

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

12/30/2005

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 10/17/2005.

TITLE: NMFS Alaska Region Observer Providers

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0318

EXPIRATION DATE: 12/31/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	3,998	1,963	84
New	2,995	1,959	83
Difference	-1,003	-4	-1
Program Change		0	0
Adjustment		-4	-1

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
NMFS ALASKA REGION OBSERVER PROVIDERS
OMB CONTROL NO.: 0648-0318**

INTRODUCTION

The Secretary of Commerce (Secretary) under the Fishery Management Plan (FMP) manages the domestic groundfish fisheries of the Bering Sea and Aleutian Islands management area (BSAI) and the Gulf of Alaska (GOA) for the Groundfish Fishery of the BSAI and the FMP for Groundfish of the GOA. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and are implemented by regulations at 50 CFR part 679.

The National Marine Fisheries Service (NMFS) North Pacific Groundfish Observer Program (Observer Program) was implemented in early 1990. The Observer Program collects and disseminates catch, bycatch, and biological data necessary to support in-season monitoring and stock assessment commensurate with the highest level of data quality, data integrity, and professionalism. Under this program the Alaska Fisheries Science Center in Seattle, Washington, provides the operational oversight of the program, certification training, definition of observer sampling duties and methods, debriefing of observers, and management of the data.

Owners of vessels, shoreside processors, or stationary floating processors (SFPs) required to carry observers must arrange for observer services from an observer provider. A list of observer providers is available upon request from the Observer Program Office and from the Observer Program's home page at http://www.afsc.noaa.gov/refm/observers/observer_providers.htm. Although the vessel and plant owners pay for the cost of the observers, the costs associated with managing the program are paid by NMFS.

The objective of the Observer Program is to most efficiently and effectively deploy well-qualified and trained fisheries' observers to support management and science information needs. Observers are responsible for collecting data on total catch, species composition, length frequency measurements, and age structures from targeted and prohibited species. This data is used to support inseason catch accounting stock assessments and many of NMFS' other functions.

This action is a renewal for the observer provider program. This action changes the title of the collection from "Observer Providers of the North Pacific" to read "NMFS Alaska Region Observer Providers."

A. JUSTIFICATION

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

The data provided by the Observer Program are, collectively, a critical element in the conservation and management of groundfish, other living marine resources, and their habitat. These data are used for assessing the status of groundfish stocks, setting and monitoring

groundfish quotas and allocations thereof, monitoring bycatch of non-groundfish species, assessing effects of the groundfish fishery on other living marine resources and their habitat, and assessing methods for improving the conservation and management of groundfish, other living marine resources and their habitat. The data help ensure that fishing closures are timely and appropriate, maintaining the health of the target species stocks and the bycatch species. Industry receives the data they need to make timely fishing decisions, avoid unwanted bycatch, and improve productivity.

Additionally, management of the western Alaska Community Development Quota (CDQ) program and American Fisheries Act (AFA) fisheries are structured to rely on observer data for individual vessel catch accounting. The CDQ program is designed to provide western Alaska communities with greater benefits resulting from commercial utilization of the fishery resources of the Bering Sea.

Accurate catch accounting results in fishery closures that allow for harvest levels that better approach actual allocations without exceeding them, thereby avoiding, to the extent practicable, losses of revenue from the potential mis-allocation or underharvesting of total allowable catch.

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.

The main focus of this information collection continues to be the documentation required by NMFS from an observer provider. The data elements of the information collection listed below generally are unchanged from those previously cleared under OMB control No. 0648-0318. Observer providers are permitted by NMFS to hire and deploy qualified individuals as observers in the groundfish fisheries of the BSAI and GOA. Observer candidates are required to meet specified criteria in order to qualify as an observer and must successfully complete an initial certification-training course, as well as meet other criteria, prior to being certified.

a. Industry Request for Assistance in Improving Observer Data Quality Issues.

Owners and operators of vessels and owners and managers of shoreside processors and SFPs currently required to carry observers may request that NMFS staff or other NMFS-authorized persons be assigned to their vessel or facility to address certain concerns, including: vessel, shoreside processor, or SFP specific sampling issues; creating new sampling protocols; developing and implementing research projects; maintaining knowledge of current vessel, shoreside processor or SFP operations for observer sampling purposes; and providing on-site training for an observer(s) employed by an observer provider.

NMFS can address observer-related issues by placing staff or individuals authorized by NMFS in actual working conditions experienced by observers. Such deployments increase the ability of NMFS to work with industry, observers, and observer providers to resolve the issues that face the stakeholders in the groundfish fisheries of the BSAI and GOA and foster a more cooperative working relationship with better informed industry participants.

Industry Request for Assistance in Improving Observer Data Quality Issues, Respondent	
Estimated number of industry requests	10
Total Annual Responses	10
Number of responses per year = 1	
Total Time burden (10 x 0.5)	5
Time requirement for each application (30 min/60 min = 0.5)	
Total Personnel Cost (5 x \$25)	\$125
Cost per hour, in dollars = \$25	
Total Miscellaneous Cost (3 + 0.35)	\$3
Cost to FAX (\$1 x 1 page x 3)	
Cost to e-mail (0.05 x 7)	

Industry Request for Assistance in Improving Observer Data Quality Issues, Federal Government	
Total Annual Responses	10
Total Time Burden	25 hr
Time for each application (150 min/60 min = 2.5 hr)	
Total Personnel Cost (25 x 25)	\$625
Cost per hour, in dollars = 25	
Total Miscellaneous Cost	0

b. Application For an Observer Provider Permit.

Persons who seek to provide observer services under 50 CFR part 679.50 must obtain an observer provider permit from NMFS. Applicants for an observer provider permit are requested to provide information in narrative style rather than completing a form. NMFS uses the provided information to evaluate the abilities of the prospective provider to perform the required responsibilities and duties on a recurring basis. A NMFS-appointed observer provider application review board reviews and evaluates each application for completeness against evaluation criteria. Each observer provider must submit to NMFS within 30 days of receiving an observer provider permit, any changes or corrections regarding management or ownership structure of the provider and applicable contact information.

NMFS has determined that the existing 5 approved observer providers are adequately providing for required observer coverage in the groundfish fisheries, and does not anticipate any new applications. The observer provider permit is effective through December 31, 2007 unless:

1. A new owner of the observer provider company triggers that a new permit application be initiated;
2. The permit issued to an observer provider is revoked; or
3. The permitted provider ceases to deploy observers to groundfish fisheries of the BSAI and GOA during a period of 12 continuous months.

The Regional Administrator will specify, by letter via certified return-receipt mail, a 60-day evidentiary period during which a candidate may provide additional information or evidence to support the application, if the application is found to be deficient. If the initial administrative determination (IAD) recommends approval of the application, the Regional Administrator will issue an observer provider permit to the applicant.

An Application for an Observer Provider Permit Shall Consist of a Narrative Containing the Following:	
1. Identification of the management, organizational structure, and ownership structure of the applicant's business	
Including identification by name and general function of all controlling management interests in the company	This information is necessary to clearly identify the permit recipient, organization management, and appropriate contacts for particular issues. Organizational and management information helps NMFS minimize compliance problems with observer providers.
Including but not limited to owners, board members, officers, authorized agents, and staff.	
If the applicant is a corporation, the articles of incorporation must be provided.	
If the ownership of an observer provider company is not a U.S. citizen /residing/located/based in the U.S., the applicant must identify an authorized agent who resides in the U.S. and provide contact information for that agent including mailing address and telephone and FAX numbers where the agent can be contacted for official correspondence.	
2. Contact information for the owner, authorized agent, and company information	
Permanent mailing address, telephone and FAX numbers where the owner(s) can be contacted Current physical location Business mailing address, telephone and FAX numbers Business e-mail address for each office	This information allows NMFS to know where to communicate with the owner(s) for official correspondence as well as providing contact points for the day-to-day operations for each of the applicant's locations. This information will facilitate communication with the applicant.
3. A statement signed under penalty of perjury from each owner, or owners, board members and officers if a corporation, that they are free from a conflict of interest	
This declaration will help ensure that NMFS provides permits only to applicants who are free from a conflict of interest and will ensure that the applicants are aware of this provision of the regulations. If requested, NMFS could provide a template form, which applicants could use to satisfy this part of the application.	
4. A statement signed under penalty of perjury from each owner, or owners, board members, and officers of a corporation, describing any criminal convictions, federal contracts they have had and the performance rating they received on the contract, and previous decertification action while working as an observer or observer provider.	
These declarations will help ensure that NMFS provides permits only to applicants who lack past record of poor performance or certain criminal behavior. Screening for these records will assist NMFS in permitting applicants who will help promote honesty and integrity in the Observer Program and helps provide a high level of data quality.	
5. A description of any prior experience the applicant may have in placing individuals in remote field and/or marine work environments including but not limited to recruiting, hiring, deployment, and personnel administration	
This background information would aid NMFS in determining how much assistance the provider would require to remain in compliance with the regulations.	
6. A description of the applicant's ability to carry out the responsibilities and duties of an observer provider, and the arrangements to be used to achieve such responsibilities and duties	
Specific explanations of how the applicant intends to comply with each component of the regulations	This information would demonstrate the applicant's understanding of the regulations and how the applicant would comply with these regulations. This is a critical part of the application, because each observer provider's compliance with regulatory responsibilities is important for the overall program to be successful.

New Permit Application for Observer Provider, Respondent	
Estimated number of observer providers	1
Number of responses per year	1
Total Annual Responses	1
Total Time Burden	60 hr
Time requirement for each application = 60 hr	
Total Personnel Cost (60 x \$25)	\$1,500
Cost per hour, in dollars = \$25	
Total Miscellaneous Cost	\$5

Cost to submit by FAX (\$1 x 5 pages)	
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New Permit Application for Observer Provider, Federal Government	
Total Annual Responses	1
Total Time Burden	30 hr
Total Personnel Cost (30 hr x \$25/hr)	\$750
Total Miscellaneous Cost	0

c. Update to provider information

Observer providers are required to notify the Observer Program within 30 days of the effective date when any of the required elements change. This requirement will help facilitate the communication between NMFS and observer providers. Any change to the information submitted on the provider's permit application must be submitted by FAX or mail.

Update to provider information

Identification of the management, organizational structure, and ownership structure of the applicant's business; including identification by name and general function of all controlling management interests in the company; including but not limited to owners, board members, officers, authorized agents, and staff.

If the applicant is a corporation, the articles of incorporation must be provided.

If the applicant is a partnership, the partnership agreement must be provided.

Contact information for the owner, authorized agent, and company information: including the permanent mailing address, phone and FAX numbers where the owner(s) can be contacted;

Current physical location;

Business mailing address;

Business telephone and FAX numbers;

Business e-mail address for each office.

Update to provider information, Respondent	
Estimated number of respondents	4
Total annual responses	4
Number of responses per year = 1	
Total Time burden (4 x 1 x 0.25)	1
Time requirement for each update (15 min/60 min = 0.25)	
Total personnel cost (4 x 0.25 x \$25)	\$25
Cost per hour, in dollars = 25	
Total miscellaneous cost (1 + 1.50 = 2.50)	\$3
Cost to FAX (\$1 to 1 page x 1)	
Cost to e-mail (0.5 x 3 = 1.50)	

Update to provider information, Federal Government	
Total number of responses	4
Total time burden	2 hr
Time requirement to review and record each update (30/60=0.5)	
Total personnel cost (2 x 25)	\$50
Cost per hour = 25	
Total miscellaneous cost	0

Observers

While observers work for independent companies (observer providers) that contract with the fishing industry in order to meet proscribed observer coverage requirements, their sampling duties and field activities are established through the Observer Program. The Observer Program

manages observer training, field support, debriefing, data quality assurance, and data management.

To be certified as an observer by NMFS, an applicant must have a bachelor's degree in fisheries, wildlife biology, or a related field of biology or natural resource management. Observers must be capable of performing strenuous physical labor and working independently without direct supervision under stressful conditions. Because observers are not employees of the Federal Government but instead are hired by certified observer providers, applicants must apply directly to a permitted observer provider. Once an observer candidate is hired, an observer provider will arrange for the observer candidate to attend a 3-week observer-training course in Seattle or Anchorage. Upon successful completion of the course, the candidate becomes certified as a groundfish observer.

Training includes instructions on sampling techniques and procedures, identification of invertebrates, fish, birds, and marine mammals found in the North Pacific Ocean and Bering Sea, at-sea safety, and electronic data entry and transmission. Most observer work is conducted aboard commercial fishing vessels at sea, a difficult and hazardous environment. The work requires strenuous physical activity, which includes frequent lifting of heavy baskets of fish (60-85 pounds) and long, irregular working hours. The job also can be mentally stressful due to confined living and working space and differing objectives of the observer and the crew aboard the vessel. Contracts are generally for 90 days, but may be less depending on the fishing season.

Observers' primary duties revolve around the collection of groundfish catch data; recording incidental takes of crab, Pacific salmon, Pacific halibut, and Pacific herring; recording incidental takes of short-tailed albatross and marine mammals; and collecting biological samples.

d. Observer training and briefings.

The Observer Program conducts training and briefing classes to obtain observer endorsements in Seattle at the Alaska Fisheries Science Center and through the North Pacific Fisheries Observer Training Center at the University of Alaska, Anchorage, Alaska. Training class dates are posted quarterly; changes are posted as they occur. The Observer Program at http://www.afsc.noaa.gov/refm/observers/training_schedule.htm posts the observer-training schedule for briefings in Seattle, Washington, and Anchorage, Alaska Certification Training Endorsement. An observer candidate who successfully completes the 3-week training session becomes a certified observer. An observer certification is issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification.

Annual General Endorsement. Each observer must obtain an annual general endorsement to his or her certification prior to his or her first deployment within any calendar year subsequent to a year in which a certification training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

Deployment Endorsements. Each observer who has completed an initial deployment after certification or annual briefing must receive a deployment endorsement to his or her certification

prior to any subsequent deployments for the remainder of that year. An observer may obtain a deployment endorsement by successfully completing all pre-cruise briefing requirements. The type of briefing the observer must attend and successfully complete will be specified in writing by the Observer Program during the observer’s most recent debriefing.

Level 2 Endorsements. A certified observer may obtain a Level 2 endorsement to their certification. A Level 2 endorsement is required for purposes of performing observer duties aboard vessels, SFPs, or at shoreside processors participating in the CDQ or AFA fisheries. An observer who has achieved a Level 2 endorsement to their observer certification may additionally receive a Level 2 “lead” observer endorsement.

The observer provider must submit the following training registration information to the Observer Program Office at least 5 business days prior to the beginning of a scheduled observer certification training or briefing session. Registration for observer training is done by e-mail, FAX, or other method specified by NMFS.

Observer Training and Briefing

Observer Training Registration

- Date of requested training;
- A list of observer candidates, including each candidate’s full name (first, middle and last names), date of birth, and sex;
- A copy of each candidate’s academic transcripts and resume;
- A statement signed by the observer candidate under penalty of perjury, which discloses the candidate’s criminal convictions, (if any).

Observer Briefing Registration

- Date and type of requested briefing session and briefing location;
- List of observers to attend the briefing session, including each observer’s full name.

Observer Training Registration to NMFS, Respondent	
Total Number Respondents	5
Total Annual Responses	5
Estimated responses per yr = 1 x 5	
Total Burden Time	5 hr
Time requirement for each registration = 1 hr	
Total Personnel Cost (5 x \$25)	\$125
Cost per hour, in dollars = 25	
Total Miscellaneous Cost (50 + 2= 52)	\$52
Cost to FAX (\$1 to 50 page x 1= \$50)	
Cost to e-mail (0.05 x 4 = \$2.00)	

Observer Training Registration to NMFS, Federal Government	
Total Responses	5
Total Burden Time	5 hr
Time requirement for each registration = 1 hr	
Total Personnel Cost (5 x \$25)	\$125
Cost per hour, in dollars = \$25	
Total Miscellaneous Cost	0

Observer Briefing Registration, Respondent	
Number of Observer Briefing Registrations Per Year	600
4-day annual briefing: 220	
1-day pre-deployment briefing: 230	
5-day 'level 2' briefing: 60	
1-day 'level 2' briefing: 90	
Total Annual Responses	600
Total Time Burden (600 x 0.12 hr)	72hr
Time requirement for briefing registration (7 min/60 min=0.12)	
Total Personnel Cost (72 hr x \$25/hr)	\$1,800
Cost per hr = \$25	
Total Miscellaneous Costs (450 x 7.50)	\$458
Cost to submit by FAX (\$1 x 1 page x 450)	
Cost to e-mail (0.05 x 150 = 7.50)	

Observer Briefing Registration, Federal Government	
Total Annual Responses	600
Total Time Burden (600 x 0.05)	30 hr
Time to data enter each registration (3 min/60 min=0.05)	
Total Personnel Cost (30 hr x \$25/hr)	\$750
Cost per hr = \$25	
Total Miscellaneous Costs	0

The list of requested date and names of observer candidates ensures that sufficient class space will be reserved for the candidates during the training session requested. Copies of resumes and transcripts allow NMFS to verify that first-time applicants meet the observer educational qualification standards. The disclosure statement of criminal record is intended to disclose whether the candidate has a past criminal record. NMFS reviews this information to determine whether a lack of integrity or honesty in the candidate is indicated that seriously and directly affects the fitness of a candidate to fulfill the observer responsibilities.

The observer candidate's time and cost in preparation of a resume is excluded from the estimated burden of this information collection because most employers, including observer providers, routinely require resumes. However, NMFS's requirement that candidates successfully complete specified college course work requires that college transcripts be submitted. Thus the time and costs associated with submitting transcripts, as well as the disclosure statement on any criminal record are included.

Observer Candidates' College Transcripts and Disclosure Statements, Observer Candidate	
Number of Submissions to Observer Providers	200
Total Annual Responses	200
Number of responses per year = 1	
Total Time Burden (200 x 0.25)	50 hr
Time requirement each submission (15 min/60 min=0.25)	
Total Personnel Cost (50 x \$25)	\$1,250
Cost per hr = \$25	
Total Miscellaneous Cost	\$2,000
Cost to obtain college transcripts = \$5 x 200 = 1000	
Cost to mail each transcript and disclosure statement to	

observer providers = \$1 x 5 page x 200 = 1000	
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Observer Candidates' College Transcripts and Disclosure Statements, Observer Provider	
Number of Submissions to NMFS	200
Total Annual Responses	200
Number of responses per year = 1	
Total Time Burden (200 x 0.25)	50 hr
Time requirement each submission (15 min/60 min = 0.25)	
Total Personnel Cost (50 x \$25)	\$1,250
Cost per hr = \$25	
Total Miscellaneous Cost (250 + 8)	\$258
Cost to FAX (\$1 x 5 pages x 50 = 250)	
Cost to e-mail (0.05 x 150 = 7.50)	

Observer Candidates' College Transcripts and Disclosure Statements, Federal Government	
Total Annual Responses	200
Total Time Burden (200 x 0.33)	66 hr
Time requirement each registration (20 min/60 min = 0.33)	
Total Personnel Cost (66 hr x \$25/hr)	1650
Cost per hr = \$25	
Total Miscellaneous Cost	0

e. Observer debriefing registration.

After the Observer Program certifies an observer, he or she is sent to work on a catcher vessel, a mothership, a catcher/processor, a shoreside processor, or an SFP. The observer provider must contact the Observer Program within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include:

- Date and location of debriefing requested;
- Name and cruise number of each observer;
- Name of vessel, shoreside processor, or SFP assignment name and code of observer's deployment.

Observer Briefing Registration, Respondent	
Number of Observer Briefing Registrations Per Year	230
Total Annual Responses	230
Total Time Burden (230 x 0.5 hr)	115 hr
Time requirement for briefing registration (30 min/60 min=0.5)	
Total Personnel Cost (115 hr x \$25/hr)	\$2875
Cost per hr = \$25	
Total Miscellaneous Costs (57 + 9)	\$66
Cost to submit notice by FAX (\$1 x 1 page x 57)	
Cost to e-mail (0.05 x 173 = 8.65)	

Observer Briefing Registration, Federal Government	
Total Annual Responses	230
Total Time Burden (230 x 0.5)	115 hr
Time to data enter each registration (30 min/60 min=0.5)	
Total Personnel Cost (115 hr x \$25/hr)	\$2875

Cost per hr = \$25	
Total Miscellaneous Costs	0

f. Observer deployment/logistics reports

This information is used for routine record keeping in the NMFS observer database. Accurate and timely observer deployment information is important for fisheries management. Knowing where observers are at all times is also extremely important should emergencies arise while an observer is deployed at sea. This information must be submitted by Wednesday, 4:30 pm Pacific local time, of each week with regard to each observer deployed by the observer provider during that week. If the observer is currently not assigned to a vessel, shoreside processor, or SFP, the observer’s location must be included in the report.

Observer Deployment/Logistics Report

- Observer’s name and cruise number;
- Current vessel, shoreside processor, or SFP assignment and vessel/processor code;
- Embarkation date;
- Estimated or actual disembarkation dates.

Observer deployment/logistics report, Respondent	
Total Number of Respondents	5
Total Annual Responses	260
One response per week	
Number of weekly reports/yr = 52 x 5 providers	
Total Time Burden (260 x 0.12=31.2)	31 hr
Time requirement each report (7 min/60 min=0.12)	
Total Personnel Cost (31 hr x \$25/hr)	\$775
Cost per hr = \$25	
Total Miscellaneous Costs (65 + 10)	\$75
Cost to FAX (\$1 x 1 page x 65)	
Cost to e-mail (0.05 x 195 = 9.75)	

Observer Deployment/Logistics Reports, Federal Government	
Total Annual Responses	260
Total Time Burden (260 x 0.17)	31 hr
Time enter each report (10 min/60 min=0.17)	
Total Personnel Cost (31 x 25)	\$775
Cost per hr = \$25	
Total Miscellaneous Costs	0

g. Other Reports

The observer providers must submit reports of incidents not pertaining to collection of data by the observer to the Observer Program. Review of these reports provides NMFS an effective tool to monitor interaction between the observer and the fishing industry. For example, members of the fishing community recently raised questions regarding observer training in the areas of safety training, instructions to observers regarding sampling procedures, and the manner in which observers are trained to communicate with vessel operators. In response to these questions, the Observer Program extended an open invitation for industry members to attend observer-training sessions. These reports are submitted via fax or email within 24 hours after the observer

provider becomes aware of the information.

Other reports

- Any information regarding possible observer harassment;
- Any information regarding any action prohibited under § 679.7(g) or § 600.725(o), (t) and (u);
- Any concerns about vessel safety or marine casualty under 46 CFR 4.05-1 (a)(1) through (7), or processor safety;
- Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and
- Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described at 679.50(j)(2)(i) or (j)(2)(ii).

Other Reports, Respondent	
Number of Permitted Observer Providers	5
Total Annual Responses (5 providers x 10 reports)	50
Number of reports = 10	
Total Time Burden	100 hr
Time requirement for each report = 2 hr	
Total Personnel Cost (100 hr x \$25/hr)	\$2,500
Cost per hr = \$25	
Total Miscellaneous Cost (12 + 2)	\$14
Cost to FAX (\$1 x 1 page x 12 = 12)	
Cost to e-mail (0.05 x 38 = 1.90)	

Other Reports, Federal Government	
Total Annual Responses	5
Total Time Burden	50 hr
Time to review each report = 1 hr	
Estimated number of reports = 50	
Total Personnel Cost	\$1,250
Cost per hr = \$25	
Total Miscellaneous Cost	0

h. Observer physical examination certification.

Most observer work is conducted aboard commercial fishing vessels at sea, a difficult and hazardous environment. The work requires strenuous physical activity, which includes frequent lifting of heavy baskets of fish (60-85 pounds) and long, irregular working hours. The job also can be mentally stressful due to confined living and working space and differing objectives of the observer and the crew aboard the vessel. An observer candidate is required to obtain a physical examination certification. A physical examination certification is a signed and dated statement from a licensed physician based upon a physical examination of the candidate by that physician during the 12 months prior to the candidate’s deployment. This certification verifies that the candidate does not have any health problems or conditions that would jeopardize an observer’s safety or the safety of others while deployed, or that would prevent the candidate from performing his or her observer duties satisfactorily. This certification also verifies that prior to the physical examination, the physician was made aware of the dangerous, remote, and rigorous nature of the work an observer does.

Observer providers incur the costs associated with copying and submitting to NMFS the notice of physical examination. They do not incur the costs of an observer or observer candidate’s time

and cost for the actual exam.

Notification of Observer Physical Examination, Observer Providers	
Total Annual Responses	400
Total Burden Time (400 x 0.08) Time requirement to submit each notification (5 min/60 min=0.08)	32 hr
Total Personnel Cost (32 hr x \$25/hr) Cost per hr = \$25	\$800
Total Miscellaneous Cost (100 + 15) Cost to FAX (\$1 x 1 page x 100) Cost to e-mail (0.05 x 300 = 15)	\$115

Observer Physical Examination, Observer	
Total Annual Responses	400
Total Time Burden (400 x 2) Time requirement for each physical examination = 2 hr	800 hr
Total Personnel Cost (800 x \$25) Cost per hr = \$25	\$20,000
Total Miscellaneous Cost Cost per physical examination = \$40 Cost for physical examinations (400 hr x \$40/hr)	\$16,000

Notification of Observer Physical Exam, Federal Government	
Total Annual Responses	400
Total Time Burden (400 x 0.03) Time requirement to record each notification (2 min/60 min=0.03)	12 hr
Total Personnel Cost (12 hr x \$25/hr) Cost per hr = \$25	\$300
Total Miscellaneous Cost	0

i. Projected Observer Assignments.

Prior to the observer or observer candidate's completion of the training or briefing session, the observer provider must submit to the Observer Program Office a statement of projected observer assignments. These projected assignments are used by the training or briefing instructor to adapt classroom instruction to meet the specific needs of the individual(s) in each training or briefing class and to assign “special projects” to students. Special project assignments are often dependent on the projected vessel assignments. The special projects are often species or vessel-type specific. This information must be submitted to the Observer Program Office prior to the completion of the training or briefing session.

Projected Observer Assignments

- Observer’s name;
- Vessel, shoreside processor, or SFP assignment, gear type, and vessel/processor code;
- Port of embarkation;
- Target species;
- Area of fishing.

Projected Observer Assignment, Respondent
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Number of Observers	200
Total Annual Responses (200 x 3)	600
Number of annual assignments per observer = 3	
Total Time Burden (600 x 0.12 hr)	72 hr
Time requirement for each assignment (7 min/60 min=0.12)	
Total Personnel Cost (72 hr x \$25/hr)	\$1,800
Cost per hr = \$25	
Total Miscellaneous Cost (150 + 23)	\$173
Cost to FAX (\$1 x 1 page x 150)	
Cost to e-mail (0.05 x 450 = 22.50)	

Projected Observer Assignment, Federal Government	
Total Annual Responses	600
Total Time Burden (600 x 0.17)	102 hr
Time requirement to enter each assignment (10 min/60 min=0.17)	
Total Personnel Cost (102 x 25)	\$2,550
Cost per hr = \$25	
Total Miscellaneous Cost	0

j. Certificate of Insurance.

Copies of “certificates of insurance,” that name NMFS Observer Program leader as the “certificate holder,” shall be submitted by February 1 of each year. Insurance certification allows NMFS to confirm that an observer provider is meeting the minimum insurance coverage required. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

- Maritime Liability to cover "seamen's" claims under the Merchant Marine Act (Jones Act) and General Maritime Law (\$1 million minimum);
- Coverage under the U.S. Longshore and Harbor Workers' Compensation Act (\$1 million minimum);
- States Worker's Compensation as required;
- Commercial General Liability.

Certificate of Insurance, Respondent	
Total Number of Respondents	5
Total Annual Responses	5
Number of responses per year = 1	
Total Time Burden (5 x 1 x 0.2)	1
Time for each certificate of insurance (12 min/60 min=0.2)	
Total Personnel Cost (1 hr x \$25/hr)	\$25
Cost per hr = \$25	
Total Miscellaneous Cost (2 + 0.2)	\$2
Cost to submit report by FAX (\$1 x 2 pages x 1=2)	
Cost to e-mail (0.05 x 4 = 0.20)	

Certificate of Insurance, Federal Government	
Total Annual Responses	5
Total Time Burden (5 x 0.05)	1 hr
Time requirement to file each certificate (3 min/60 min=0.05)	
Total Personnel Cost (1 hr x \$25/hr)	\$25
Cost per hr = \$25	
Total Miscellaneous Cost	0

k. Observer provider contracts.

The observer provider must provide NMFS Observer Program a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) with those entities requiring observer services. Observer providers must also submit upon request from NMFS, a completed and unaltered copy of the current or most recent signed and valid contract between an observer provider and a particular entity or observer identified by the Observer Program

Copies of Contracts, Respondent	
Number of Permitted Observer Providers	5
Total Annual Responses	5
Total time burden (50 x 5 x 0.25)	63 hr
Time requirement to copy each contract (15 min/60 min = 0.25)	
Number of contracts each provider = 50	
Total Personnel Cost to copy contracts (63 x \$25)	\$1,575
Cost per hr = \$25	
Total Miscellaneous Cost	
Cost to mail to NMFS (\$1.40 postage x 50 x 5)	\$350

Copies of Contracts, Federal Government	
Total Annual Responses	5
Total Time Burden (2 hr x 50 x 5)	500 hr
Time requirement to review = 2 hr	
Total number of contracts = 50	
Total Personnel Cost (500 hr x \$25/hr)	\$12,500
Cost per hr = \$25	
Total Miscellaneous Cost	0

l. Appeals for Observer Provider Permit Expiration or Denial of Permit

The observer provider permit will expire after a period of 12 continuous months during which the provider to the groundfish industry deploys no observers. The Regional Administrator will provide a written IAD to an observer provider if NMFS deployment records indicate that the permit has expired. An observer provider who receives an IAD of permit expiration may appeal. The appeals process provides the observer providers a method to provide evidence and to argue in opposition to a denial of a permit. In addition, the process provides NMFS a tool to ascertain if observer providers are fulfilling their responsibilities and duties as prescribed by NMFS. An observer provider who appeals the IAD will be issued an extension of the expiration date of the permit until after the final resolution of that appeal.

An observer provider application will be denied if the Regional Administrator determines that the information provided in the application was not complete or all the evaluation criteria were not met. The Regional Administrator will prepare and send an IAD to the applicant upon evaluation of a completed application. The IAD will identify any deficiencies in the application or any information submitted in support of the application. An applicant who receives an IAD that denies his or her application may appeal. An applicant who appeals the IAD will not be issued an interim observer provider Permit. An applicant who appeals an IAD will not receive a permit until after the final resolution of that appeal in favor of the applicant.

Appeals for Observer Provider Permit Expiration or Denial of Permit, Respondent	
Number of Annual Observer Provider Responses (one appeal/5 years)	0.2
Total Annual Responses	
Total Burden Hours (0.2 x 8 hr)	0.2
Time requirement for each provider response = 8 hr	2 hr
Total Personnel Cost (2 hr x \$25/hr)	
Time requirement for each hired legal response	\$50
Personnel cost per hour = \$25	
Total Miscellaneous Cost	
Annual cost for legal fees (8 hr x \$125/hr=1000)	\$1,002
Cost to submit appeal to NMFS by mail (\$0.33 x 5 oz = \$2)	

Appeals for Observer Provider Permit Expiration or Denial of Permit, Federal Government	
Total Annual Responses	0.2
Total Time Burden (0.2 appeals x 40 hr)	8 hr
Time requirement to review each appeal = 40	
Total Personnel Cost (8 x \$125)	\$1000
Cost per hr = \$125	
Total Miscellaneous Cost	0

m. Appeals for Denial of Observer Certification, Certification Suspension or Decertification

Denial of Certification. If an observer candidate fails training, he or she would be notified in writing on or before the last day of training. If the candidate is allowed to retake the training, the conditions for re-training would be specified in the notice. If a determination is made that a candidate may not pursue further training, notification will be in the form of an IAD denying certification. A candidate’s appeal from an IAD to deny certification would be made to the Office of Administrative Appeals (OAA) rather than being handled internally by the Observer Program Office. A candidate, who appeals the IAD and prevails, would not receive certification until after the final resolution of that appeal. If unsuccessful, the candidate could further appeal to the U.S. District Court.

Observer Sanctions. Initial observer suspension and decertification proceedings occur within the Observer Program Office. Appeals of these determinations are forwarded to the OAA to provide more assurance of objectivity in final decision-making. The Regional Administrator would appoint an observer suspension/decertification officer or officers to review cases referred by Observer Program staff for suspension or decertification, or both, and issue a written notice to the observer if NMFS intends to proceed with the action. If the action were pursued, this notice would detail the reasons for and the terms of the action. The notice also would indicate to the observer his or her right to appeal the decision and the procedure for filing such an appeal. The observer would have an opportunity to present documentation that would show mitigating circumstances or refute the evidence before the official. Under this procedure, the Observer Program would create a written record, but would not hold hearings. If the observer does not contest the proposal to decertify or suspend the certificate, the Observer Program’s initial decision would become final.

If the observer appealed an adverse IAD by the Observer Program and the suspension decertification officer(s), the decision would be referred to the OAA. The OAA would provide a hearing officer who has special training in reviewing administrative records. Additionally, the OAA could preside over fact-finding hearings; hear testimony or review evidence; and issue written decisions with determinations of factual issues and application of the regulations. The OAA's determination would be referred to the Regional Administrator, who can uphold or overturn the OAA's decision in making the final agency determination.

Appeals for Denial of Observer Certification, Certification Suspension or Decertification, Respondent	
Number of annual observer responses	25
Total Annual Responses	25
Total Time Burden (25 x 20 hr)	500 hr
Time requirement for each response = 20 hr	
Total Personnel Cost (500 hr x \$25/hr)	\$12,500
Cost for response = \$25 hr	
Total Miscellaneous Cost (\$50 mail + \$62,500 legal fees)	\$62,550
Time requirement for each hired legal response = 500 hr	
Legal Cost per hr = \$125	
Annual time requirement for legal responses (125 x 500 hr = 62500)	
Cost to submit to NMFS by mail (\$0.33 x 5 oz=1.65)	
Annual mail costs (\$2 x 25=50)	

Appeals for Denial of Observer Certification, Certification Suspension or Decertification, Federal Government	
Total Annual Responses	25
Total Time Burden (25 appeals x 40 hr)	1,000 hr
Time for appeals = 40 hr	
Total Personnel Cost (1,000 hr x \$125)	\$125,000
Cost per hr = \$125	
Total Miscellaneous Cost	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The periodic reports and information submitted by observer providers consist of extractions of the required data from their existing database systems into a report form that is then submitted by FAX transmission or e-mail to NMFS.

4. Describe efforts to identify duplication.

The application processes and information submissions for the observer provider are unique to this program, and direct duplication with other collections does not exist.

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

This collection of information does not impose a significant impact on small entities.

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

All information is required for the efficient operation of the Observer Program and must be submitted in the time frames requested. Collecting this information less frequently would jeopardize the goals and objectives of the Observer Program and the effective management of the Alaska groundfish fisheries.

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

No special circumstances exist that would require information collection to be conducted in a manner inconsistent with OMB Guidelines except for the weekly reports.

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 attached notice was published in the *Federal Register*, June 13, 2005 (70 FR 34088) requesting comments on renewal of the Observer Provider Program. No comments were received.

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

No payment or gift to respondents is provided under this program for observer providers who choose to apply.

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

The Privacy Act does apply to this collection-of-information because the social security number is requested on a voluntary basis. The social security number is needed basically: to avoid inappropriate release of data, to distinguish between same names, and to ensure that the records

go to the same person through the use of this personal ID. With mis-spellings and possible duplications, it is necessary to select a unique identifier to find records in the database; and prevents release of confidential data to the wrong person.

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*).

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.

This collection of information requests the social security number (see item 10).

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

Total estimated unique respondents: 205. Total estimated responses: 2,995, a decrease from 3,998. Total estimated burden hours: 1,959, a decrease from 1,963. Total estimated personnel cost: \$48,975, a decrease from \$49,051.

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).

Total estimated miscellaneous costs: \$83,126, a decrease from \$83,458 (which had been rounded up to \$84,000 in the previous submission).

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

Estimated total burden hours: 1,977, an increase from 1,965. Estimated total personnel cost: \$150,225, an increase from \$49,125 (review of appeals now estimated to cost \$125 per hour, rather than \$25 per hour). No miscellaneous costs.

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

This action amends those items indicating FAX costs, by changing 75% of those items to e-mail costs. In addition, the following adjustment occurred in this action:

Data Element	Change Description
Debriefing registration	Responses: 600 to read 230
	Burden: 72 to read 115
	Personnel cost: \$1,800 to read \$2,875
	Miscellaneous cost: \$600 to read \$230
Deployment/logistics	Responses: 642.5 to read 260
	Burden: 77 to read 31
	Personnel cost: \$1,925 to read \$775
	Miscellaneous cost: \$77 to read \$260
Observer transcripts	Personnel cost: \$1,250 to read \$2,000

Certificate of insurance	Personnel cost: \$1 to read \$25
Copies of contracts	Responses: 250 to read 5
Observer provider appeals	Burden: 8 to read 2
	Personnel cost: \$200 to read \$50

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

NMFS has no plans to tabulate the results of this information collection

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

No forms are available in this collection. The information is collected through a written narrative.

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

No exceptions to the certification statement are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

§ 679.50 Groundfish Observer Program

Subpart E--Groundfish Observer Program

§ 679.50 *Groundfish Observer Program* (effective through 12/31/07)

(a) *General.*

Operators of vessels possessing a Federal fisheries permit under § 679.4(b)(1) and processors that possess a Federal processor permit under § 679.4(f)(1), must comply with this section. The owner of a fishing vessel subject to this part or a processor subject to this part must ensure that the operator or manager complies with this section and is jointly and severally liable for such compliance. Observer coverage for the CDQ fisheries obtained in compliance with paragraphs (c)(4) and (d)(5) of this section may not be used to comply with observer coverage requirements for non-CDQ groundfish fisheries specified in this section.

(b) *Purpose.*

The purpose of the Groundfish Observer Program is to allow observers to collect Alaska fisheries data deemed by the Regional Administrator to be necessary and appropriate for management, compliance monitoring, and research of groundfish fisheries and for the conservation of marine resources or their environment.

(c) *Observer requirements for vessels.*

(1) Observer coverage is required as follows:

(i) A mothership of any length that processes 1,000 mt or more in round-weight equivalent of groundfish during a calendar month is required to have an observer aboard the vessel each day it receives or processes groundfish during that month.

(ii) A mothership of any length that processes from 500 mt to 1,000 mt in round-weight equivalent of groundfish during a calendar month is required to have an observer aboard the vessel at least 30 percent of the days it receives or processes groundfish during that month.

(iii) Each mothership that receives pollock harvested by catcher vessels in the catcher vessel

operational area during the second pollock season that starts on September 1 under § 679.23(e)(2) is required to have a second observer aboard, in addition to the observer required under paragraphs (c)(1)(i) and (ii) of this section, for each day of the second pollock season until the chum salmon savings area is closed under § 679.21(e)(7)(vi), or October 15, whichever occurs first.

(iv) A catcher/processor or catcher vessel 125 ft (38.1 m) LOA or longer must carry an observer during 100 percent of its fishing days except for a vessel fishing for groundfish with pot gear as provided in paragraph (c)(1)(vii) of this section.

(v) A catcher/processor or catcher vessel equal to or greater than 60 ft (18.3 m) LOA, but less than 125 ft (38.1 m) LOA, that participates for more than 3 fishing days in a directed fishery for groundfish in a calendar quarter must carry an observer during at least 30 percent of its fishing days in that calendar quarter and at all times during at least one fishing trip in that calendar quarter for each of the groundfish fishery categories defined under paragraph (c)(2) of this section in which the vessel participates.

(vi) A catcher/processor or catcher vessel fishing with hook-and-line gear that is required to carry an observer under paragraph (c)(1)(v) of this section must carry an observer during at least one entire fishing trip using hook-and-line gear in the Eastern GOA regulatory area during each calendar quarter in which the vessel participates in a directed fishery for groundfish in the Eastern Regulatory Area using hook-and-line gear.

(vii) Vessels using pot gear.

(A) A catcher/processor or catcher vessel equal to or greater than 60 ft (18.3 m) LOA fishing with pot gear that participates for more than 3 fishing days in a directed fishery for groundfish in a calendar quarter must carry an observer:

(1) For at least 30 percent of the total number of pot retrievals for that calendar quarter, and

(2) For at least one entire fishing trip using pot gear in a calendar quarter, for each of the groundfish fishery categories defined under paragraph (c)(2) of this section in which the vessel participates.

§ 679.50 Groundfish Observer Program

(B) Groundfish are required to be retained each day that pot gear is retrieved in order for gear retrieved that day to count toward observer coverage requirements for all catcher vessels and catcher/processors using pot gear and required to carry observers.

(viii) Red King Crab Savings Area.

(A) Any catcher/processor or catcher vessel used to fish for groundfish in the Red King Crab Savings area must carry an observer during 100 percent of its fishing days in which the vessel uses pelagic trawl gear, pot, jig, or longline gear.

(B) Any catcher/processor or catcher vessel used to fish for groundfish in the Red King Crab Savings Subarea and subject to this subarea being open to vessels fishing for groundfish with non-pelagic trawl gear under § 679.21(e)(3)(ii)(B), must carry an observer during 100 percent of its fishing days in which the vessel uses non-pelagic trawl gear.

(ix) Nearshore Bristol Bay Trawl Closure.

Any catcher/processor or catcher vessel used to fish for groundfish in the Nearshore Bristol Bay Trawl Closure area must carry an observer during 100 percent of its fishing days in which the vessel uses trawl gear.

(x) A vessel directed fishing with trawl gear for Atka mackerel in the Aleutian Islands subarea must carry two NMFS-certified observers at all times while directed fishing for Atka mackerel in the HLA directed fishery, as specified in § 679.20(a)(8).

(2) Groundfish fishery categories requiring separate coverage.

Directed fishing for groundfish, during any fishing trip, that results:

(i) Pollock fishery. In a retained catch of pollock that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2) and in a retained catch of pollock harvested in the AI directed pollock fishery.

(ii) Pacific cod fishery. In a retained catch of Pacific cod that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2).

(iii) Sablefish fishery. In a retained catch of sablefish that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2).

(iv) Rockfish fishery. In a retained aggregate catch of rockfish that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2).

(v) Flatfish fishery. In a retained aggregate catch of all flatfish species, except Pacific halibut, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2).

(vi) Other species fishery. In a retained catch of groundfish that does not qualify as a pollock, Pacific cod, sablefish, rockfish, or flatfish fishery as defined under paragraphs (c)(2)(i) through (v) of this section.

(3) Assignment of vessels to fisheries.

At the end of any fishing trip, a vessel's retained catch of groundfish species or species groups for which a TAC has been specified under § 679.20, in round-weight equivalent, will determine to which fishery category listed under paragraph (c)(2) of this section the vessel is assigned.

(i) Catcher/processors. A catcher/processor will be assigned to a fishery category based on the retained groundfish catch composition reported on the vessel's weekly production report submitted to the Regional Administrator under § 679.5(i).

(ii) Catcher vessel delivery in Federal waters. A catcher vessel that delivers to a mothership in Federal waters will be assigned to a fishery category based on the retained groundfish catch composition reported on the weekly production report submitted to the Regional Administrator for that week by the mothership under § 679.5(i).

(iii) Catcher vessel delivery in Alaska State waters. A catcher vessel that delivers groundfish to a shoreside processor or stationary floating processor will be assigned to a fishery category based on the retained groundfish catch composition reported on one or more ADF&G fish tickets as required under Alaska Statutes at A.S. 16.05.690.

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(4) Groundfish and halibut CDQ fisheries.

The owner or operator of a vessel groundfish CDQ fishing or halibut CDQ fishing as defined at § 679.2 must comply with the following minimum observer coverage requirements each day that the vessel is used to transport (catcher vessels only), harvest, process, deliver or take delivery of CDQ or PSQ species. The time required for the level 2 observer to complete sampling, data recording, and data communication duties shall not exceed 12 hours in each 24-hour period, and, the level 2 observer is required to sample no more than 9 hours in each 24-hour period.

(i) Motherships or catcher/processors using trawl gear.

(A) Multi-species CDQ fishery. A mothership or catcher/processor using trawl gear to participate in the multi-species CDQ fishery must have at least two level 2 observers as described at paragraphs (j)(1)(v)(D) and (E) of this section aboard the vessel, at least one of whom must be certified as a lead level 2 observer.

(B) Pollock CDQ fishery. A mothership or catcher/processor using trawl gear to participate in a directed fishery for pollock CDQ must have at least two NMFS-certified observers aboard the vessel, at least one of whom must be certified as a lead level 2 observer.

(ii) Catcher/processors using hook-and-line gear. A catcher/processor using hook-and-line gear must have at least two level 2 observers as described at paragraphs (j)(1)(v)(D) and (E) of this section aboard the vessels, unless NMFS approves **an alternative fishing plan under § 679.32(e)(3) authorizing** the vessel to carry only one lead level 2 observer. At least one of the level 2 observers must be certified as a lead level 2 observer. NMFS may approve **an alternative fishing plan authorizing** the vessel to carry only one lead level 2 observer if the CDQ group supplies vessel logbook or observer data that demonstrates that one level 2 observer can sample each CDQ set for species composition in one 12-hour shift per fishing day. NMFS will not approve **an alternative fishing plan** that would require the observer to divide a 12-hour shift into shifts of less than 6 hours.

(iii) Catcher/processors using pot gear.

A catcher/processor using pot gear must have at least one lead level 2 observer as described at paragraph (j)(1)(v)(E) of this section aboard the vessel.

(iv) Catcher vessel using trawl gear. A catcher vessel equal to or greater than 60 ft (18.3 m) LOA using trawl gear, except a catcher vessel that delivers only unsorted codends to a processor or another vessel, must have at least one level 2 observer as described at paragraph (j)(1)(v)(D) of this section aboard the vessel.

(v) Catcher vessel using nontrawl gear. A catcher vessel equal to or greater than 60 ft (18.3 m) LOA using nontrawl gear must meet the following observer coverage requirements:

(A) Option 1. If the vessel operator selected Option 1 (as described at § 679.32(d)(2)(ii)(A)) for CDQ catch accounting, then at least one level 2 observer as described at paragraph (j)(1)(v)(D) of this section must be aboard the vessel.

(B) Option 2. If the vessel operator selected Option 2 (as described at § 679.32(d)(2)(ii)(B)) for CDQ catch accounting, then at least one lead level 2 observer as described at paragraph (j)(1)(v)(E) of this section must be aboard the vessel.

(5) AFA and AI directed pollock fishery catcher/processors and motherships.

(i) Coverage requirement

(A) Listed AFA catcher/processors and AFA motherships. The owner or operator of a listed AFA catcher/processor or AFA mothership must provide at least two NMFS-certified observers, at least one of which must be certified as a lead level 2 observer, for each day that the vessel is used to harvest, process, or take deliveries of groundfish. More than two observers are required if the observer workload restriction at paragraph (c)(5)(iii) of this section would otherwise preclude sampling as required under § 679.63(a)(1).

(B) Unlisted AFA catcher/processors. The owner or operator of an unlisted AFA catcher/processor must provide at least two NMFS-certified observers for each day that the vessel is used to engage in directed fishing for pollock in the BSAI, or takes deliveries of pollock harvested in the BSAI. At least one observer must be certified as a lead level 2 observer. When an unlisted

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AFA catcher/processor is not engaged in directed fishing for BSAI pollock and is not receiving deliveries of pollock harvested in the BSAI, the observer coverage requirements at paragraph (c)(1)(iv) of this section apply.

(C) AI directed pollock fishery catcher/processors and motherships. A catcher/processor participating in the AI directed pollock fishery or a mothership processing pollock harvested in the AI directed pollock fishery must have on board at least two NMFS-certified observers, at least one of which must be certified as a lead level 2 observer, for each day that the vessel is used to harvest, process, or take deliveries of groundfish. More than two observers are required if the observer workload restriction at paragraph (c)(5)(ii) of this section would otherwise preclude sampling as required under § 679.63(a)(1).

(ii) Observer work load. The time required for the observer to complete sampling, data recording, and data communication duties may not exceed 12 consecutive hours in each 24-hour period, and, the observer may not sample more than 9 hours in each 24-hour period.

(d) Observer requirements for shoreside processors or stationary floating processors.

Observer coverage is required as follows. A shoreside processor or stationary floating processor that:

(1) Processes 1,000 mt or more in round-weight equivalent of groundfish during a calendar month is required to have an observer present at the facility each day it receives or processes groundfish during that month.

(2) Processes 500 mt to 1,000 mt in round-weight equivalent of groundfish during a calendar month is required to have an observer present at the facility at least 30 percent of the days it receives or processes groundfish during that month.

(3) Is subject to observer requirements specified in paragraph (d)(1) of this section that receives pollock or Pacific cod, may reduce observer coverage in the event that a directed fishery for such species closes, subject to the following conditions:

(i) The shoreside or stationary floating processor must maintain observer coverage for 30 percent of all days that groundfish are received or processed, beginning on the fourth calendar day following the day that the directed fishery for pollock or Pacific cod was closed and ending on the last day of the month, except as allowed in this paragraph (d)(3)(iv) of this section.

(ii) Observer coverage for the month following the month with reduced observer coverage will be based on monthly landings projections and thresholds as specified in paragraphs (d)(1) and (2) of this section, but may also be reduced for that subsequent month as specified in this paragraph (d)(3) of this section.

(iii) Total groundfish landings received by a shoreside or stationary floating processor under reduced observer coverage as authorized under this paragraph (d)(3) may not exceed 250 mt per calendar week.

(iv) If greater than 250 mt in round weight equivalent of groundfish are projected to be received in a given calendar week by a shoreside or stationary floating processor during a month with reduced observer coverage, as authorized under this paragraph (d)(3), the shoreside or stationary floating processor must return to observer coverage requirements as specified in paragraph (d)(1) of this section until all fish received during that week is processed. The shoreside or stationary floating processor may then return to reduced observer coverage as authorized under this paragraph (d)(3) for the remainder of the calendar month.

(4) Offloads pollock at more than one location on the same dock and has distinct and separate equipment at each location to process those pollock and that receives pollock harvested by catcher vessels in the catcher vessel operational area.

(5) Groundfish and halibut CDQ fisheries.

(i) CDQ deliveries requiring observer coverage. Subject to paragraph (d)(5)(ii) of this section, each shoreside processor or stationary floating processor taking deliveries of groundfish or halibut CDQ must have at least one level 2 observer as described at paragraph (j)(1)(v)(D) of this section present at all times while CDQ is being received or processed.

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(ii) CDQ deliveries not requiring level 2 observer coverage. A shoreside processor is not required to provide a level 2 observer for CDQ deliveries from the following vessels:

(A) Vessels less than 60 ft (18.3 m) LOA that are halibut CDQ fishing;

(B) Vessels equal to or greater than 60 ft (18.3 m) LOA using nontrawl gear that have selected Option 1 (as described at § 679.32(d)(2)(ii)(A)) for CDQ catch accounting, so long as the level 2 observer on the catcher vessel monitors the entire delivery without exceeding the working hour limitations described in paragraph (d)(5)(iii) of this section; and

(C) Vessels equal to or greater than 60 ft (18.3 m) LOA using nontrawl gear that have selected Option 2 (as described at § 679.32(d)(2)(ii)(B)) for CDQ catch accounting.

(iii) Observer working hours. The time required for the level 2 observer to complete sampling, data recording, and data communication duties may not exceed 12 hours in each 24-hour period, and the level 2 observer is required to sample no more than 9 hours in each 24-hour period.

(6) AFA inshore processors

(i) Coverage level. An AFA inshore processor is required to provide a NMFS certified observer for each 12 consecutive hour period of each calendar day during which the processor takes delivery of, or processes, groundfish harvested by a vessel engaged in a directed pollock fishery in the BSAI. An AFA inshore processor that takes delivery of or processes pollock harvested in the BSAI directed pollock fishery for more than 12 consecutive hours in a calendar day is required to provide two NMFS-certified observers for each such day.

(ii) Multiple processors. An observer deployed to an AFA inshore processor may not be assigned to cover more than one processor during a calendar day in which the processor receives or processes pollock harvested in the BSAI directed pollock fishery.

(iii) Observers transferring between vessels and processors. An observer transferring from an AFA catcher vessel to an AFA inshore processor may not be assigned to cover the AFA inshore processor until at

least 12 hours after offload and sampling of the catcher vessel's delivery is completed.

(e) *NMFS staff observers.*

(1) Any vessel, shoreside processor, or stationary floating processor required to comply with observer coverage requirements under paragraphs (c) or (d) of this section or under § 679.7(f)(4) or a catcher vessel less than 60 ft (18.3 m) LOA that is participating in the AI directed pollock fishery must use, upon written notification by the Regional Administrator, NMFS' staff or an individual authorized by NMFS to satisfy observer coverage requirements as specified in paragraphs (c) and (d) of this section or for other conservation and management purposes.

(2) Prior to deployment of NMFS staff or individuals authorized by NMFS, the agency will provide written notification to the owner or operator of a vessel, shoreside processor, or stationary floating processor whether observer coverage credit will be granted for that deployment.

(3) Vessel, shoreside processor, and stationary floating processor owners and operators, as well as observers and observer providers, may contact NMFS in writing to request assistance in improving observer data quality and resolving observer sampling issues. Requests may be submitted to:

NMFS Observer Program Office,
P.O. Box 15700,
Seattle, Washington 98115-0070
or transmitted by facsimile to 206-526-4066.

(f) *Inseason adjustments in observer coverage requirements.*

(1) The Regional Administrator may adjust the observer coverage requirements set out under paragraphs (c) and (d) of this section at any time to improve the accuracy, reliability, and availability of observer data, so long as the changes are based on one or more of the following:

(i) A finding that fishing methods, times, or areas, or catch or bycatch composition for a specific fishery or fleet component have changed significantly, or are likely to change significantly.

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(ii) A finding that such modifications are necessary to improve data availability or quality in order to meet specific fishery management objectives.

(2) Procedure.

Observer coverage requirements may be adjusted in accordance with § 679.25(c). NMFS must publish changes in observer coverage requirements in the *Federal Register*, with the reasons for the changes and any special instructions to vessels, shoreside processors or stationary floating processor required to carry observers, at least 10 calendar days prior to their effective date.

(g) Responsibilities.

(1) Vessel responsibilities.

An operator of a vessel required to carry one or more observers must:

(i) Accommodations and food. Provide, at no cost to observers or the United States, accommodations and food on the vessel for the observer or observers that are equivalent to those provided for officers, engineers, foremen, deck-bosses or other management level personnel of the vessel.

(ii) Safe conditions.

(A) Maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel.

(B) Have on board:

(1) A valid Commercial Fishing Vessel Safety Decal issued within the past 2 years that certifies compliance with regulations found in 33 CFR Chapter I and 46 CFR Chapter I;

(2) A certificate of compliance issued pursuant to 46 CFR 28.710; or

(3) A valid certificate of inspection pursuant to 46 U.S.C. 3311.

(iii) Transmission of data. Facilitate transmission of observer data by:

(A) Observer use of equipment. Allowing NMFS-certified observers to use the vessel's communication equipment and personnel, on request, for the confidential entry, transmission, and receipt of work-related messages, at no cost to the NMFS-certified observers or the nation.

(B) Communication equipment requirements. In the case of an operator of a catcher/processor or mothership that is required to carry one or more observers, or a catcher vessel required to carry an observer as specified in paragraph (c)(1)(iv) of this section:

(1) Hardware and software. Making available for use by the observer a personal computer in working condition that contains:

a full Pentium 120 MHz or greater capacity processing chip,
at least 32 megabytes of RAM,
at least 75 megabytes of free hard disk storage,
a Windows 9x or NT compatible operating system,
an operating mouse, and
a 3.5-inch (8.9 cm) floppy disk drive.

The associated computer monitor must have a viewable screen size of at least 14.1 inches (35.8 cm) and minimum display settings of 600 x 800 pixels.

The computer equipment specified in paragraph (g)(1)(iii)(B) of this section must be connected to a communication device that provides a point-to-point modem connection to the NMFS host computer and supports one or more of the following protocols:

ITU V.22,
ITU V.22bis,
ITU V.32,
ITU V.32bis, or
ITU V.34.

Personal computers utilizing a modem must have at least a 28.8 kbs Hayes-compatible modem.

(2) NMFS-supplied software. Ensuring that the catcher/processor, mothership, or catcher vessel specified in paragraph (g)(1)(iii)(B) of this section obtains and has installed the data entry software provided by the Regional Administrator for use by the observer.

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(C) Functional and operational equipment. Ensuring that the communication equipment required at paragraph (g)(1)(iii)(B) of this section and that is used by observers to enter and transmit data, is fully functional and operational, where "functional" means that data transmissions to NMFS can be initiated effectively aboard the vessel by such communications equipment.

(iv) Vessel position. Allow observers access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(v) Access. Allow observers free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(vi) Prior notification. Notify observers at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observers specifically request not to be notified.

(vii) Records. Allow observers to inspect and copy the vessel's DFL, DCPL, product transfer forms, any other logbook or document required by regulations, printouts or tallies of scale weights, scale calibration records, bin sensor readouts, and production records.

(viii) Assistance. Provide all other reasonable assistance to enable observers to carry out their duties, including, but not limited to:

(A) Measuring decks, codends, and holding bins.

(B) Providing the observers with a safe work area adjacent to the sample collection site.

(C) Collecting bycatch when requested by the observers.

(D) Collecting and carrying baskets of fish when requested by observers.

(E) Allowing observers to determine the sex of fish when this procedure will not decrease the value of a significant portion of the catch.

(F) Collecting all seabirds that are incidentally taken on the observer sampled portions of hauls using hook-and-line gear or as requested by an observer during non-sampled portions of hauls.

(ix) Transfer at sea.

(A) Ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

(B) Notify observers at least 3 hours before observers are transferred, such that the observers can collect personal belongings, equipment, and scientific samples.

(C) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.

(D) Provide an experienced crew member to assist observers in the small boat or raft in which any transfer is made.

(2) Shoreside processor or stationary floating processor responsibilities.

A manager of a shoreside processor or a stationary floating processor that is required to maintain observer coverage as specified under paragraph (d) of this section must:

(i) Safe conditions. Maintain safe conditions at the shoreside processing facility for the protection of observers by adhering to all applicable rules, regulations, or statutes pertaining to safe operation and maintenance of the processing facility.

(ii) Operations information. Notify the observers, as requested, of the planned facility operations and expected receipt of groundfish prior to receipt of those fish.

(iii) Transmission of data. Facilitate transmission of observer data by:

(A) Observer use of equipment. Allowing observers to use the shoreside processor's or stationary

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floating processor's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observers or the United States.

(B) Communication equipment requirements.

(1) Hardware and software. Making available for use by the observer a personal computer in working condition, with

- a full Pentium 120 MHz or greater capacity processing chip,
- at least 32 megabytes of RAM,
- at least 75 megabytes of free hard disk storage,
- a Windows 9x or NT compatible operating system,
- an operating mouse, and
- a 3.5-inch (8.9 cm) floppy disk drive.

The associated computer monitor must have a viewable screen size of at least 14.1 inches (35.8 cm) and minimum display settings of 600 x 800 pixels.

The computer equipment specified in this paragraph must be connected to a communication device that provides a point-to-point modem connection to the NMFS host computer and supports one or more of the following protocols:

- ITU V.22,
- ITU V.22bis,
- ITU V.32,
- ITU V.32bis, or
- ITU V.34.

Processors utilizing a modem must have at least a 28.8 kbs Hayes-compatible modem.

(2) NMFS-supplied software. Ensuring that the shoreside processor or stationary floating processor obtains and installs the data entry software provided by the Regional Administrator for use by the observer.

(C) Functional and operational equipment.

Ensuring that the communications equipment required at paragraph (g)(2)(iii)(B) of this section and that is used by observers to enter and transmit data, is fully functional and operational, where functional means that data transmissions to NMFS can be initiated effectively by the equipment.

(iv) Access. Allow observers free and unobstructed access to the shoreside processor's or stationary floating processor's holding bins, processing areas, freezer spaces, weight scales, warehouses, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(v) Document access. Allow observers to inspect and copy the shoreside processor's or stationary floating processor's DCPL, product transfer forms, any other logbook or document required by regulations; printouts or tallies of scale weights; scale calibration records; bin sensor readouts; and production records.

(vi) Assistance. Provide all other reasonable assistance to enable the observer to carry out his or her duties, including, but not limited to:

(A) Assisting the observer in moving and weighing totes of fish.

(B) Cooperating with product recovery tests.

(C) Providing a secure place to store baskets of sampling gear.

(3) The owner of a vessel, shoreside processor, stationary floating processor, or buying station is responsible for compliance and must ensure that the operator or manager of a vessel, shoreside processor, or stationary floating processor required to maintain observer coverage under paragraphs (c) or (d) of this section complies with the requirements given in paragraphs (g)(1) and (g)(2) of this section.

(h) *Procurement of observer services.*

Owners of vessels, shoreside processors, or stationary floating processors required to use observers under paragraphs (c) and (d) of this section must arrange for observer services from a permitted observer provider, except that:

(1) Owners of vessels, shoreside processors, or stationary floating processors are required to procure observer services directly from NMFS when the agency has determined and notified them under paragraph (e) of this section that their vessel, shoreside processor, or stationary floating processor will use NMFS staff or an individual authorized by NMFS in lieu of an observer provided through a permitted

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observer provider to satisfy requirements under paragraphs (c) and (d) of this section or for other conservation and management purposes.

(2) Owners of vessels, shoreside processors, or stationary floating processors are required to procure observer services directly from NMFS and a permitted observer provider when NMFS has determined and notified them under paragraph (e) of this section, that their vessel, shoreside processor, or stationary floating processor will use NMFS staff or individuals authorized by NMFS, in addition to an observer provided through an observer provider to satisfy requirements under paragraphs (c) and (d) of this section or for other conservation and management purposes.

(i) Observer provider permitting and responsibilities

(1) Observer provider permits.

(i) General.

(A) Persons seeking to provide observer services under this section must obtain an observer provider permit from NMFS.

(B) New observer providers. An applicant seeking an observer provider permit must submit a completed application by fax or mail to the Observer Program Office at the address listed in paragraph (e)(3) of this section.

(C) Existing observer providers as of 2002. NMFS-certified providers who deployed observers under the North Pacific Groundfish Observer Program in 2002 are exempt from the requirement to apply for a permit and will be issued an observer provider permit, except that a change in ownership of an existing observer provider after January 1, 2003, requires a new permit application under paragraph (i)(1)(vi) of this section if the change involves a new person. Such observer providers must submit to the Observer Program Office within 30 days of receiving the observer provider permit issued under this paragraph any changes or corrections regarding information required under paragraphs (i)(1)(ii)(A) and (i)(1)(ii)(B) of this section.

(ii) Contents of application. An application for an observer provider permit shall consist of a narrative that contains the following:

(A) Identification of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and staff. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(B) Contact information.

(1) Owner(s) information. The permanent mailing address, phone and fax numbers where the owner(s) can be contacted for official correspondence.

(2) Business information. Current physical location, business mailing address, business telephone and fax numbers, and business e-mail address for each office.

(3) Authorized agent. For observer providers with ownership based outside the United States, identify an authorized agent and provide contact information for that agent including mailing address and phone and fax numbers where the agent can be contacted for official correspondence. An authorized agent means a person appointed and maintained within the United States who is authorized to receive and respond to any legal process issued in the United States to an owner or employee of an observer provider. Any diplomatic official accepting such an appointment as designated agent waives diplomatic or other immunity in connection with the process.

(C) A statement signed under penalty of perjury from each owner, or owners, board members, and officers if a corporation, that they are free from a conflict of interest as described under paragraph (i)(3) of this section.

(D) A statement signed under penalty of perjury from each owner, or owners, board members, and officers if a corporation, describing any criminal convictions, Federal contracts they have had and the performance rating they received on the contract, and

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previous decertification action while working as an observer or observer provider.

(E) A description of any prior experience the applicant may have in placing individuals in remote field and/or marine work environments. This includes, but is not limited to, recruiting, hiring, deployment, and personnel administration.

(F) A description of the applicant's ability to carry out the responsibilities and duties of an observer provider as set out under paragraph (i)(2) of this section, and the arrangements to be used.

(iii) Application evaluation.

(A) The Regional Administrator will establish an observer provider permit application review board to review and evaluate an application submitted under paragraph (i)(1) of this section. The board will be comprised of NMFS staff. Issuance of a permit will be based on the completeness of the applicant's application, as well as the following evaluation criteria for each owner, or owners, board members, and officers if a corporation:

(1) Absence of conflict of interest as defined under paragraph (i)(3) of this section;

(2) Absence of criminal convictions related to:

(i) Embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property, or

(ii) The commission of any other crimes of dishonesty, as defined by Alaska State law or Federal law that would seriously and directly affect the fitness of an applicant in providing observer services under this section;

(3) Satisfactory performance ratings on any Federal contracts held by the applicant; and

(4) Absence of any history of decertification as either an observer or observer provider;

(B) The evaluation by the review board will provide a basis for the board's initial agency determination (IAD) on whether the application is complete and all evaluation criteria are met.

(iv) Evidentiary period. The observer provider permitting review board will specify, by letter via certified return-receipt mail, a 60-day evidentiary period during which a candidate may provide additional information or evidence to support the application, if the application is found to be deficient.

(v) Agency determination on an application

(A) Approval of an application. Upon determination by the review board that the application is complete and all evaluation criteria are met, an IAD is made to approve the application and the observer

provider permit application review board will issue an observer provider permit to the applicant.

(B) Denial of an application. An application will be denied if the observer provider permit application review board determines that the information provided in the application was not complete or all the evaluation criteria were not met. The observer provider permit application review board will prepare and send a written IAD to the applicant upon evaluation of a completed application. The IAD will identify any deficiencies in the application or any information submitted in support of the application. An applicant who receives an IAD that denies his or her application may appeal under § 679.43. An applicant who appeals the IAD will not be issued an interim observer provider permit and will not receive a permit unless the final resolution of that appeal is in favor of the applicant.

(vi) Transferability. An observer provider permit is not transferable. An observer provider that experiences a change in ownership that involves a new person must submit a new permit application and cannot continue to operate until a new permit is issued under this paragraph.

(vii) Expiration of Permit.

(A) The observer provider permit will expire after a period of 12 continuous months during which no observers are deployed by the provider under this section to the North Pacific groundfish industry.

(B) The Regional Administrator will provide a written determination to an observer provider if NMFS deployment records indicate that the permit has expired. An observer provider who receives a written

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IAD of permit expiration may appeal under § 679.43. A permit holder who appeals the IAD will be issued an extension of the expiration date of the permit until after the final resolution of that appeal.

(viii) Sanctions. Procedures governing sanctions of permits are found at subpart D of 15 CFR part 904.

(2) Responsibilities of observer providers. Observer providers must:

(i) Provide qualified candidates to serve as observers.

(A) To be qualified, a candidate must have:

(1) A Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences;

(2) Successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course;

(3) Successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and

(4) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(B) Prior to hiring an observer candidate, the observer provider must:

(1) Provide to the candidate copies of NMFS-provided pamphlets and other literature describing observer duties; and

(2) Provide to the candidate a copy of the Observer Program's drug and alcohol policy. Observer job pamphlets and the drug and alcohol policy are available from the Observer Program Office at the address listed in paragraph (e)(3) of this section or at the Observer Program's web site at <http://www.afsc.noaa.gov/refm/observers/default.htm>.

(C) For each observer employed by an observer provider, either a written contract or a written contract addendum must exist that is signed by the observer and observer provider prior to the observer's deployment

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and that contains the following provisions for continued employment:

(1) That the observer comply with the Observer Program's drug and alcohol policy;

(2) That all the observer's in-season catch messages between the observer and NMFS are delivered to the Observer Program Office at least every 7 days, unless otherwise specified by the Observer Program;

(3) That the observer completes in-person mid-deployment data reviews, unless:

(i) The observer is specifically exempted by the Observer Program, or

(ii) The observer does not at any time during their deployment travel through a location where Observer Program staff are available for an in-person data review and the observer completes a phone or fax mid-deployment data review as described in the observer manual; and

(4) The observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required in paragraph (i)(2)(x)(C) of this section that would prevent him or her from performing their assigned duties;

(ii) Ensure that observers complete duties in a timely manner. An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(A) Once an observer is scheduled for a final deployment debriefing under paragraph (i)(2)(x)(E) of this section, submit to NMFS all data, reports required by the Observer Manual, and biological samples from the observer's deployment by the completion of the electronic vessel and/or processor survey(s);

(B) Complete NMFS electronic vessel and/or processor surveys before performing other jobs or duties which are not part of NMFS groundfish observer requirements;

(C) Report for his or her scheduled debriefing and complete all debriefing responsibilities; and

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(D) Return all sampling and safety gear to the Observer Program Office.

(iii) Observer vessel and processor assignment.
An observer provider must assign to vessels or shoreside or floating processors only observers:

(A) With valid North Pacific groundfish observer certifications and endorsements to provide observer services;

(B) Who have not informed the provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement, as required in paragraph (i)(2)(x)(C) of this section that would prevent him or her from performing his or her assigned duties; and

(C) Who have successfully completed all NMFS required training and briefing before deployment.

(iv) Response to industry requests for observers.
An observer provider must provide an observer for deployment as requested by vessels and processors to fulfill vessel and processor requirements for observer coverage under sections (c) and (d) of this section. An alternate observer must be supplied in each case where injury or illness prevents the observer from performing his or her duties or where the observer resigns prior to completion of his or her duties.

