

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

05/24/2006

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 01/27/2006.

TITLE: Processed Products Family of Forms

AGENCY FORM NUMBER(S): 88-13,88-13C

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0018

EXPIRATION DATE: 05/31/2009

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	1,400	680	0
New	1,400	680	0
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

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
PROCESSED PRODUCTS FAMILY OF FORMS
OMB CONTROL NO.: 0648-0018**

A. JUSTIFICATION

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

NOAA Form 88-13 is used to collect annual information on seafood and industrial fishery processing plants. These data are required by the Secretary of Commerce in carrying out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq. as amended). Each fishery management plan established under the Act must determine the estimated capacity by U.S. seafood processors for the managed fishery. Data from this survey are used in economic analyzes to estimate the capacity and extent of which U.S. fish processors, on an annual basis, will process that portion of the optimum yield harvested by domestic fishing vessels. Employment data are used in socioeconomic analyzes for determining potential impacts on processing employment due in part to management measures.

Federally permitted dealers of Atlantic mackerel, squid, butterfish, Atlantic sea scallop, Northeast multispecies, monkfish, summer flounder, scup, black sea bass, Atlantic bluefish, spiny dogfish, Atlantic herring, Atlantic deep-sea red crab, tilefish, skate, surf clam or ocean quahog in the National Marine Fisheries Service's (NMFS) Northeast Region are required under 50 CFR 648.7 to complete and submit all sections of NOAA Form 88-13.

NOAA Form 88-13c is used to collect monthly production of fish meal and oil. These data are needed by the Department of Commerce to report market and supply conditions and are used by the industry to procure sufficient inputs to produce such products as animal feeds, paint, and lubricants (13 U.S.C. 61 et seq.).

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.

NMFS and Regional Council economists use the data on volume and value to estimate processing capacity and to forecast and subsequently measure the economic impact of fishery management regulations on fish and shellfish supplies. The employment data are used to analyze the seasonality of a specific fishery. The data are also used for establishing negotiating positions on international trade by determining which seafood industries might be adversely affected by reducing or eliminating established tariffs.

Data from the annual survey are reported in Fisheries of the United States, Statistical Abstract of the United States, and Agricultural Statistics. As a member of the United Nations' Food and Agriculture Organization and the Organization for Economic Co-operation and Development, NMFS supplies aggregate data to these organizations. The information collected through the family of forms is also utilized by various other federal agencies. NMFS supports the International Trade Commission with their various trade investigations by supplying aggregate

data on specific processed seafood items. The Office of Management and Budget (OMB) annually requests information on the processing of seafood. The U.S. Customs and Border Protection (CBP), Department of Homeland Security, establishes the annual tariff-rate quota for tuna fish described in item 1604.14.22 of the Harmonized Tariff Schedule of the United States based on the U.S. canned tuna production for the preceding calendar year (19 U.S.C. 3007). Failure to collect these data would prevent the Secretary of Commerce from meeting the statutory obligations under the Act. It would also prevent the CBP from establishing the annual tariff-rate quota on canned tuna.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the previous paragraphs, the information gathered has utility. NMFS 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.

In the current survey, NMFS provides each processor a unique pre-printed form that includes the products produced by the processor in the previous year. The processor only needs to fill in the quantities and value, and add any new products, before returning the form. Processors have the option to use a web-based application that allows them to submit the data electronically. Currently virtually all respondents continue to use the pre-printed form.

4. Describe efforts to identify duplication.

NMFS continues to work with Bureau of the Census to reduce duplication and unnecessary reporting. Although the Census includes the seafood industry in its five year descriptive surveys, the level of detail is more aggregated than NMFS data and represents a survey of capital investment and value-added. These data are not part of NMFS effort.

The Bureau of Labor Statistics (BLS) collects monthly employment data at the six digit North American Industry Classification System code. Although these data are used to verify NMFS collected data, the information provided by the BLS is too aggregated to utilize at the species specific level and can only be used for general comparisons.

The Operational Guidelines on the Fishery Management Plan (FMP) Process require each FMP to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. Therefore, NMFS is confident that it is aware of similar collections if they exist.

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

Since all of the respondents are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data are requested.

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

If the collection were not conducted, NMFS would lack key economic data for making fishery decisions. The frequency cannot be reduced from the annual submission, which is currently required for dealers. Since dealer entry into and exit from a fishery is common, an annual collection allows NMFS to use the most accurate information available to compile employment and processing data.

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

Form 88-13c obtains monthly data on processed production of fish meal and oil for reporting in the Fishery Market News series. NMFS, USDA, state fishery agencies and industry in forecasting market needs utilize these data. Forms are mailed to respondents on a monthly basis during the fishing season. The seasonality (four-five months) of the fisheries supporting the processing of meal and oil precludes reducing the reporting time frame to less than monthly. Companies reduce employment at season closure to primary maintenance needs. If the reporting time frame was reduced to quarterly submission, a loss of data for the season would jeopardize the statistics.

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

The PRA Federal Register notice that solicited public comments on this information collection is attached. No comments were received.

Direct feedback from respondents is the primary non-Agency source for changes in the survey form and instructions.

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

No payments or gifts are made.

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

The data contained in the Processed Products Report, Form 88-13, will be kept confidential as required by section 402(b) of the Magnuson-Stevens and NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form without identification as to its source.

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

There are no questions of a sensitive nature.

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

Table 1. Calculation of Public and Federal Estimate of Reporting Burden Hours and Costs.

