

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
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input checked="" type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input checked="" type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> 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. <input checked="" type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input checked="" type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input checked="" type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> 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
SCUP GEAR RESTRICTED AREA (GRA) ACCESS PROGRAM AUTHORIZATION
OMB NO. 0648-0469

A. JUSTIFICATION

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

Currently, as specified at 50 CFR 648.122, all otter trawl vessels fishing with mesh less than the minimum size required to fish for scup are prohibited from fishing for certain non-exempt species (*Loligo* squid, black sea bass, and silver hake (whiting)) in certain areas during certain times of the year, in what are referred to as Gear Restricted Areas (GRAs). The purpose of the GRAs is to reduce the bycatch of juvenile scup in small-mesh fisheries. The proposed rule would implement a Scup GRA Access Program Exemption Authorization to allow vessels to fish with small mesh for non-exempt species in the Scup GRAs, until a pre-determined level of scup discards is reached (50,000 lb and 70,000 lb in the Northern and Southern GRAs, respectively) to trigger a closure to small mesh gear, provided that they: (1) Possess a Scup GRA Access Program Authorization; (2) carry a National Marine Fisheries Service (NMFS)-approved GRA monitor (paid for by the vessel owner); (3) have a valid U.S. Coast Guard inspection sticker; and (4) transmit information (both automatically and manually) via an operational Vessel Monitoring System (VMS). The proposed rule would require that NOAA Fisheries-approved scup GRA monitors be placed on 100 percent of the vessels that participate in the GRA Access Program.

This collection of information involves two telephone calls to NMFS. The first call is necessary to request a Scup GRA Access Program Exemption Authorization, i.e. a letter of authorization. This information is necessary so that NMFS Office of Law Enforcement is aware of which vessels are authorized to fish for non-exempt species in the Scup GRAs. The second telephone call, required to be made at least 5 days prior to departing on a fishing trip to a GRA, is necessary so that a GRA monitor can be scheduled for the trip. The monitor is an individual, approved by NMFS, to collect scup discard information while the vessel is fishing in a GRA.

This collection of information also involves three different types of transmissions via VMS. First, participating vessel owners or operators will use VMS to declare the vessel into the GRA Access Program the day the vessel leaves port. Second, when a vessel is identified as fishing, the VMS would automatically determine the vessel's location using Global Positioning System satellites. A position is then transmitted, hourly, to NMFS via mobile communication service provider. Fishing location is important in the provision of data that can be used to perform adequate analyses of considered closed areas. Third, vessel operators will use the VMS to transmit information regarding scup discards, as collected by the Scup GRA monitors, on a daily basis.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If NOAA's Information Quality Guidelines apply, state this and confirm that the collection complies with the Guidelines.

The information regarding which vessels are fishing with small mesh in a GRA area will be used by NMFS Northeast Region Sustainable Fisheries Division, NMFS Office of Law Enforcement, and the U.S. Coast Guard. The Sustainable Fisheries Division will use the information on the number of vessels that participate in this program for analytical purposes. NMFS Office of Law Enforcement and the U.S. Coast Guard will use the information to ascertain whether a vessel is allowed to fish with small mesh for non-exempt species in the GRAs. The VMS will transmit vessel location information automatically. It is expected that a vessel's location will be transmitted once per hour while fishing in GRAs. The Southern GRAs is in effect January 1 through March 15; the Northern GRA is in effect November 1 through December 31. 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 information collection via VMS will be completely automated, with the exceptions of the declaration into the Scup GRA and the daily transmission of discard data collected by the Scup GRA monitor. For both of these exceptions, macros (i.e., on screen forms) will be created for ease of reporting, and will be similar to those established for the reporting of other species via VMS. To participate in this program, a vessel will be required to install an operational VMS unit. The VMS unit will automatically transmit vessel position. The vessel owner would be informed if for some reason the unit ceased transmitting and would be required to repair or replace it.

The collection of information to obtain a GRA authorization letter and to schedule a GRA monitor is via telephone and is automated.

4. Describe efforts to identify duplication.

VMS technology has been utilized in New England for the past several years in the Atlantic sea scallops, Northeast multispecies, and Atlantic herring fisheries. In New England, this type of system has been employed to replace the days-at-sea call-in system, provide accurate location data, and provide information used in other analyses. However, the information being collected

under this program is unique to the vessels participating in the Scup GRA Access Program and is not being duplicated under any other program.

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

The collection of information does involve small businesses or other small entities. Employing an automated VMS system to transmit a vessel's position to NMFS would minimize the reporting time when compared to telephone reporting or logbook reporting of the same fishing activity. Keeping the program and the information collection relatively simple, yet enforceable, is one of the objectives of implementing the program. It is estimated that the initial cost of a VMS to vessel owners will be around \$5,500. The maintenance fee for the VMS system is approximately \$1,800 per year per vessel. Nevertheless, participation in this program is not mandatory and it is expected that individual vessels will assess changes in costs and revenues to their operations before they participate in this program. NMFS has minimized the burden to the extent practicable; the proposed changes involve no additional burden regarding telephone calls. The requirement for participants to place telephone calls to obtain a GRA Letter of Authorization is already in effect under the current regulations and is not considered burdensome as it involves one telephone call per GRA effective period. Also, as a result of the proposed changes to the GRA Access program, the requirement to call the NMFS Observer Program contractor to schedule an observer for each trip is replaced by the requirement to call NMFS to schedule a GRA monitor. Detailed instructions will be provided to vessel owners via a letter to permit holders. It is expected that all of the small entities affected will have ready access to a telephone, at minimal expense.

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

Without this VMS program, it will not be possible to effectively administer closures of the GRAs. NMFS would be forced to rely on traditional enforcement methods such as Coast Guard aerial surveillance. The consequence could be the elimination of the Scup GRA Access Program, which would likely have an adverse economic impact on otter trawl vessels that want to fish with small mesh for non-exempt species in the GRAs. This program has been requested by the fishing industry to allow access to the GRAs under certain circumstances and to collect information the industry believes may lead to fewer restrictions on their activities in the future.

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

Hourly VMS reporting is necessary for effective enforcement of the GRAs. Since the position transmissions are automated, they will not significantly burden on participants. Daily discard reporting is necessary to ensure that the discard triggers are not exceeded.

8. Provide a copy of the 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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A proposed rule is being published to solicit public comment.

This Scup GRA Access program was recommended by the Mid-Atlantic Fishery Management Council at a public meeting on August 6, 2003. Many members of the fishing industry were present during discussion of the program and public comments were solicited. Although actual development and implementation of the program is the responsibility of NMFS, an enrollment program was contemplated by the Council in a public forum.

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

There are not any payments or gifts that will be provided to respondents, other than the opportunity to fish with small mesh for non-exempt species in the GRAs, provided that participants comply with the additional terms and conditions of the program.

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

All data will be kept confidential as required by Section 402(b) of the Magnuson-Stevens Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100).

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

There are no questions of a sensitive nature associated with this collection of information.

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

Number of vessels affected- No more than 72 vessels

Time for unit installation - 6 hours/unit

Time for unit maintenance - 4 hours/year

Time for each transmission - 2 minutes for telephoning NMFS; 2 minutes/transmission for declaring into a GRA, 10 minutes per manual VMS transmission for reporting of discards, and 5 seconds/automated VMS transmission

Transmission per vessel - One telephone call/GRA effective period (to request GRA authorization letter; one telephone call/trip, 5 days prior to start of trip, to schedule GRA monitor, 24 automated transmissions/day; one manual transmission before each trip into a GRA, and one manual transmission/day for reporting of discards (including null reports)

Fishing days per year - 743 (i.e., the number of fishing days for all vessels in the GRAs)

Total responses - 209 telephone calls to request GRA authorization, 209 telephone calls to schedule a GRA monitor, 17,832 automated transmissions/year; 209 manual transmissions/year for declaring into a GRA, and 743 manual transmissions/year for reporting of discards (including null reports)

Total annual transmission hours - 24.8/year for automated transmissions; 5/year for telephone calls to request GRA authorization, 7/year for telephone calls to NMFS 5 days prior to trip, and 7/year for declaring into a GRA, and 123.8/year for manual transmissions of discard information

Total annual time in hours for collection first year - 887.6

Sum of: [72 vessels x 6 hours for installation = 432 hours] AND 455.6 (see below)

Total annual time in hours for collection second year and beyond - 455.6

[72 vessels x 4 hours for maintenance = 288 hours], plus 5 hours for telephone calls to request GRA authorization, plus 7 hours each for telephone calls to schedule a GRA monitor, plus 7 hours for declaring into GRA, plus 24.8 hours for automated transmissions, plus 123.8 hours for manual transmissions

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

Start-up cost per unit - \$5,500

Total annual start-up cost - \$396,000

Operation and maintenance cost per vessel - \$1,200/year (assumes use of toll-free telephone numbers)

Total annual operation and maintenance cost - \$86,400/year

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

Quantification of Hours - NMFS will be required to ensure that units have been installed and are operational, and review the data transmissions as required. It is estimated that this will require 360 hours of labor costs (5 hours/vessel/year). The total annual cost to the Federal government is \$9,000 (360 x \$25.00/hour).

Operational Expenses - None (staff support and equipment are already available).

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

These are program changes resulting from new requirements.

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

N/A

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.

N/A

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

N/A

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods will be employed in this collection of information.

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.