(v) Observer salaries and benefits. An observer provider must provide to its observer employees salaries and any other benefits and personnel services in accordance with the terms of each observer's contract.

(vi) Observer deployment logistics.

(A) An observer provider must provide to each of its observers under contract:

(1) All necessary transportation, including arrangements and logistics, of observers to the initial location of deployment, to all subsequent vessel and shoreside or stationary floating processor assignments during that deployment, and to the debriefing location when a deployment ends for any reason; and

(2) Lodging, per diem, and any other necessary services necessary to observers assigned to fishing

vessels or shoreside or stationary floating processing facilities.

(B) Except as provided in paragraphs (i)(2)(vi)(C) and (i)(2)(vi)(D) of this section, each observer deployed to a shoreside processing facility or stationary floating processor, and each observer between vessel, stationary floating processor or shoreside assignments while still under contract with a permitted observer provider, shall be provided with accommodations at a licensed hotel, motel, bed and breakfast, stationary floating processor, or other shoreside accommodations for the duration of each shoreside assignment or period between vessel or shoreside assignments. Such accommodations must include an assigned bed for each observer and no other person may be assigned that bed for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(C) An observer under contract may be housed on a vessel to which he or she is assigned:

(1) Prior to their vessel's initial departure from port;

(2) For a period not to exceed twenty-four hours following the completion of an offload when the observer has duties and is scheduled to disembark; or

(3) For a period not to exceed twenty-four hours following the vessel's arrival in port when the observer is scheduled to disembark.

(D) During all periods an observer is housed on a vessel, the observer provider must ensure that the vessel operator or at least one crew member is aboard.

(E) Each observer deployed to shoreside processing facilities shall be provided with individually assigned communication equipment in working order, such as a cell phone or pager for notification of upcoming deliveries or other necessary communication. Each observer assigned to a shoreside processing facility located more than 1 mile from the observer's local accommodations shall be provided with motorized transportation that will ensure the observer's arrival at the processing facility in a timely manner such that the observer can complete his or her assigned duties.

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(vii) Observer deployment limitations. Unless alternative arrangements are approved by the Observer Program Office, an observer provider must not:

(A) Deploy an observer on the same vessel or at the same shoreside or stationary floating processor for more than 90 days in a 12-month period;

(B) Deploy an observer for more than 90 days in a single deployment;

(C) Include in a single deployment of an observer assignments to more than four vessels, including

groundfish and all other vessels, and/or shoreside processors; or

(D) Move an observer from a vessel or stationary floating or shoreside processor before that observer has completed his or her sampling or data transmission duties.

(viii) Vessel safety decal verification. An observer provider must verify that a vessel has a valid USCG safety decal as required under paragraph (g)(1)(ii)(B) of this section before an observer may get underway aboard the vessel. One of the following acceptable means of verification must be used to verify the decal validity:

(A) an employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or

(B) the observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

(ix) Communications with observers. An observer provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, stationed at shoreside or stationary floating processor facilities, in transit, or in port awaiting vessel or processor reassignment.

(x) Communications with the Observer Program Office. An observer provider must provide all of the following information to the Observer Program Office by electronic transmission (e-mail), fax, or other method specified by NMFS.

(A) Observer training and briefing. Observer training and briefing registration materials. This information must be submitted to the Observer Program Office at least 5 business days prior to the beginning of a scheduled observer certification training or briefing session. Registration materials consist of the following:

(1) Observer training registration, including:

(i) Date of requested training;

(ii) A list of observer candidates. The list must include each candidate's full name (i.e., first, middle and last names), date of birth, and sex;

(iii) A copy of each candidate's academic transcripts and resume; and

(iv) A statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions.

(2) Observer briefing registration, including:

(i) Date and type of requested briefing session and briefing location; and

(ii) List of observers to attend the briefing session. Each observer's full name (first, middle, and last names) must be included.

(B) Projected observer assignments. Prior to the observer or observer candidate's completion of the training or briefing session, the observer provider must submit to the Observer Program Office a statement of projected observer assignments that include the observer's name; vessel, shoreside processor, or stationary floating processor assignment, gear type, and vessel/processor code; port of embarkation; target species; and area of fishing.

(C) Physical examination. A signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The

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statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared pamphlet, provided to the candidate by the observer provider as specified in paragraph (i)(2)(i)(B)(1) of this section. The physician's statement must be submitted to the Observer Program Office prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement will expire 12 months after the physical exam occurred. A new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(D) Observer deployment/logistics reports. A deployment/logistics report must be submitted by Wednesday, 4:30 pm, Pacific local time, of each week with regard to each observer deployed by the observer provider during that week. The deployment/logistics report must include the observer's name, cruise number, current vessel, shoreside processor, or stationary floating processor assignment and vessel/processor code, embarkation date, and estimated or actual disembarkation dates. If the observer is currently not assigned to a vessel, shoreside processor, or stationary floating processor, the observer's location must be included in the report.

(E) Observer debriefing registration. The observer provider must contact the Observer Program within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the observer's name, cruise number, vessel, or shoreside or stationary floating processor assignment name(s) and code(s), and requested debriefing date.

(F) Certificates of Insurance. Copies of "certificates of insurance", that name the NMFS Observer Program leader as the "certificate holder", shall be submitted to the Observer Program Office by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

(1) Maritime Liability to cover "seamen's" claims under the Merchant Marine Act (Jones Act) and General Maritime Law (\$1 million minimum).

(2) Coverage under the U.S. Longshore and Harbor Workers' Compensation Act (\$1 million minimum).

(3) States Worker's Compensation as required.

(4) Commercial General Liability.

(G) Observer provider contracts. Observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraphs (c) and (d) of this section. Observer providers must also submit to the Observer Program Office upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. Said copies must be submitted to the Observer Program Office via fax or mail within 5 business days of the request for the contract at the address or fax number listed in paragraph (e)(3) of this section. Signed and valid contracts include the contracts an observer provider has with:

(1) Vessels required to have observer coverage as specified at paragraphs (c) of this section;

(2) Shoreside or stationary floating processors required to have observer coverage as specified at paragraph (d) of this section; and

(3) Observers.

(H) Change in observer provider management and contact information. Except for changes in ownership addressed under paragraph (i)(1)(vi) of this section, an observer provider must submit notification of any other change to the information submitted on the provider's permit application under paragraphs (i)(1)(ii)(A) through (D) of this section. Within 30 days of the effective date of such change, this

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information must be submitted by fax or mail to the Observer Program Office at the address listed in paragraph (e)(3) of this section. Any information submitted under (i)(1)(ii)(C) or (i)(1)(ii)(D) of this section will be subject to NMFS review and determinations under (i)(1)(iii) through (viii) of this section.

(I) Other reports. Reports of the following must be submitted in writing to the Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(1) Any information regarding possible observer harassment;

(2) Any information regarding any action prohibited under § 679.7(g) or § 600.725(o), (t) and (u);

(3) Any concerns about vessel safety or marine casualty under 46 CFR 4.05-1 (a)(1) through (7), or processor safety;

(4) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(5) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described at (j)(2)(i) or (j)(2)(ii) of this section.

(xi) Replacement of lost or damaged gear. An observer provider must replace all lost or damaged gear and equipment issued by NMFS to an observer under contract to that provider. All replacements must be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xii) Maintain confidentiality of information. An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act remain confidential and are not further released to anyone outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(3) Limitations on conflict of interest.

Observer providers:

(i) Must not have a direct financial interest, other than the provision of observer services, in a North Pacific fishery managed under an FMP for the waters off the coast of Alaska, including, but not limited to,

(A) Any ownership, mortgage holder, or other secured interest in a vessel, shoreside or stationary floating processors involved in the catching, taking, harvesting or processing of fish,

(B) Any business involved with selling supplies or services to any vessel, shoreside or stationary floating processors participating in a fishery managed pursuant to an FMP in the waters off the coast of Alaska, or

(C) Any business involved with purchasing raw or processed products from any vessel, shoreside or stationary floating processors participating in a fishery managed pursuant to an FMP in the waters off the coast of Alaska.

(ii) Must assign observers without regard to any preference by representatives of vessels, shoreside processors, or stationary floating processors other than when an observer will be deployed.

(iii) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(j) Observer certification and responsibilities

(1) Observer Certification.

(i) Applicability. Observer certification authorizes an individual to fulfill duties as specified in writing by the NMFS Observer Program Office while under the employ of a NMFS-permitted observer provider and according to certification endorsements as designated under paragraph (j)(1)(v) of this section.

§ 679.50 Groundfish Observer Program

(ii) Observer certification official. The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certification.

(iii) Certification requirements.

(A) Existing Observers. Observers who completed sampling activities between June 30, 2001, and December 31, 2002, and have not had their certification revoked during or after that time period, will be considered to have met certification requirements under this section. These observers will be issued a new certification prior to their first deployment after December 31, 2002, unless NMFS determines that the observer has not been deployed, or has not performed sampling duties, or has not been debriefed successfully in the preceding 18 months.

(B) New Observers. NMFS will certify individuals who:

(1) Are employed by a permitted observer provider company at the time of the issuance of the certification;

(2) Have provided, through their observer provider:

(i) Information identified by NMFS at paragraphs (i)(2)(x)(A)(1)(iii) and (iv) of this section and in writing from the Observer Program; and

(ii) Information identified by NMFS at paragraph (i)(2)(x)(C) of this section regarding the observer candidate's health and physical fitness for the job;

(3) Meet all education and health standards as specified in paragraphs (i)(2)(i)(A) and (i)(2)(x)(C) of this section, respectively;

(4) Have successfully completed a NMFS-approved training as prescribed by the Observer Program.

(i) Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and

completing all other training requirements established by the Observer Program.

(ii) If a candidate fails training, he or she will be verbally notified of the unsatisfactory status of his or her training on or before the last day of training. Within 10 business days of the verbal notification, the observer candidate will be notified in writing. The written notification will indicate why the candidate failed the training; whether the candidate can retake the training. If a determination is made that the candidate may not pursue further training, notification will be in the form of an IAD denying certification, as specified under paragraph (j)(1)(iv)(A) of this section.

(5) Have not been decertified under paragraph (j)(3) of this section.

(iv) Agency determinations on observer certification

(A) Denial of a certification. The NMFS observer certification official will issue a written IAD denying observer certification when the observer certification official determines that a candidate has unresolvable deficiencies in meeting the requirements for certification as specified in paragraph (j)(1)(iii) of this section. The IAD will identify the reasons certification was denied and what requirements were deficient.

(B) Appeals. A candidate who receives an IAD that denies his or her certification may appeal pursuant to § 679.43 of this part. A candidate who appeals the IAD will not be issued an interim observer certification and will not receive a certification unless the final resolution of that appeal is in the candidate's favor.

(C) Issuance of an observer certification. An observer certification will be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification as specified in paragraph (j)(1)(iii) of this section.

(v) Endorsements. The following endorsements must be obtained, in addition to observer certification, in order for an observer to deploy as indicated.

(A) Certification training endorsement. A certification training endorsement signifies the successful completion of the training course required to

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obtain this endorsement. A certification training endorsement is required for any deployment as an observer in the Bering Sea and Aleutian Islands groundfish fisheries and the Gulf of Alaska groundfish fisheries and will be granted with the initial issuance of an observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. Renewal can be obtained by the observer successfully completing certification training once more. Observers will be notified of any changes to the endorsement expiration period prior to that change taking place. Observers who have been issued certificates under paragraph (j)(1)(iii)(A) of this section will be issued a new certification training endorsement upon issuance of their observer certification prior to their first deployment after December 31, 2002.

