began on May 1, 2004, and additional fishing opportunity on the stock was provided as of June 1, 2004, with the opening of the Closed Area II Yellowtail Flounder Special Access Program (SAP). If a proposed rule for this action, or delay in effectiveness were required, access to the Eastern U.S./Canada Area, as well as the ability to harvest yellowtail flounder from within the entire U.S./Canada Management Area, would be delayed and would create an unnecessary burden on the industry. For the above reason, under 5 U.S.C. 553(b)(3), proposed rulemaking is not necessary because it would be contrary to the public interest. Furthermore, because this rule relieves a restriction, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness period for this action.

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 12, 2005.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 05-926 Filed 1-12-05; 4:30 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040809233-4363-03; I.D. 080304B]

RIN 0648-AR55

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework 16 and Framework 39

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

ACTION: Final rule.

SUMMARY: NMFS publishes this final rule to implement measures previously approved, but not implemented under Framework 16 to the Atlantic Sea Scallop Fishery Management Plan (Scallop FMP) and Framework 39 to the Northeast Multispecies FMP (Multispecies FMP) (Joint Frameworks). The implementation of these measures was delayed, pending approval of reporting and recordkeeping requirements by the Office of Management and Budget (OMB). This

final rule allows general category scallop vessels to fish in the Northeast (NE) multispecies closed area access program implemented as part of the Joint Frameworks, provided that they comply with new recordkeeping and reporting requirements. OMB has approved the reporting and recordkeeping requirements for vessels with general category scallop permits, as required under the Paperwork Reduction Act (PRA).

DATES: Effective February 17, 2005.

ADDRESSES: Copies of the Joint Frameworks, their Regulatory Impact Review (RIR), including the Initial Regulatory Flexibility Analysis (IRFA), and the Environmental Assessment (EA) are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also available online at <http://www.nefmc.org>. NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is contained in the Classification section of the preamble of this rule. Copies of the FRFA and the Small Entity Compliance Guide are available from the Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298, and are also available via the internet at <http://www.nero.nmfs.gov>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule should be submitted to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA, 01930, and by e-mail to David_Rostker@omb.eop.gov, or to the Federal e-rulemaking portal <http://www.regulations.gov>, or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Peter W. Christopher, Fishery Policy Analyst, 978-281-9288; fax 978-281-9135.

SUPPLEMENTARY INFORMATION:

Background

The final rule for the Joint Frameworks (69 FR 63460, November 2, 2004) established Scallop Access Areas within NE multispecies Closed Area I (CAI), Closed Area II (CAII), and the Nantucket Lightship Closed Area (NLCA). The NE multispecies closed areas are closed year-round to all fishing that is capable of catching NE multispecies, including scallop fishing. The Joint Frameworks allowed the scallop fishery to access the scallop resource within portions of the NE

multispecies closed areas during specified seasons, and ensure that NE multispecies catches by scallop vessels are consistent with the Multispecies FMP. The Joint Frameworks also revised the Essential Fish Habitat (EFH) closed areas implemented under Amendment 10 to the Scallop FMP in order to make the areas consistent with the EFH closures under the Multispecies FMP, as established by Amendment 13 to the Multispecies FMP.

A proposed rule including the management measures for general category scallop vessel access was published on August 26, 2004 (69 FR 52470). Several comments related to the measures for general category scallop vessel access to NE multispecies closed areas were submitted in response to the proposed rule. These comments and their responses were included in the November 2, 2004, final rule for the Joint Frameworks. Detailed descriptions, justifications, and summary of impacts of all of the management measures, including general category scallop vessel access to the NE multispecies closed areas, were included in that final rule and are not repeated here. The measures allowing general category vessel access to the NE multispecies closed areas were not made effective upon publication of the November 2, 2004, final rule because NMFS had not received OMB approval of the reporting and recordkeeping requirements associated with these provisions, and because owners of general category scallop vessels required time to prepare for the new requirements. Since the reporting and recordkeeping requirements have been approved by OMB, general category scallop vessels are now subject to the following restrictions when fishing in the NE multispecies closed areas:

a. A possession limit of 400 lb (181.4 kg) of shucked, or 50 U.S. bushels (17.6 hL) of in-shell scallops per trip.