Permit Requirement	Number of Entities	Items/ Entity	Total Number of Items	Response Time (Hours)	Total Burden (Hours)	Cost (\$) to Public
NOAA Form 88-13	1,320	1	1,320	0.50	660	0
NOAA Form 88-13c	20	4	80	0.25	20	0
Totals	1,320*		1,400		680	0

* Excludes duplication

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).

There are no start-up, capital, or maintenance costs associated with this collection. No new or specialized equipment is needed to respond to this collection. The forms are provided with postage-fee envelopes.

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

The estimated Cost to Government is \$4,832

Estimated Cost of Printing: 1,400 forms at 4 cents per copy = \$56

Estimated Cost of Mailing: 1,400 forms at 74 cents total = \$1,036

Estimated Staff Support: 220 hours at GS 7/1 salary (\$17.00/hour) = \$3,740

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

There are no program changes or adjustments.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States, which follows prescribed

statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

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

N/A.

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

The census of seafood processors (currently estimated at 1320) is based on known firms that responded in previous years with the addition of newly established firms identified by local agency personnel. Agency personnel review local trade directories and state licensing agencies to develop potential new contacts. New firms are provided a survey form and instructions for completing the survey. Lists of firms that are reported to have ceased operation are reviewed to establish certainty that a new company has not opened up in the same location. There have been cases in which a firm ceased operation for a year due to raw supply sourcing only to reopen in a subsequent year.

2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.

No statistical stratification is employed in the census.

The seasonality (four-five months) of the fisheries supporting the processing of meal and oil precludes reducing the reporting time frame to less than monthly. Companies reduce employment at season closure to primary maintenance needs. If the reporting time frame was reduced to an annual submission, a loss of data for the season would jeopardize the statistics.

3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be

provided if they will not yield "reliable" data that can be generalized to the universe studied.

Approximately 50 percent of the survey forms are returned within a month of the initial mailing conducted in January. A second mailing to non-respondents is conducted in late February with follow-up calls initiated within two weeks to provide plant managers the option of providing the information over the phone or to ascertain if there is a problem. By late April 85 percent of the surveyed firms have responded. In many cases the plant may not have been operational due to the seasonality of a fishery. The remaining 15 percent of non-respondents are contacted once again with a usual follow-up visit as time allows. On average the final response rate by the end of September is 95 to 98 percent. In many cases the non-respondents are firms that have gone out of business, have merged with another firm, or have changed their business practice and are no longer considered to be a processing facility.

Federally permitted dealers in the Northeast Region are required to submit a completed survey. See response #1 of this Supporting Statement for more information on reporting requirements. *The regional permit office notifies a firm that fails to respond that their permit renewal will be held in abeyance or if necessary an existing permit may be revoked.*

The monthly survey of fish meal and oil production is completed by 100 percent of those processors in operation during the season.

Many of the processing facilities have a long-standing relationship with local NMFS personnel conducting the survey. When necessary NMFS personnel may visit the plant to review a respondents completed survey or to assist in completing the survey.

NMFS personnel work closely with national, regional, and state industry trade associations. Periodically, personnel hold discussions with industry leaders to describe the necessity of their members to provide the information. Personnel also meet with industry members at both local and national trade shows to review new types of products that are being developed for inclusion in the survey.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

The census has been conducted in the same manner for the past twenty years. No test has been conducted recently.

5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

Regional agency personnel conduct the census. Personnel at headquarters conduct tabulations of the data (contact: Steven Koplín, 301-713-2328).



United States Department of Commerce
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930

Date

«CONTACT_NAME»
«COMPANY»
«ADDRESS»
«CITY», «ST» «ZIP»

Dear Processor:

The National Marine Fisheries Service (NMFS) conducts an annual survey of all seafood processors that operate in the United States. Your firm has been identified as participating in this industry. Please take the necessary time to complete the enclosed form and return it in the enclosed envelope. Completed reports should be returned to the Northeast Fishery Statistics Office, 1 Blackburn Drive, Gloucester, MA 01930.

This is the only comprehensive survey of the U.S. seafood processing industry and is the source of all regional and national statistics describing this portion of the industry. Reports generated from these statistics include the NMFS' "**Fisheries of the United States**" and the United Nations Food and Agriculture Organization's yearbook, "**Fishery Statistics-Commodities.**" The data you provide are also used for calculating annual United States seafood consumption, for determining the value added margins and consumer expenditures related to commercial fisheries, and in the assessment of the impacts of changes in fishery management plans. The NMFS Trade Office and the International Trade Commission use the data in multilateral trade negotiations and tariff studies. Industry trade organizations and members of the industrial and financial communities use the data to make business decisions affecting the fishing and seafood industries.

Please be assured that all information regarding production and employment of individual firms is maintained in a confidential manner pursuant to NOAA Administrative Order 216-100.

For those processors who have dealer or processor permits issued by the Northeast Regional Office (NER) for the species listed below, there is a mandatory requirement [50 CFR Part 648.7(a)(3)] to complete all sections of this report:

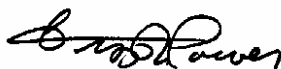
Atlantic Bluefish	Atlantic Deep-Sea Red Crab	Atlantic Herring	Atlantic Mackerel
Atlantic Sea Scallop	Black Sea Bass	Butterfish	Monkfish
NE Multispecies	Scup	Skate	Spiny Dogfish
Squid	Summer Flounder	Surf Clam & Ocean Quahog	Tilefish

Instructions are provided to assist you in completely and accurately preparing the forms. If you have any questions, please contact the local NMFS – NER field office. This letter, instructions and a blank form are also available on the Fishery Statistics Office web site. Additional information may be obtained through electronic mail to: Reporting.ne@noaa.gov.