(B) Annual general endorsements. Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a certification training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(C) Deployment endorsements. Each observer who has completed an initial deployment after certification or annual briefing must receive a deployment endorsement to their certification prior to any subsequent deployments for the remainder of that year. An observer may obtain a deployment endorsement by successfully completing all pre-cruise briefing requirements. The type of briefing the observer must attend and successfully complete will be specified in writing by the Observer Program during the observer's most recent debriefing.

(D) Level 2 endorsements. A certified observer may obtain a Level 2 endorsement to their certification. A Level 2 endorsement is required for purposes of performing observer duties aboard vessels or stationary floating processors or at shoreside processors participating in the CDQ or AFA fisheries as prescribed in paragraphs (c) and (d) of this section. A Level 2 endorsement to an observer's certification

may be obtained by meeting the following requirements:

(1) Be a prior observer in the groundfish fisheries off Alaska who has completed at least 60 days of observer data collection;

(2) Receive an evaluation by NMFS for his or her most recent deployment that indicated that the observer's performance met Observer Program expectations for that deployment;

(3) Successfully complete a NMFS-approved Level 2 observer training as prescribed by the Observer Program; and

(4) Comply with all of the other requirements of this section.

(E) An observer who has achieved a Level 2 endorsement to their observer certification as specified in paragraph (j)(1)(v) (D) of this section may additionally receive a Level 2 "lead" observer endorsement by meeting the following requirements:

(1) A Level 2 "lead" observer on a catcher/processor using trawl gear or a mothership must have completed two observer cruises (contracts) and sampled at least 100 hauls on a catcher/processor using trawl gear or on a mothership.

(2) A Level 2 "lead" observer on a catcher vessel using trawl gear must have completed two observer cruises (contracts) and sampled at least 50 hauls on a catcher vessel using trawl gear.

(3) A Level 2 "lead" observer on a vessel using nontrawl gear must have completed two observer cruises (contracts) of at least 10 days each and sampled at least 60 sets on a vessel using nontrawl gear.

(vi) Expiration of a certification. The observer certification will expire on December 31, 2007.

(2) Standards of observer conduct.

(i) Limitations on conflict of interest.

(A) Observers:

(1) Must not have a direct financial interest, other than the provision of observer services, in a North

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Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, including, but not limited to,

(i) Any ownership, mortgage holder, or other secured interest in a vessel, shoreside or stationary floating processors involved in the catching, taking, harvesting or processing of fish;

(ii) Any business involved with selling supplies or services to any vessel, shoreside or stationary floating processors participating in a fishery managed pursuant to an FMP in the waters off the coast of Alaska, or

(iii) Any business involved with purchasing raw or processed products from any vessel, shoreside or stationary floating processors participating in a fishery managed pursuant to an FMP in the waters off the coast of Alaska.

(2) May not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(3) May not serve as observers on any vessel or at any shoreside or floating stationary processing facility owned or operated by a person who previously employed the observers.

(4) May not solicit or accept employment as a crew member or an employee of a vessel, shoreside processor, or stationary floating processor in a North Pacific fishery while employed by an observer provider.

(B) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(ii) Standards of Behavior. Observers must avoid any behavior that could adversely affect the confidence of the public in the integrity of the Observer Program or of the government, including but not limited to the following:

(A) Observers must perform their assigned duties as described in the Observer Manual or other written instructions from the Observer Program Office.

(B) Observers must accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Observers must not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or processing facility, an authorized officer, or NMFS.

(D) Observers must refrain from engaging in any illegal actions or any other activities that would reflect negatively on their image as professional scientists, on other observers, or on the Observer Program as a whole. This includes, but is not limited to:

(1) Violating the drug and alcohol policy established by and available from the Observer Program;

(2) Engaging in the use, possession, or distribution of illegal drugs; or

(3) Engaging in physical sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(3) Suspension and Decertification.

(i) Suspension and decertification review official. The Regional Administrator will establish an observer suspension and decertification review official(s), who will have the authority to review observer certifications and issue initial administrative determinations of observer certification suspension and/or decertification.

(ii) Causes for suspension or decertification. The suspension/decertification official may initiate suspension or decertification proceedings against an observer:

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(A) When it is alleged that the observer has committed any acts or omissions of any of the following:

(1) Failed to satisfactorily perform the duties of observers as specified in writing by the NMFS Observer Program; or

(2) Failed to abide by the standards of conduct for observers as prescribed under paragraph (j)(2) of this section;

(B) Upon conviction of a crime or upon entry of a civil judgement for:

(1) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the NMFS Observer Program;

(2) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(iii) Issuance of initial administrative determination. Upon determination that suspension or decertification is warranted under paragraph (j)(3)(ii) of this section, the suspension/ decertification official will issue a written IAD to the observer via certified mail at the observer's most current address provided to NMFS under § 679.43(e). The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. If the IAD issues a suspension for an observer certification, the terms of the suspension will be specified. Suspension or decertification can be made effective upon issuance of the IAD in cases of willfulness or those cases in which public health, interest, or safety require such actions. In such cases, the suspension/ decertification official will state in the IAD that suspension or decertification is effective at time of issuance and the reason for the action.

(iv) Appeals. A certified observer who receives an IAD that suspends or revokes his or her observer certification may appeal pursuant to § 679.43.

(k) Release of observer data to the public.

(1) Summary of weekly data.

The following information collected by observers for each catcher processor and catcher vessel during any weekly reporting period may be made available to the public:

(i) Vessel name and Federal permit number.

(ii) Number of chinook salmon and "other salmon" observed.

(iii) The ratio of total round weight of halibut or Pacific herring to the total round weight of groundfish in sampled catch.

(iv) The ratio of number of king crab or *C. bairdi* Tanner crab to the total round weight of groundfish in sampled hauls.

(v) The number of observed trawl hauls or fixed gear sets.

(vi) The number of trawl hauls that were basket sampled.

(vii) The total weight of basket samples taken from sampled trawl hauls.

(2) Haul-specific data.

(i) The information listed in paragraphs (k)(2)(i)(A) through (M) of this section and collected by observers from observed hauls on board vessels using trawl gear to participate in a directed fishery for groundfish other than rockfish, Greenland turbot, or Atka mackerel may be made available to the public:

(A) Date.

(B) Time of day gear is deployed.

(C) Latitude and longitude at beginning of haul.

(D) Bottom depth.

(E) Fishing depth of trawl.

(F) The ratio of the number of chinook salmon to the total round weight of groundfish.

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(G) The ratio of the number of other salmon to the total round weight of groundfish.

(H) The ratio of total round weight of halibut to the total round weight of groundfish.

(I) The ratio of total round weight of herring to the total round weight of groundfish.

(J) The ratio of the number of king crab to the total round weight of groundfish.

(K) The ratio of the number of *C. bairdi* Tanner crab to the total round weight of groundfish.

(L) Sea surface temperature (where available).

(M) Sea temperature at fishing depth of trawl (where available).

(ii) The identity of the vessels from which the data in paragraph (k)(2)(i) of this section are collected will not be released.

(3) Competitive harm.

In exceptional circumstances, the owners and operators of vessels may provide to the Regional Administrator written justification at the time observer data are submitted, or within a reasonable time thereafter, that disclosure of the information listed in paragraphs (k)(1) and (2) of this section could reasonably be expected to cause substantial competitive harm. The determination whether to disclose the information will be made pursuant to 15 CFR 4.7.

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

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;

(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

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

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

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

7. Examine the economic conditions of the grain trading companies and elevators to explain how the effect of imports was passed upstream to the farmers.

8. Examine the exports of domestically-produced HRS wheat and explain how the Commission has found injury by reason of the subject imports, rather than by reason of competition in third-country markets.

9. Analyze and explain how average farm prices for HRS wheat are based on the outcome of downstream transactions, and subject imports are large enough to impact HRS wheat prices on the futures market of the MGE, specifically taking into account the proprietary information found at page 56 of the CWB's Brief.

The Commission is to provide the determination on remand within 90 days of the panel decision or not later than September 6, 2005.

Dated: June 7, 2005.

Caratina L. Alston,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. E5-3015 Filed 6-10-05; 8:45 am]

BILLING CODE 3510-GT-P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904; NAFTA Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of first request for panel review.

SUMMARY: On May 31, 2005, West Fraser Mills, Ltd. filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Second requests were filed on June 1, 2005 on behalf of Ontario Forest Industries Association, the Ontario Lumber Manufacturers Association and Tembec, Inc; Weyerhaeuser Company Limited; Cascadia Forest Products, Ltd.; International Forest Products Ltd.; and a third request was received on June 7, 2005 on behalf of Abitibi-Consolidated Company of Canada (formerly known as Donohue Forest Products Inc.) Produits Forestiers Petit Paris Inc., Produits Forestiers la Tuque Inc., and Societe en Commandite Scierie Opitciwan. Panel review was requested of the Notice of Determination Under Section 129 of the Uruguay Round Agreement Act:

Antidumping Measures on Certain Softwood Lumber Products from Canada made by the United States Department of Commerce, International Trade Administration. This determination was published in the **Federal Register**, (70 FR 22636) on May 31, 2005. The NAFTA Secretariat has assigned Case Number USA-CDA-2005-1904-04 to this request.

FOR FURTHER INFORMATION CONTACT:

Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on May 31, 2005, requesting panel review of the final determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is June 30, 2005);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is July 15, 2005); and

(c) The panel review shall be limited to the allegations of error of fact or law,

including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: June 7, 2005.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. E5-3019 Filed 6-10-05; 8:45 am]

BILLING CODE 3510-GT-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Observer Providers of the North Pacific

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before August 12, 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 Patsy A. Bearden, 907-586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The main focus of this information collection continues to be the documentation required by National Marine Fisheries Service (NMFS) from an observer provider. Observer providers are permitted by NMFS to hire and deploy qualified individuals as observers in the North Pacific groundfish fisheries. Observer candidates are required to meet specified criteria in order to qualify as an observer and must successfully complete an initial certification training course, as well as meet other criteria, prior to being certified.

II. Method of Collection

Paper applications, electronic reports, and telephone calls are required from participants, and methods of submittal include Internet and facsimile transmission of paper forms.

III. Data

OMB Number: 0648-0318.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; and business or other for-profit organizations.

Estimated Number of Respondents: 405.

Estimated Time Per Response: 30 minutes for industry request for assistance in improving observer data quality issues; 60 hours for new permit application for observer provider; 15 minutes for update to provider information; 15 minutes for observer candidates college transcripts and disclosure statements, observer candidate; 15 minutes for observer candidates college transcripts and disclosure statements, observer provider; 5 minutes for notification of observer physical examination, observer provider; 2 hours for observer physical examination; 7 minutes for projected observer assignment; 7 minutes for briefing registration; 12 minutes for certificate of insurance; 15 minutes for copies of contracts; 7 minutes for weekly deployment/logistics reports; 7 minutes for debriefing registration; 2 hours for reports of problems; 40 hours for observer provider permit expiration or denial of permit appeals; and 20 hours for appeals for denial of observer certification, certification suspension, or decertification.

Estimated Total Annual Burden Hours: 1,963.

Estimated Total Annual Cost to Public: \$84,458.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 6, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-11602 Filed 6-10-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Documentation of Fish Harvest**

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before August 12, 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 Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Beverly Lambert, Southeast Office for Law Enforcement, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; telephone: 727-824-5347 or Beverly.Lambert@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The seafood dealers who possess red porgy, gag, black grouper, or greater amberjack during seasonal fishery closures must maintain documentation that such fish were harvested from areas other than the South Atlantic. The documentation includes information on the vessel that harvested the fish and on where and when the fish were offloaded. The information is required for the enforcement of fishery regulations.

II. Method of Collection

The information is in the form of a paper affidavit which remains with the respondent.

III. Data

OMB Number: 0648-0365.

Form Number: None.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 25.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 13.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

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

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

Dated: June 6, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-11603 Filed 6-10-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Scale and Catch Weighing Requirements**

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and