b. A set-aside TAC for general category vessels, equal to 2 percent of the overall scallop TAC for each Scallop Access Area, requiring general category vessels to stop fishing in the specific scallop Access Area once the set-aside TAC is reached. The general category set-aside TACs for 2004, 2005, and 2006, are as follows: (1) 2004; 167,904 lb (76 mt) in CAII and 154,368 lb (70 mt) in NLCA; (2) 2005; 64,860 lb (29 mt) in CAI and 153,971 lb (70 mt) in CAII; and (3) 2006; 56,482 lb (26 mt) in CAI and 135,937 lb (62 mt) in NLCA.

c. A limit on the number of trips that the general category fleet can take into the Scallop Access Areas, requiring general category vessels to stop fishing in the specific scallop Access Area once

the total number of allowed trips is reached. The limits on the number of trips general category vessels may take for 2004, 2005, and 2006, are as follows: (1) 2004; 420 trips in CAII and 386 trips in NLCA; (2) 2005; 162 trips in CAI and 385 trips in CAII; and (3) 2006; 141 trips in CAI and 340 trips in NLCA.

d. A requirement to install and use a NMFS-certified vessel monitoring system (VMS) in order to notify NMFS when a vessel plans to fish in a Scallop Access Area.

e. A prohibition on retaining or landing NE multispecies, with a requirement to report all catch of yellowtail flounder, including discards, so that it can be counted against the yellowtail flounder TAC for the scallop fishery. This restriction is consistent with the provisions for general category vessels fishing in other exempted fisheries under the Multispecies FMP.

f. A requirement to carry at-sea observers when requested.

g. VMS reporting of scallop and yellowtail catch to monitor fishery activity and bycatch. (These requirements are also required of limited access scallop vessels).

h. A requirement that scallop dredge gear used within a Scallop Access Area be constructed with rings with a minimum diameter of 4 inches (10.2 cm) (Amendment 10 imposed this requirement for General category vessels fishing in open areas, but delayed the implementation of the requirement until December 23, 2004). Dredge width for general category vessels cannot exceed 10.5 ft (3.2 m).

Classification

The Regional Administrator, Northeast Region, NMFS (RA) determined that the framework adjustments implemented by this final rule are necessary for the conservation and management of the Atlantic sea scallop fishery and the NE multispecies fishery and are consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

The measures implemented under the Joint Frameworks, including general category scallop vessel access to the NE multispecies closed areas, has been determined to be not significant for purposes of Executive Order 12866.

NMFS, pursuant to section 604 of the Regulatory Flexibility Act (RFA), prepared a FRFA in support of the Joint Frameworks, which was included in the November 2, 2004, final rule implementing the Joint Frameworks. The FRFA described the economic impact that this final rule, along with other non-preferred alternatives, will

have on small entities, including general category scallop vessels effected by this action. The contents of the FRFA and the incorporated documents (the IRFA, the RIR, and the EA) are not repeated here, and a copy of these documents is available upon request (see **ADDRESSES**).

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide was prepared. The guide will be sent to all holders of general category scallop permits issued for the scallop fishery. In addition, copies of this final rule and guide (i.e., permit holder letter) are available from the RA and are also available from NMFS, Northeast Region (see **ADDRESSES**).

This final rule contains new collection-of-information requirements approved by OMB under the PRA. These new requirements apply to general category vessels only (the requirements already exist for other scallop vessels). Public reporting burden for these collections of information are estimated to average as follows:

1. Purchase and installation of VMS units, OMB #0648-0491 (1 hr per response);

2. Verification of VMS units, OMB #0648-0491 (0.083 hr per response);

3. Daily reporting via VMS without an at-sea observer on board, OMB #0648-0491 (0.17 hr per response);

4. Daily reporting via VMS with an at-sea observer on board, OMB #0648-0491 (0.17 hr per response);

5. VMS notification of intent to fish on the 25th of the month preceding the intended trip, OMB #0648-0491 (0.033 hr per response);

6. VMS notification of scheduled Access Area trip 72 hr prior to departure, OMB #0648-0491 (0.033 hr per response);

7. VMS notification of trip 1 hr prior to departure, OMB #0648-0491 (0.033 hr per response);

8. Polling of VMS units twice per hour, OMB #0648-0491 (0.0014 hr per response).

These estimates include the time for reviewing instructions, searching existing data sources, gathering and

maintaining the data needed, and completing and reviewing the collection information.

Public comment is sought regarding: Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS and to OMB (see ADDRESSES).

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: January 11, 2005.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.10, paragraph (b)(1)(iv) is revised to read as follows:

§ 648.10 DAS notification requirements.