Information regarding these reports and uses of the information may be found at the following web sites:

Northeast Fishery Statistics Office	www.nero.nmfs.gov/ro/fso/procprod.htm
NER Dealer/Processor Permitting Requirements	www.nero.nmfs.gov/ro/doc/the648.htm#_1_7
NER Record Keeping and Reporting Requirements	www.nero.nmfs.gov/ro/doc/the648.htm#_1_8
NMFS Office of Science & Technology, Fisheries Statistics & Economics: - Fisheries of the United States - Foreign Trade Information	www.st.nmfs.gov/st1/index.html
United Nations Food and Agriculture Organization	www.fao.org
NOAA Administrative Order 216-100	www.rdc.noaa.gov/~nao/216-100.html

Sincerely,



Gregory R. Power
Chief, Fishery Information Section

Enclosures:

1. Reporting form – NOAA Form 88-13, Annual Fishery Products Report U.S. Processors
2. Reporting instructions
3. Listing of Northeast Fishery Statistics field offices

INSTRUCTIONS FOR COMPLETING THE FORM

1. Check your company name, mailing address, and phone/fax numbers. If your plant address differs from your mail address please fill in the appropriate information. Make any necessary corrections that you find in error.
2. In the upper right hand corner indicate the type of business you operate.
3. In the box to the right of your address is the employment section. Enter by month the number of persons which worked at the establishment during the payroll period that included the 12th of the month. Do not forget to include yourself.
4. Directly beneath the employment section, please print or type the name and telephone number of the person who prepared the report so that we will know who to contact if we have any questions. It is not necessary to sign the form.
5. The next several sections are for processing aspects of the plant. "Processing" means anything done to the product to increase its economic value. This would include, but is not limited to, filleting, steaking, surimi or analog production, shucking, cooking, removing the roe, or otherwise preparing the product. If the products already listed on the form are correct, please fill in the appropriate **finished** product volume and FOB plant values. Plant value is the amount that the processor receives for the finished product. For products finished but not yet sold (still held in inventory), calculate the estimated value using the average price received to date for that product.
6. Processors of canned products, please be sure to include the ounces per can, cans per case, and number of cases instead of weight. If the information is already included on the form, please check it for accuracy.
7. List any **NEW** products in the appropriate section with volume and values. If a product no longer applies, just draw a line through it.
8. We recommend that you make a copy of the completed survey for your files. A pre-addressed envelope is enclosed for your convenience in returning the form to the appropriate office.
9. If you have any questions please call the NMFS - NER field office nearest you. A listing of port offices has been provided with this mailing.

Public reporting burden for this collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

National Marine Fisheries Service
Fisheries Statistics Division F/ST1
1315 East - West Hwy.
Silver Spring, MD 20910-3226

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

STANDARD MAIL SURVEY LETTER EXAMPLE

Dear Processor:

The National Marine Fisheries Service (NMFS) conducts an annual survey of all seafood processors that operate in the United States. Your firm has been identified as participating in this industry. Please take the necessary time to complete the enclosed form and return it in the enclosed envelope.

This is the only comprehensive survey of the U.S. seafood processing industry and is the source of all regional and national statistics describing this portion of the industry. Reports generated from these statistics include the NMFS' "**Fisheries of the United States**" and the United Nations Food and Agriculture Organization's yearbook, "**Fishery Statistics-Commodities.**" The data you provide are also used for calculating annual United States seafood consumption, for determining the value added margins and consumer expenditures related to commercial fisheries and in the assessment of the impacts of changes in fishery management plans. The NMFS Trade Office and the International Trade Commission use the data in multilateral trade negotiations and tariff studies. Industry trade organizations and members of the industrial and financial communities use the data to make business decisions affecting the fishing and seafood industries.

Please be assured that all information regarding production and employment of individual firms is maintained in a confidential manner pursuant to NOAA Administrative Order 216-100.

The instructions on the reverse are provided to assist you in completely and accurately preparing the forms. If you have any questions or comments, please feel free to contact Steven Koplín at National Marine Fisheries Service, Fisheries Statistics Division F/ST1, 1315 East-West Hwy, Silver Spring, MD 20910 or call (301) 713-2328.

Sincerely,

Your Regional Director

INSTRUCTIONS FOR COMPLETING THE FORM

1. Check your company name, mailing address, and phone/fax numbers. If your plant address differs from your mail address please fill in the appropriate information. Make any necessary corrections that you find in error.
2. In the upper right hand corner indicate the type of business you operate.
3. In the box to the right of your address is the employment section. Enter by month the number of persons which worked at the establishment during the payroll period that included the 12th of the month. Do not forget to include yourself.
4. Directly beneath the employment section, please print or type the name and telephone number of the person who prepared the report so that we will know who to contact if we have any questions. It is not necessary to sign the form.
5. The next several sections are for processing aspects of the plant. "Processing" means anything done to the product to increase its economic value. This would include, but is not limited to, filleting, steaking, surimi or analog production, shucking, cooking, removing the roe, or otherwise preparing the product. If the products already listed on the form are correct, please fill in the appropriate **finished** product volume and FOB plant values. Plant value is the amount that the processor receives for the finished product. For products finished but not yet sold (still held in inventory), calculate the estimated value using the average price received to date for that product.
6. Processors of canned products, please be sure to include the ounces per can, cans per case, and number of cases instead of weight. If the information is already included on the form, please check it for accuracy.
7. List any **NEW** products in the appropriate section with volume and values. If a product no longer applies, just draw a line through it.
8. We recommend that you make a copy of the completed survey for your files. A pre-addressed envelope is enclosed for your convenience in returning the form to this office.
9. If you have any questions, call the Fisheries Statistics Division at: (301) 713-2328.

Public reporting burden for this collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

National Marine Fisheries Service
Fisheries Statistics Division F/ST1
1315 East-West Hwy.
Silver Spring, MD 20910

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Your cooperation is needed to make the results of this survey comprehensive, accurate, and timely and may increase the profitability of your business. Individual reports are confidential and only summary totals are published. This report is authorized by law, 16 U.S.C. 1854(e).

Form Approved OMB No. 0648-0018
Expires: 03-31-06

YEAR REGION STATE PLANT NO. COUNTY	NOAA FORM 88-13 (REV 10/95)	U.S. DEPARTMENT OF COMMERCE NOAA-NMFS FISHERY PRODUCTS REPORT U. S. PROCESSORS, ANNUAL	ARE YOU A: PROCESSOR WHOLESALER (Does Not Process) COLD STORAGE OTHER:
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COMPANY PHONE _____ COMPANY FAX _____

MAIL ADDRESS _____

PLANT ADDRESS _____

EMPLOYMENT DATA
TO BE COMPLETED BY ALL FIRMS OR PLANTS

NOTE: LIST BY MONTH THE NUMBER OF PERSONS WORKING AT THIS ESTABLISHMENT DURING THE PAYROLL PERIOD THAT INCLUDED THE 12TH OF THE MONTH.

JAN	FEB	MAR
APR	MAY	JUN
JUL	AUG	SEP
OCT	NOV	DEC
REPORT PREPARED BY _____		TITLE _____

	FOR NMFS USE	UNIT	QUANTITY	VALUE FOB PLANT	CHECK
FRESH SEAFOOD					/////
					/////
FROZEN SEAFOOD					/////
					/////
					/////

NEW PRODUCTS (1)	FOR NMFS USE	UNIT	QUANTITY	VALUE FOB PLANT	CHECK
) SPECIFY: FRESH, FROZEN, CURED or INDUSTRIAL					

MORE LINES ARE NEEDED FOR PRODUCTS OTHER THAN CANNED, CONTINUE BELOW OR AFTER CANNED ENTRY LINES

CANNED SEAFOOD (1)	FOR NMFS USE	UNIT	OUNCES	PACK	# OF CASES	VALUE FOB PLANT
) ANY PRODUCT RETORTED UNDER PRESSURE; RIGID OR POUCH CONTAINER						
		CS				
		CS				
		CS				
		CS				

This report is authorized by law 13 U.S.C. 61 and 16 U.S.C. 1854(e). While you are not required to respond your cooperation is needed to make the results of this survey comprehensive, accurate and timely.

OMB Control No.: 0648-0018
Expires:3-31-06

MONTH		NOAA Form 88-13c (11-98)	U.S. DEPARTMENT OF COMMERCE NOAA-NMFS
REGION			FISHERY PRODUCTS REPORT FISH MEAL AND OIL, MONTHLY
STATE			
PLANT NO.			

INSTRUCTIONS: 1. Report production of fish/shellfish meal, oil, and solubles products produced at the plant for the month specified. If no production occurred please indicate on the form. 2. Return form to the originating NMFS office. 3. Your report is accorded confidential treatment, as required by section 402 (b) of the Magnuson-Stevens Act and NOAA Administrative Order 216-100. 4. Public reporting burden for this collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this survey to: Fisheries Statistics Division F/ST1, NMFS, Silver Spring MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

SPECIES	FISH / SHELLFISH MEAL AND DRY SCRAP <i>Short Tons</i>	FISH OIL <i>Gallons</i>	FISH SOLUBLE <i>Gallons</i>

MENHADEN UTILIZED DURING MONTH (*MILLION FISH*)

REMARKS

FIRM	ADDRESS
SUBMITTED BY (<i>SIGNATURE</i>)	TITLE

affected individual required to disclose a financial interest under paragraph (2) shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

(B) At the request of an affected individual, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

(C) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

(D) Any affected individual who does not vote in a Council decision in accordance with this subsection may state for the record how he or she would have voted on such decision if he or she had voted.

(E) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C), the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

(F) The Secretary, in consultation with the Councils and by not later than one year from the date of enactment of the Sustainable Fisheries Act, shall promulgate regulations which prohibit an affected individual from voting in accordance with subparagraph (A), and which allow for the making of determinations under subparagraphs (B) and (C).

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(8) Section 208 of title 18, United States Code, does not apply to an affected individual referred to in paragraph (1)(A)(ii) during any time in which that individual is in compliance with the regulations prescribed under paragraph (5).

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.

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(d) INDIVIDUAL FISHING QUOTAS.--

(1) (A) A Council may not submit and the Secretary may not approve or implement before October 1, 2000, any fishery management plan, plan amendment, or regulation under this Act which creates a new individual fishing quota program.

(B) Any fishery management plan, plan amendment, or regulation approved by the Secretary on or after January 4, 1995, which creates any new individual fishing quota program shall be repealed and immediately returned by the Secretary to the appropriate Council and shall not be resubmitted, reapproved, or implemented during the moratorium set forth in subparagraph (A).

(2) (A) No provision of law shall be construed to limit the authority of a Council to submit and the Secretary to approve the termination or limitation, without compensation to holders of any limited access system permits, of a fishery management plan, plan amendment, or regulation that provides for a limited access system, including an individual fishing quota program.

(B) This subsection shall not be construed to prohibit a Council from submitting, or the Secretary from approving and implementing, amendments to the North Pacific halibut and sablefish, South Atlantic wreckfish, or Mid-Atlantic surf clam and ocean (including mahogany) quahog individual fishing quota programs.

(3) An individual fishing quota or other limited access system authorization--

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

(B) may be revoked or limited at any time in accordance with this Act;

(C) shall not confer any right of compensation to the holder of such individual fishing quota or other such limited access system authorization if it is revoked or limited; and

(D) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested.

(4) (A) A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to issue obligations that aid in financing the--

(i) purchase of individual fishing quotas in that fishery by fishermen who fish from small vessels; and

(ii) first-time purchase of individual fishing quotas in that fishery by entry level fishermen.

(B) A Council making a submission under subparagraph (A) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under clauses (i) and (ii) of subparagraph (A) and the portion of funds to be allocated for guarantees under each clause.

(5) In submitting and approving any new individual fishing quota program on or after October 1, 2000, the Councils and the Secretary shall consider the report of the National Academy of Sciences required under section 108(f) of the Sustainable Fisheries Act, and any recommendations contained in such report, and shall ensure that any such program--

(A) establishes procedures and requirements for the review and revision of the terms of any such program (including any revisions that may be necessary once a national policy with respect to individual fishing quota programs is implemented), and, if appropriate, for the renewal, reallocation, or reissuance of individual fishing quotas;

(B) provides for the effective enforcement and management of any such program, including adequate observer coverage, and for fees under section 304(d)(2) to recover actual costs directly related to such enforcement and management; and

(C) provides for a fair and equitable initial allocation of individual fishing quotas, prevents any person from acquiring an excessive share of the individual fishing quotas issued, and considers the allocation of a portion of the annual harvest in the fishery for entry-level fishermen, small vessel owners, and crew members who do not hold or qualify for individual fishing quotas.

104-297, sec. 108(b), M-S Act SS 303 note

IMPLEMENTATION.--Not later than 24 months after the date of enactment of this Act [P.L. 104-297], each Regional Fishery Management Council shall submit to the Secretary of Commerce amendments to each fishery management plan under its authority to comply with the amendments made in subsection (a) of this section [i.e., the P.L. 104-297 revisions to SS 303(a)(1), (5), (7), and (9), and the

addition of SS 303(a)(10)-(14)].

104-297, sec. 108(i), M-S Act SS 303 note

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

SEC. 304. ACTION BY THE SECRETARY 16 U.S.C. 1854

104-297

(a) REVIEW OF PLANS.--

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

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

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

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

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

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

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

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

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

(B) the nature of such inconsistencies; and

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(m) *Federal versus state requirements.* If a requirement of this part differs from a fisheries management measure required by state law, any dealer issued a Federal dealer permit must comply with the more restrictive requirement.

(n) *Sanctions.* Same as § 648.4(m).

[61 FR 34968, July 3, 1996, as amended at 61 FR 43425, Aug. 23, 1996; 61 FR 58465, Nov. 15, 1996; 64 FR 57593, Oct. 26, 1999; 65 FR 45851, July 26, 2000; 65 FR 77465, Dec. 11, 2000; 66 FR 49144, Sept. 26, 2001; 68 FR 49699, Aug. 19, 2003; 69 FR 4864, Feb. 2, 2004; 69 FR 16178, Mar. 29, 2004; 69 FR 30841, June 1, 2004]

§ 648.7 Recordkeeping and reporting requirements.

(a) *Dealers*—(1) *Detailed report.* Federally permitted dealers must submit to the Regional Administrator or to the official designee a detailed report of all fish purchased or received for commercial purposes, other than solely for transport on land, within the time periods specified in paragraph (f) of this section, by one of the available electronic reporting mechanisms approved by NMFS, unless otherwise directed by the Regional Administrator. The following information, and any other information required by the Regional Administrator, must be provided in each report:

(i) *Required information.* All dealers issued a dealer permit under this part must provide: Dealer name; dealer permit number; name and permit number or name and hull number (USCG documentation number or state registration number, whichever is applicable) of vessel(s) from which fish are purchased or received; trip identifier for each trip from which fish are purchased or received from a commercial fishing vessel permitted under this part; date(s) of purchases and receipts; units of measure and amount by species (by market category, if applicable); price per unit by species (by market category, if applicable) or total value by species (by market category, if applicable); port landed; cage tag numbers for surfclams and ocean quahogs, if applicable; disposition of the seafood product; and any other information deemed necessary by the Regional Administrator. If no fish are purchased or received during a reporting week, a report so stating must be submitted.

(ii) *Exceptions.* The following exceptions apply to reporting requirements for dealers permitted under this part:

(A) Inshore Exempted Species, as defined in § 648.2, are not required to be reported under this part;

(B) When purchasing or receiving fish from a vessel landing in a port located outside of the Northeast Region (Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia and North Carolina), only purchases or receipts of species managed by the Northeast Region under this part, and American lobster, managed under part 697 of this chapter, must be reported. Other reporting requirements may apply to those species not managed by the Northeast Region, which are not affected by this provision; and

(C) Dealers issued a permit for Atlantic bluefin tuna under part 635 of this chapter are not required to report their purchases or receipts of Atlantic bluefin tuna under this part. Other reporting requirements, as specified in § 635.5 of this chapter, apply to the receipt of Atlantic bluefin tuna.

(iii) *Dealer reporting requirements for skates.* In addition to the requirements under paragraph (a)(1)(i) of this section, dealers shall report the species of skates received. Species of skates shall be identified according to the following categories: Winter skate, little skate, little/winter skate, barndoor skate, smooth skate, thorny skate, clearnose skate, rosette skate, and unclassified skate. NMFS will provide dealers with a skate species identification guide.

(2) *System requirements.* All persons required to submit reports under paragraph (a)(1) of this section are required to have the capability to transmit data via the Internet. To ensure compatibility with the reporting system and database, dealers are required to utilize a personal computer, in working condition, that meets the minimum specifications identified by NMFS. The affected public will be notified of the minimum specifications via a letter to all Federal dealer permit holders.

(3) *Annual report.* All persons issued a permit under this part are required to submit the following information on an

annual basis, on forms supplied by the Regional Administrator:

(i) All dealers and processors issued a permit under this part must complete all sections of the Annual Processed Products Report for all species that were processed during the previous year. Reports must be submitted to the address supplied by the Regional Administrator.

(ii) Surfclam and ocean quahog processors and dealers whose plant processing capacities change more than 10 percent during any year shall notify the Regional Administrator in writing within 10 days after the change.

(iii) Atlantic herring processors, including processing vessels, must complete and submit all sections of the Annual Processed Products Report.

(b) *Vessel owners or operators*—(1) *Fishing Vessel Trip Reports*—(i) The owner or operator of any vessel issued a valid permit under this part must maintain on board the vessel, and submit, an accurate fishing log report for each fishing trip, regardless of species fished for or taken, on forms supplied by or approved by the Regional Administrator. If authorized in writing by the Regional Administrator, a vessel owner or operator may submit reports electronically, for example by using a VMS or other media. With the exception of those vessel owners or operators fishing under a surfclam or ocean quahog permit, at least the following information and any other information required by the Regional Administrator must be provided: Vessel name; USCG documentation number (or state registration number, if undocumented); permit number; date/time sailed; date/time landed; trip type; number of crew; number of anglers (if a charter or party boat); gear fished; quantity and size of gear; mesh/ring size; chart area fished; average depth; latitude/longitude (or loran station and bearings); total hauls per area fished; average tow time duration; haul weight, in pounds (or count of individual fish, if a party or charter vessel), by species, of all species, or parts of species, such as monkfish livers, landed or discarded; and, in the case of skate discards, “small” (i.e., less than 23 inches (58.42 cm), total length) or “large” (i.e., 23 inches (58.42 cm) or greater, total length) skates;

dealer permit number; dealer name; date sold, port and state landed; and vessel operator’s name, signature, and operator’s permit number (if applicable).

(ii) *Surf clam and ocean quahog vessel owners and operators*. The owner or operator of any vessel conducting any surf clam and ocean quahog fishing operations, except those conducted exclusively in waters of a state that requires cage tags or when he/she has surrendered the surf clam and ocean quahog fishing vessel permit, shall maintain, on board the vessel, an accurate daily fishing log for each fishing trip, on forms supplied by the Regional Administrator, showing at least: Name and permit number of the vessel, total amount in bushels of each species taken, date(s) caught, time at sea, duration of fishing time, locality fished, crew size, crew share by percentage, landing port, date sold, price per bushel, buyer, tag numbers from cages used, quantity of surf clams and ocean quahogs discarded, and allocation permit number.

(iii) *Vessel reporting requirements for skates*. In addition to the requirements under paragraph (b)(1)(i) of this section, the owner or operator of any vessel issued a skate permit shall report the species of all skates landed. Species of skates shall be identified according to the following categories: Winter skate, little skate, little/winter skate, barndoor skate, smooth skate, thorny skate, clearnose skate, rosette skate, and unclassified skate. Discards of skates shall be reported according to two size classes, large skates (greater than or equal to 23 inches (58.42 cm) in total length) and small skates (less than 23 inches (58.42 cm) in total length). All other vessel reporting requirements remain unchanged. NOAA Fisheries will provide vessel owners or operators that intend to land skates with a skate identification guide to assist in this data collection program.

(2) *IVR system reports*—(i) *Atlantic herring owners or operators*. The owner or operator of a vessel described here must report catches (retained and discarded) of herring each week to an IVR system. The report shall include at least the following information, and any other information required by the

Regional Administrator: Vessel identification, reporting week in which species are caught, pounds retained, pounds discarded, management area fished, and pounds of herring caught in each management area for the previous week. Weekly Atlantic herring catch reports must be submitted via the IVR system by midnight, Eastern Time, each Tuesday for the previous week. Reports are required even if herring caught during the week has not yet been landed. This report does not exempt the owner or operator from other applicable reporting requirements of § 648.7.

(A) The owner or operator of any vessel issued a permit for Atlantic herring subject to the requirements specified by § 648.4(c)(2)(vi)(C) that is required by § 648.205 to have a VMS unit on board must submit an Atlantic herring catch report via the IVR system each week (including weeks when no herring is caught), unless exempted from this requirement by the Regional Administrator.

(B) An owner or operator of any vessel issued a permit for Atlantic herring that is not required by § 648.205 to have a VMS unit on board and that catches $\geq 2,000$ lb (907.2 kg) of Atlantic herring on any trip in a week must submit an Atlantic herring catch report via the IVR system for that week as required by the Regional Administrator.

(C) An owner or operator of any vessel that catches $\geq 2,000$ lb (907.2 kg) of Atlantic herring, some or all of which is caught in or from the EEZ, on any trip in a week, must submit an Atlantic herring catch report via the IVR system for that week as required by the Regional Administrator.

(D) Atlantic herring IVR reports are not required from Atlantic herring carrier vessels.

(ii) *Tilefish vessel owners or operators.* The owner or operator of any vessel issued a limited access permit for tilefish must submit a tilefish catch report via the IVR system within 24 hours after returning to port and off-loading as required by the Regional Administrator. The report shall include at least the following information, and any other information required by the Regional Administrator: Vessel identification, trip during which species are

caught, and pounds landed. IVR reporting does not exempt the owner or operator from other applicable reporting requirements of this section.

(iii) *Red crab vessel owners and operators.* The owner or operator of any vessel issued a limited access permit for red crab must submit a red crab catch report via the IVR system within 24 hours after returning to port and off-loading as required by the Regional Administrator. The report shall include at least the following information, and any other information required by the Regional Administrator: Vessel identification, DAS confirmation number, trip during which species are caught, date landed, condition (whole, half sections with gills, half sections without gills), and pounds landed. IVR reporting does not exempt the owner or operator from other applicable reporting requirements of this section.

(c) *When to fill out a log report.* Log reports required by paragraph (b)(1)(i) of this section must be filled out with all required information, except for information not yet ascertainable, prior to entering port with fish. Information that may be considered unascertainable prior to entering port with fish includes dealer name, dealer permit number, and date sold. Log reports must be completed as soon as the information becomes available. Log reports required by paragraph (b)(1)(ii) of this section must be filled out before landing any surfclams or ocean quahogs.

(d) *Inspection.* All persons required to submit reports under this section, upon the request of an authorized officer, or by an employee of NMFS designated by the Regional Administrator to make such inspections, must make immediately available for inspection copies of the required reports and the records upon which the reports are or will be based. At any time during or after a trip, vessel owners and operators must make immediately available for inspection the fishing log reports currently in use, or to be submitted.

(e) *Record retention.* Records upon which trip-level reports are based must be retained and be available for immediate review for a total of 3 years after the date of the last entry on the report. Dealers must retain the required

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records at their principal place of business. Copies of fishing log reports must be kept on board the vessel and available for review for at least 1 year and must be retained for a total of 3 years after the date of the last entry on the log.

(f) *Submitting reports*—(1) *Dealer or processor reports*. (i) Detailed reports required by paragraph (a)(1)(i) of this section must be received by midnight of the first Tuesday following the end of the reporting week. If no fish are purchased or received during a reporting week, the report so stating required under paragraph (a)(1)(i) of this section must be received by midnight of the first Tuesday following the end of the reporting week.

(ii) [Reserved]

(iii) Dealers who want to make corrections to their trip-level reports via the electronic editing features may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact NMFS directly to request an extension of time to make the correction.

(iv) Through April 30, 2005, to accommodate the potential lag in availability of some required data, the trip identifier, price and disposition information required under paragraph (a)(1) may be submitted after the detailed weekly report, but must be received within 16 days of the end of the reporting week or the end of the calendar month, whichever is later. Dealers will be able to access and update previously submitted trip identifier, price, and disposition data.

(v) Effective May 1, 2005, the trip identifier required under paragraph (a)(1) of this section must be submitted with the detailed report, as required under paragraphs (f)(1)(i) of this section. Price and disposition information may be submitted after the initial detailed report, but must be received within 16 days of the end of the reporting week.

(vi) Annual reports for a calendar year must be postmarked or received by February 10 of the following year. Contact the Regional Administrator

(see Table 1 to § 600.502) for the address of NMFS Statistics.

(2) *Fishing vessel log reports*. (i) Fishing vessel log reports, required by paragraph (b)(1)(i) of this section, must be postmarked or received within 15 days after the end of the reporting month. Each owner will be sent forms and instructions, including the address to which reports are to be submitted, shortly after receipt of a Federal fisheries permit. If no fishing trip is made during a month, a report stating so must be submitted.

(ii) Surfclam and ocean quahog log reports, required by paragraph (b)(1)(ii) of this section, must be postmarked or received within 3 days after the end of each reporting week.

(3) *At-sea purchasers and processors*. With the exception of the owner or operator of an Atlantic herring carrier vessel, the owner or operator of an at-sea purchaser or processor that purchases or processes any Atlantic herring, Atlantic mackerel, squid, butterfish, scup, or black sea bass at sea for landing at any port of the United States must submit information identical to that required by paragraph (a)(1) of this section and provide those reports to the Regional Administrator or designee by the same mechanism and on the same frequency basis.

(g) *Additional data and sampling*. Federally permitted dealers must allow access to their premises and make available to an official designee of the Regional Administrator any fish purchased from vessels for the collection of biological data. Such data include, but are not limited to, length measurements of fish and the collection of age structures such as otoliths or scales.

[61 FR 34968, July 3, 1996, as amended at 61 FR 43425, Aug. 23, 1996; 61 FR 58465, Nov. 15, 1996; 62 FR 14646, Mar. 27, 1997; 63 FR 52640, Oct. 1, 1998; 63 FR 58329, Oct. 30, 1998; 64 FR 57593, Oct. 26, 1999; 65 FR 1569, Jan. 11, 2000; 65 FR 45851, July 26, 2000; 65 FR 60895, Oct. 13, 2000; 65 FR 77465, Dec. 11, 2000; 66 FR 49144, Sept. 26, 2001; 67 FR 3444, Jan. 24, 2002; 67 FR 63231, Oct. 10, 2002; 68 FR 49699, Aug. 19, 2003; 69 FR 13495, Mar. 23, 2004; 70 FR 21982, Apr. 28, 2005]

§ 648.8 Vessel identification.

(a) *Vessel name and official number*. Each fishing vessel subject to this part

TITLE 13--CENSUS

CHAPTER 3--COLLECTION AND PUBLICATION OF STATISTICS

SUBCHAPTER II--OILSEEDS, NUTS, AND KERNELS; FATS, OILS, AND GREASES

Sec. 61. Collection and publication

(a) The Secretary shall collect, collate, and publish monthly statistics concerning--

(1) the quantities of--

(A) cotton seed, soybeans, peanuts, flaxseed, corn germs, copra, sesame seed, babassu nuts and kernels, and other oilseeds, nuts, and kernels received, crushed, and on hand at oil mills;

(B) crude and refined oils, cakes, and meals, and other primary products, by type or kind, of the seeds, nuts, and kernels referred to in clause (A) of this paragraph, manufactured, shipped out, and on hand at oil mills and processing establishments;

(C) crude and refined vegetable oils, by type or kind, used by class of product and held by manufacturers of vegetable shortening, margarine, soap, and other principal products using large quantities of vegetable oils;

(D) crude and refined vegetable oils, by type or kind, held in warehouses and in transit to consuming establishments; and

(2) the quantities, by types or kinds, of--

(A) animal fats and oils and greases produced;

(B) animal fats and oils and greases shipped and held by producers;

(C) animal fats and oils and greases, fish and marine mammal oils used by class of product and held by manufacturers of shortening, margarine, soap, and other principal products which require the use of large quantities of animal fats and oils and greases, fish and marine mammal oils;

(D) animal fats and oils and greases, fish and marine mammal oils held in warehouses, cold storage, and in transit to consuming establishments.

(b) The Secretary shall not be required to collect, more frequently than he deems necessary to provide reliable statistical reports, information from any person who produces, holds, or consumes fats and oils in inconsequential quantities.

and Final Results and Partial Rescission of the Third Antidumping Duty Administrative Review, 68 FR 41304 (July 11, 2003), and accompanying Issues and Decision Memorandum. The weight given to each factor investigated will depend on the circumstances surrounding the sale. See *TTPC*, 366 F. Supp. 2d at 1263.

As discussed in detail in the Department's Rescission Memo, the Department has determined that the new shipper sale made by Xinan PRC was not *bona fide* because of: 1) inconsistencies between the prices charged and the quantities sold by Xinan USA for the single POR sale and all subsequent sales made by Xinan USA during the POR from the PRC; 2) the circumstances surrounding payment for the expenses associated with the single POR sale; and 3) inconsistencies regarding the sales process followed by Xinan USA for the POR sale. Since the Department is rescinding this new shipper review, we are not calculating a company-specific rate for Xinan, and Xinan will remain part of the PRC-wide entity.

Notification

The Department will notify U.S. Customs and Border Protection that bonding is no longer permitted to fulfill security requirements for shipments by Xinan PRC of honey from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this rescission notice in the **Federal Register**, and that a cash deposit of 183.80 percent *ad valorem* should be collected for any entries exported by Xinan PRC.

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i) of the Act.

Dated: October 3, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5-5570 Filed 10-7-05; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Processed Products Family of Forms

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 December 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 Steven J. Koplin, F/ST1, Room 12456, 1315 East West Highway, Silver Spring, MD 20910-3282, 301-713-2328 or steve.koplin@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA, on an annual basis, collects information from seafood and industrial fishing processing plants on the volume and value of their fishery products and their monthly employment figures. Monthly, NOAA collects information on the production of fish meal and oil. NOAA uses the information gathered in the economic and social analyses used when proposing and evaluating fishery management actions.

II. Method of Collection

In the current survey, NOAA Fisheries provides each processor a preprinted form that includes the products produced by the company in the previous year. The processor only needs to fill in the quantities and any new products, before returning the form every year. Processors have the option to use a web-based application that allows them to submit the data electronically.

III. Data

OMB Number: 0648-0018.

Form Number: NOAA Forms 88-13, 88-13C.

Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,320.

Estimated Time Per Response: 30 minutes for an Annual Processed Products Report; and 15 minutes for a Fishery Products Report Fish Meal and Oil, monthly.

Estimated Total Annual Burden Hours: 680.

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: October 5, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-20338 Filed 10-7-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Availability of Draft Environmental Assessment for Analysis of Remediation Alternatives for the Pacific Crossing—1 North and East Submarine Fiber Optic Cables in the Olympic Coast National Marine Sanctuary

AGENCY: National Marine Sanctuary Program (NMSPP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.