* * * * *

(b) * * *

(1) * * *

(iv) A scallop vessel issued a general category scallop permit when fishing under the Sea Scallop Area Access Program specified under § 648.60 and in the Sea Scallop Access Areas described in § 648.59(b) through (d);

* * * * *

■ 3. In § 648.59, paragraphs (b)(5)(ii)(A), (c)(5)(ii)(A), and (d)(5)(ii)(A) are revised to read as follows:

§ 648.59 Sea Scallop Access Areas.

* * * * *

(b) * * *

(5) * * *

(ii) * * *

(A) Except as provided in paragraph (b)(5)(ii)(B) of this section, subject to the possession limit specified in §§ 648.52(b) and 648.60(a)(5), and subject to the seasonal restrictions specified in paragraph (b)(4) of this section, a vessel issued a general category scallop permit may not enter in, or fish for, possess, or land sea scallops in or from the Closed Area I Access Area once the Regional Administrator has provided notification in the **Federal Register**, in accordance with § 648.60(a)(8), that 162 trips in the 2005 fishing year, and 141 trips in the 2006 fishing year, have been taken, in total, by all general category scallop vessels. The Regional Administrator shall notify all general category scallop vessels of the date when the maximum number of allowed trips have been, or are projected to be, taken for the 2005 and 2006 fishing years.

* * * * *

(c) * * *

(5) * * *

(ii) * * *

(A) Except as provided in paragraph (c)(5)(ii)(B) of this section, subject to the possession limits specified in §§ 648.52(b) and 648.60(a)(5), and subject to the seasonal restrictions specified in paragraph (c)(4) of this section, a vessel issued a general category scallop permit may not enter in, or fish for, possess, or land sea scallops in or from the Closed Area II Access Area once the Regional Administrator has provided notification in the **Federal Register**, in accordance with § 648.60(a)(8), that 420 trips in the 2004 fishing year, and 385 trips in the 2006 fishing year, have been taken, in total, by all general category scallop vessels. The Regional Administrator shall notify all general category scallop vessels of the date when the maximum number of allowed trips have been, or are projected to be, taken for the 2004 and 2005 fishing years.

* * * * *

(d) * * *

(5) * * *

(ii) * * *

(A) Except as provided in paragraph (d)(5)(ii)(B) of this section, subject to the possession limits specified in §§ 648.52(b) and 648.60(a)(5), a vessel issued a general category scallop permit may not enter in, or fish for, possess, or land sea scallops in or from the Nantucket Lightship Access Area once the Regional Administrator has provided notification in the **Federal Register**, in accordance with § 648.60(a)(8), that 386 trips in the 2004 fishing year, and 340 trips in the 2006 fishing year, have been taken, in total,

by all general category scallop vessels. The Regional Administrator shall notify all general category scallop vessels of the date when the maximum number of allowed trips have been, or are projected to be, taken for the 2004 and 2006 fishing years.

* * * * *

■ 4. In § 648.60, paragraph (g) is revised to read as follows:

§ 648.60 Sea scallop area access program requirements.

* * * * *

(g) *General category scallop vessels.*

(1) A vessel issued a general category scallop permit, except a vessel issued a NE Multispecies permit and a general category scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS that has not enrolled in the general category Access Area fishery, may only fish in the Closed Area I, Closed Area II, and Nantucket Lightship Sea Scallop Access Areas specified in § 648.59(b) through (d), subject to the seasonal restrictions specified in § 648.59(b)(4), (c)(4), and (d)(4), and subject to the possession limit specified in § 648.52(a), and provided the vessel complies with the requirements specified in paragraphs (a)(1), (a)(2), (a)(6) through (a)(9), (d), (e), (f), and (g) of this section, and § 648.85(c)(3)(ii). A vessel issued a NE Multispecies permit and a general category scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS that has not enrolled in the Sea Scallop Area Access program as specified in paragraph (a)(2) of this section is not subject to the restrictions and requirements specified in § 648.59(b)(5)(ii), (c)(5)(ii), (d)(5)(ii), and this paragraph (g).

(2) *Gear restrictions.* The combined dredge width in use by, or in possession on board, general category scallop vessels fishing in the Access Areas described in § 648.59(b) through (d) may not exceed 10.5 ft (3.2 m), measured at the widest point in the bail of the dredge.

(3) *Scallop TAC.* General category vessels fishing in the Access Areas specified in § 648.59(b) through (d) are authorized to land scallops, subject to the possession limit specified in § 648.52(a), up to the amount allocated to the scallop TACs for each Access Area specified below. If the scallop TAC for a specified Access Area has been, or is projected to be harvested, the Regional Administrator shall publish notification in the **Federal Register**, in accordance with the Administrative Procedure Act, to notify general category vessels that they may no longer fish within the specified Access Area.

(i) *Closed Area I Access Area.* 64,840 lb (29 mt) in 2005, and 56,482 lb (25.6 mt) in 2006.

(ii) *Closed Area II Access Area.* 167,904 (76 mt) in 2004, and 153,971 lb (70 mt) in 2005.

(iii) *Nantucket Lightship Access Area.* 154,368 lb (70 mt) in 2004, and 135,937 lb (62 mt) in 2006.

(iv) *Possession Limits—(A) Scallops.* A vessel issued a NE Multispecies permit and a general category scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS that has not enrolled in the general category Access Area fishery is prohibited from possessing scallops. General category scallop vessels fishing in the Access Areas specified in

§ 648.59(b) through (d) may possess scallops up to the possession limit specified in § 648.52(b), subject to a limit on the total number of trips that can be taken by all such vessels into the Access Areas, as specified in § 648.59(b)(5)(ii), (c)(5)(ii), and (d)(5)(ii). If the number of trips allowed have been or are projected to be taken, the Regional Administrator shall publish notification in the **Federal Register**, in accordance with the Administrative Procedure Act, to notify general category vessels that they may no longer fish within the specified Access Area.

(B) *Other species.* Except for vessels issued a general category scallop permit and fishing under an approved NE multispecies SAP under NE

multispecies DAS, general category vessels fishing in the Access Areas specified in § 648.59(b) through (d) are prohibited from possessing any other species of fish.

(4) *Number of trips.* General category scallop vessels may not fish for, possess, or land scallops in or from the Access Areas specified in § 648.59(b) through (d) after the effective date of the notification published in the **Federal Register**, stating that the total number of trips specified in § 648.59(b)(5)(ii), (c)(5)(ii), and (d)(5)(ii) have been, or are projected to be, taken by general category scallop vessels.

* * * * *

[FR Doc. 05-927 Filed 1-14-05; 8:45 am]

BILLING CODE 3510-22-S

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: March 10, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-5241 Filed 3-16-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northeast Region Sea Scallop Framework 16 Adjustment

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

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 May 16, 2005.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Don Frei, 978-281-9221 or don.Frei@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Recent Atlantic sea scallop fishery management actions included a controlled Area Access Program as a key part of scallop management. To ensure compliance with the Area Access Program, participating vessels are required to use a Vessel Monitoring System (VMS) to enroll in the program and to report catch. On November 2, 2004, Framework 16 to the Atlantic Sea Scallop Fishery Management Plan

(FMP) and Framework 39 to the Northeast Multispecies FMP (Joint Frameworks) were implemented and included these same provisions for a new Area Access Program. In addition, the Joint Frameworks extended the Area Access Program, and VMS reporting requirements to include the general category scallop vessels, which were not previously eligible to fish in the Area Access Program. The reporting requirements for the general category scallop vessels are currently approved through June 30, 2005, and would be extended for 3 years through this action.

II. Method of Collection

General category scallop vessels fishing in the Area Access Program are required to install and operate VMS units, and report catch and related information through the VMS e-mail messaging system. The vessels must send notification of intent to fish in the Area Access Program through the VMS e-mail system at least 72 hours prior to the opening of an access area. All Area Access Program vessels must also notify the National Marine Fisheries Service (NMFS), via VMS message, of their intent to fish in the Area Access Program for any given month (5 days prior to the beginning of the month). These notifications to NMFS are necessary in order to allow for the assignment of at-sea observers on some trips. The VMS is polled every 30 minutes consistent with the requirement for other vessels participating in the Area Access Program.

III. Data

OMB Number: 0648-0509.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 274.

Estimated Time Per Response:

Installation of VMS, 1 hour; verification requirement of VMS unit, 5 minutes (0.083 hour); daily reporting requirements with observer on board, 10 minutes (0.17 hour); daily reporting requirements without observer on board, 10 minutes (0.17 hour); VMS/5-day notification before month of fishing, 2 minutes (0.033 hour); VMS/72-hour departure notification to a controlled access area, 2 minutes (0.033 hour); notification for the day vessel leaves on the area access trip, 2 minutes (0.033 hour); VMS polling-daily, twice per hour, 6 seconds (0.0014 hour).

Estimated Total Annual Burden Hours: 13,152.

Estimated Total Annual Cost to Public: \$491,000.

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: March 10, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Characterization of the U.S. Recreational Fishery for Atlantic White Marlin

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

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 May 16, 2005.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection