

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

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

12/27/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 08/25/2005.

TITLE: Application for Commercial Fisheries Authorization under Section 118 of the Marine Mammal Protection Act

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0293
EXPIRATION DATE: 12/31/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	12,000	2,800	304
New	12,000	2,800	304
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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

PAPERWORK REDUCTION ACT SUBMISSION

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

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

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
APPLICATION FOR COMMERCIAL FISHERIES AUTHORIZATION UNDER
SECTION 118 OF THE MARINE MAMMAL PROTECTION ACT
OMB CONTROL NO.: 0648-0293**

A. JUSTIFICATION

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

The Marine Mammal Protection Act (16 U.S.C. 1361 et seq.; MMPA or the Act) mandates the protection and conservation of marine mammals. The taking of marine mammals, except under limited exceptions, is a violation of the Act. MMPA section 118 provides an exception to that prohibition for taking of marine mammals incidental to commercial fishing operations subject to requirements listed in that section. The owner of any fishing vessel engaged in a fishery identified by NMFS as having either frequent (Category I) or an occasional (Category II) taking of a marine mammal must register with the Secretary in order to obtain an authorization for taking marine mammals and to be legally operating in that fishery. Fishers operating in fisheries identified by NMFS as having only a remote chance (Category III) to take marine mammals need not apply.

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 applicable NOAA Information Quality Guidelines.

The information to obtain an authorization is supplied by the fisher operating in a Category I and II fishery as mandated by Section 118 (c)(2)(A) of the MMPA. The MMPA states: “An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A)(i) or (ii) upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used.”

A valid certificate of authorization protects the fisher from prosecution under the MMPA for violation of the moratorium on taking marine mammals. Without the information collection, NMFS would be unaware of the need for the fisher to be included under the authorization system. The information needed to register, renew, or update a commercial fishery authorization is found at 50 CFR 229.4 and includes the following:

- a. Name, address, and telephone number of the owner of a vessel or non-vessel gear and name and address of the operator if other than the owner;
- b. Name and length of the vessel, home port, U.S. Coast Guard documentation number or State registration number, State commercial license number of the fishing vessel which will operate under the authorization, and for a non vessel fishery, a description of the gear and state commercial license number;

- c. A list of the fishery(s) in which the fisher will be engaged; and
- d. A certification of the accuracy of the information being submitted.

Modifications to (a),(b), and (c) above must be submitted within 10 days of any change. To facilitate the application process, NMFS mails application forms or renewal forms to all fishers identified within the Category I and II fisheries. Renewal forms are pre-filled out by a computer generated with previously submitted information, allowing the fishers to make modifications to the form instead of filling out a new form.

Most of the information requested above is required by statute, NMFS determined that the home port and the length of the vessel were necessary information. This information is vital for the mandatory observer program for Category I and II fisheries. Information concerning the time, duration, and location of fishery operations, and the type and nature of gear is mandated by the MMPA. The MMPA requires NMFS to establish an observer program for Category I and II fisheries; therefore the home port and the size of the vessel is required because NMFS will need to know the location for boarding the vessel, and whether the vessel is large enough to take an observer. While this additional information is required only for participants in Category I and II fisheries, the categories are subject to change.

Certain information available elsewhere may be used to assist and /or verify the information collection request for registrations. For example, copies of existing State fishing licenses, federal fishing license applications, or foreign fishing permit applications may be used for this information request. Not all fishers have an interaction problem with marine mammals. Therefore, short of registering all U.S. fishers through State licenses and requiring all U.S. fishers to send in annual reports for renewal of their certificates, the submission of an application to receive an authorization is the best alternative for keeping the burden to a minimum.

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.

Some states have integrated the NMFS registration process into the existing state fishery registration process and fishers in those fisheries do not need to file a separate federal registration. Fishers can get a copy of the fillable authorization form from NMFS website http://www.nmfs.noaa.gov/pr/PR2/Fisheries_Interactions/mmap_reg_form.pdf, NMFS regions, fishery organizations, at docks, etc. Fishers need only to e-mail, mail, fax in the authorization form. Renewal notifications are pre-filled out by computer; the fishers need only to make any

corrections and sign. Authorization forms must be returned to NMFS accompanied by the required registration fee.

4. Describe efforts to identify duplication.

Fishers in Category I or II fisheries are statutorily required to submit the information in the authorization form to lawfully take marine mammals incidental in fishing operations. The authorization is granted on an annual basis.

Some states have integrated the NMFS registration process into the existing state fishery registration process and fishers in those fisheries do not need to file a separate federal registration. Many states are not automated and NMFS, in order to reduce burden, has automated its authorization system. Federal fishing permits are limited in the number of fisheries that are included in the system. Therefore, a single licensing system for the authorization was the only option available.

Although NMFS has joint authority with the U.S. Fish and Wildlife Service (USFWS), Department of Interior, to manage marine mammals, the U.S. Department of Interior has not been authorized by statute to promulgate regulations on this matter. Therefore, USFWS has not established its own registration and reporting system. NMFS continues to consult with the USFWS on this matter and a USFWS staff person has attended task force meetings with NMFS, but NMFS remains responsible for the information collection process, distributing authorizations, and maintaining the marine mammal reporting system.

Certain fisheries, registration for a marine mammal authorization may be coordinated with existing state or Federal fishery or vessel permit or licensing programs. If applicable, vessels owners will be notified of this simplified registration process when they apply for their state or Federal permit or license.

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

This collection will not have a significant impact on small entities. The MMPA instructs the Secretary to develop, in consultation with the appropriate states, Regional Fishery Management Councils, and other interested parties, the means by which the granting and administration of authorizations shall be integrated and coordinated with existing fishery licenses, registrations, and related programs, to the maximum extent practicable. However, as mentioned in item 4 above, to date, some state license systems do not appear to be compatible.

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

Commercial fishery authorization applications are required annually as mandated by statute (16 U.S.C. 1387 (c)(2)(A)). Without the registrations, NMFS would be unable to execute its observer program and to determine the impact of U.S. commercial fisheries on marine mammal populations and stocks.

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

The collection is consistent with the guidelines.

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

A Federal Register Notice (copy attached) solicited public comment on this submission. One comment was received. The commenter stated that observers need to verify the takes with photo cell phones or tv cameras on the ships. When observers are on board a vessel, all takes are noted.

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

There is no provision to provide any payment or gift to respondents.

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

Certain information supplied on this form may be considered proprietary and therefore subject to data confidentiality restrictions of 50 CFR 229.11.

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

No sensitive questions are asked.

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

The number of burden hours in the general public is directly proportional to the number of applicants that wish to be covered.

NMFS has estimated that there are 22,400 fishing vessels that can be included in either a Category I or II fishery and therefore will need to register for an authorization and obtain a decal and/or Authorization Certificate. However, based on experience with the general permit program, less than full compliance was noted. Through enforcement actions against fishermen for failure to apply and prohibiting fishermen from fishing unless they have an authorization,

applications would not be expected to decrease and might possibly increase in the final years of the program.

Some states have integrated the NMFS registration process into the existing state fishery registration process and do not need to file a separate federal registration. The annual burden hours for Category I & II fisheries are estimated as:

- New applications: 10,000 vessels x 15 minutes/application*/year = 2,500 hours
 - Renewal applications: 2,000 vessels x 9 minutes/application/year = 300 hours
- Total = 2,800 hours

Annual labor cost = \$25 x 2,800, or \$70,000.

(*As fishermen are expected to apply for any additional fisheries at the time of the initial application, no additional burden hours are warranted for multiple fishery applicants.)

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).

The annual costs to the Category I & II fishers to apply for authorization annually is estimated as follows:

Application fee, \$25 plus postage, \$.37 = \$25.37 per applicant/year.
12,000 applications x \$25.37/application = \$304,440.

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

The fee recovers all federal processing costs. Some states have integrated the NMFS's registration process into the existing state fishery registration process and do not need to file a federal registration.

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

The hours and costs have been adjusted to reflect re-estimates.

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

There are no plans to publish the results of this collection.

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

Not applicable.

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

MARINE MAMMAL AUTHORIZATION PROGRAM

Certification

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I AM THE OWNER OF THE ABOVE NAMED VESSEL (OR NON-VESSEL FISHING GEAR), OR THAT I AM AUTHORIZED TO REGISTER FOR THIS AUTHORIZATION ON BEHALF OF THE OWNER, THAT I HAVE REVIEWED ALL INFORMATION CONTAINED IN THIS DOCUMENT, AND THAT IT IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature

Date

IF THIS REGISTRATION IS SIGNED BY A PERSON OTHER THAN THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE ABOVE-NAMED VESSEL, PLEASE COMPLETE THE FOLLOWING:

LAST NAME OF REPRESENTATIVE

FIRST NAME OF REPRESENTATIVE

M.I.

ADDRESS

CITY

STATE

ZIP CODE

Mail this completed registration form,
along with a check in the amount of \$25.00, payable to the National Marine Fisheries Service,
to the nearest NMFS regional office listed below.
(Please allow 30 days for processing):

Marcia Hobbs
NMFS Northeast Region
One Blackburn Dr
Gloucester, MA 01930
978 / 281-9328
e-mail: Marcia.Hobbs@noaa.gov

Teletha Griffin
NMFS Southeast Region
9721 Executive Center Dr North
St. Petersburg, FL 33702
727 / 570-5312
e-mail: Teletha.Griffin@noaa.gov

Don Petersen
NMFS Southwest Region
501 West Ocean Blvd, Suite 4200
Long Beach, CA 90802
562 / 980-4024
e-mail: Don.Petersen@noaa.gov

This collection of information is mandated by the Marine Mammal Protection Act (16 U.S.C. 1387) and by implementing regulations contained at 50 CFR 229.4. The information supplied on this form will be used by the National Marine Fisheries Service to approximate fishing effort in various fisheries which impact marine mammal populations in U.S. waters and to alert vessel owners of applicable rules and regulations regarding the incidental take of marine mammals in commercial fishing operations. Certain information supplied on this form may be considered proprietary and therefore subject to data confidentiality restrictions of 50 CFR Part 229.11.

Public reporting burden for this collection of information is estimated to average 15 minutes per response for new applications and 9 minutes per response for renewals, 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 Director, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, (301) 713-2332.

The National Marine Fisheries Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current and valid OMB control number. The OMB Control number for this form is 0648-0293, which expires on xx/xx/xxxx

MARINE MAMMAL AUTHORIZATION PROGRAM

Registration Form Instructions

VESSEL NAME: Enter the name of the vessel as it is identified for commercial fishing operations. For non-vessel fisheries, leave this blank. A SEPARATE REGISTRATION FORM IS REQUIRED FOR EACH VESSEL, OR EACH FIXED GEAR SITE FOR A NON-VESSEL FISHERY.

LENGTH (FT): Enter the overall length of the vessel, in feet.

HOME PORT OF VESSEL - CITY, STATE: Enter the city and state where the vessel is registered.

VESSEL STATE REGISTRATION NO./COAST GUARD DOCUMENTATION NO.: Enter either the vessel's state registration number OR Coast Guard Documentation number. One of these numbers must be provided or an authorization cannot be granted. In the case of non-vessel fisheries, enter the site permit or set-net license number.

STATE COMMERCIAL VESSEL LICENSE NO.: Enter the vessel's state commercial fishery vessel license number, if applicable. In Alaska, this is the ADFG commercial fishery vessel license number. In California, this is the CDFG commercial fishery vessel license number.

PRIMARY VESSEL OWNER: Enter the vessel owner's last name, first name, and middle initial.

SECONDARY VESSEL OWNER: If the vessel is jointly owned, enter the secondary vessel owner's last name, first name, and middle initial.

CORPORATE NAME: If the vessel is owned by a corporation, enter the full legal name of that corporation.

MAILING ADDRESS, CITY, STATE, ZIP CODE, TELEPHONE NUMBER: Enter the address that the vessel owner or corporate owner uses for business correspondence. Enter the vessel owner's phone number, including area code.

SOCIAL SECURITY NUMBER: If the vessel owner participates in an Alaska Fishery, enter the vessel owner's social security number. THIS INFORMATION IS OPTIONAL.

OPERATOR: If the operator of the vessel is different than the owner, enter the operator's last name, first name, and middle initial.

MAILING ADDRESS, CITY, STATE, ZIP CODE, and TELEPHONE NUMBER: Enter the address that the operator of the vessel uses for business correspondence. Enter the vessel owner's phone number and fax number, including area code.

FISHERIES CHECKLIST: Check the circle corresponding to the fishery or fisheries in which you will participate during the next year. Registration for fisheries marked with an asterisk (*) has been integrated with existing state and Federal permitting and licensing programs. If you have a valid permit to participate in any of the fisheries marked with an asterisk (*), you are not required to submit an MMAP registration form and processing fee in order to receive a Marine Mammal Authorization Certificate. However, if you participate in any of the fisheries not marked with an asterisk (*), you must complete this form and mail it to NMFS, along with the \$25 processing fee. If you will not be participating in any of the fisheries identified on the checklist, you do not need to fill out this registration form.

CERTIFICATION: The vessel owner or operator must sign and date the registration form. If someone filled out the form other than the vessel owner or operator, enter the representative's full name and address.

MAILING INSTRUCTIONS: After completing the registration form, mail it, along with a check in the amount of \$25, payable to the *National Marine Fisheries Service*, to the nearest NMFS regional office address listed on page 7. A Marine Mammal Authorization Program certificate and decal will be sent to you in the mail. The decal must be displayed on the port side of the vessel's cabin or hull, and the certificate must be in the possession of the vessel operator while engaged in commercial fishing operations.

tag certificate or net tags upon the request of an authorized officer.

(q) *Net tag requirement.* Beginning on January 1, 2000, all gillnets fished, hauled, possessed, or deployed during the times and areas specified below must have one tag per net, with one tag secured to every other bridle of every net and with one tag secured to every other bridle of every net within a string of nets. This applies to small mesh and large mesh gillnet gear in New Jersey waters from January 1 through April 30 or in southern Mid-Atlantic waters from February 1 through April 30. The owner or operator of fishing vessels must indicate to NMFS the number of gillnet tags that they are requesting up to the maximum number of nets allowed in those paragraphs and must include a check for the cost of the tags. Vessel owners and operators will be given notice with instructions informing them of the costs associated with this tagging requirement and directions for obtaining tags. Tag numbers will be unique for each vessel and recorded on a certificate. The vessel operator must produce the certificate and all net tags upon request by an authorized officer.

[60 FR 45100, Aug. 30, 1995, as amended at 62 FR 39184, July 22, 1997; 63 FR 66487, Dec. 2, 1998; 64 FR 7552, Feb. 16, 1999; 64 FR 9086, Feb. 24, 1999; 65 FR 80377, Dec. 21, 2000]

§ 229.4 Requirements for Category I and II fisheries.

(a) *General.* (1) For a vessel owner or crew members to lawfully incidentally take marine mammals in the course of a commercial fishing operation in a Category I or II fishery, the owner or authorized representative of a fishing vessel or nonvessel fishing gear must have in possession a valid Certificate of Authorization. The owner of a fishing vessel or nonvessel fishing gear is responsible for obtaining a Certificate of Authorization.

(2) The granting and administration of Authorization Certificates under this part will be integrated and coordinated with existing fishery license, registration, or permit systems and related programs wherever possible. These programs may include, but are not limited to, state or interjurisdictional fisheries programs. If the admin-

istration of Authorization Certificates is integrated into a program, NMFS will publish a notice in the FEDERAL REGISTER announcing the integrated program and summarizing how an owner or authorized representative of a fishing vessel or non-fishing gear may register under that program or how registration will be achieved if no action is required on the part of the affected fisher. NMFS will make additional efforts to contact participants in the affected fishery via other appropriate means of notification.

(b) *Registration.* (1) The owner of a vessel, or for nonvessel gear fisheries, the owner of gear, who participates in a Category I or II fishery is required to be registered for a Certificate of Authorization.

(2) Unless a notice is published in the FEDERAL REGISTER announcing an integrated registration program, the owner of a vessel, or for nonvessel fishery, the owner of the gear must register for and receive an Authorization Certificate. To register, owners must submit the following information using the format specified by NMFS:

(i) Name, address, and phone number of owner.

(ii) Name, address, and phone number of operator, if different from owner, unless the name of the operator is not known or has not been established at the time the registration is submitted.

(iii) For a vessel fishery, vessel name, length, home port; U.S. Coast Guard documentation number or state registration number, and if applicable; state commercial vessel license number and for a nonvessel fishery, a description of the gear and state commercial license number, if applicable.

(iv) A list of all Category I and II fisheries in which the fisher may actively engage during the calendar year.

(v) A certification signed and dated by the owner of an authorized representative of the owner as follows: "I hereby certify that I am the owner of the vessel, that I have reviewed all information contained on this document, and that it is true and complete to the best of my knowledge."

(vi) A check or money order made payable to NMFS in the amount specified in the notice of the final List of

Fisheries must accompany each registration submitted to NMFS. The amount of this fee will be based on recovering the administrative costs incurred in granting an authorization. The Assistant Administrator may waive the fee requirement for good cause upon the recommendation of the Regional Director.

(3) If a notice is published in the FEDERAL REGISTER announcing an integrated registration program, the owner of a vessel, or for nonvessel fishery, the owner of the gear may register by following the directions provided in that notice. If a person receives a registration to which he or she is not entitled or if the registration contains incorrect, inaccurate or incomplete information, the person shall notify NMFS within 10 days following receipt. If a fisher participating in a Category I or II fishery who expects to receive automatic registration does not receive that registration within the time specified in the notice announcing the integrated registration program, the person shall notify NMFS as directed in the notice or may apply for registration by submitting the information required under paragraph (b)(1)(i) through (b)(1)(vi) of this section.

(c) *Address.* Unless the granting and administration of authorizations under this part 229 is integrated and coordinated with existing fishery licenses, registrations, or related programs pursuant to paragraph (a) of this section, requests for registration forms and completed registration and renewal forms should be sent to the NMFS Regional Offices as follows:

(1) Alaska Region, NMFS, P.O. Box 21668, 709 West 9th Street, Juneau, AK 99802; telephone: 907-586-7235;

(2) Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; telephone: 206-526-4353;

(3) Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; telephone: 562-980-4001;

(4) Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930; telephone: 978-281-9254; or

(5) Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702; telephone: 727-570-5312.

(d) *Issuance.* (1) For integrated fisheries, an Authorization Certificate or other proof of registration will be issued annually to each fisher registered for that fishery.

(2) For all other fisheries (i.e., non-integrated fisheries), NMFS will issue an Authorization Certificate and, if necessary, a decal to an owner or authorized representative who:

(i) Submits a completed registration form and the required fee.

(ii) Has complied with the requirements of this section and §§ 229.6 and 229.7

(iii) Has submitted updated registration or renewal registration which includes a statement (yes/no) whether any marine mammals were killed or injured during the current or previous calendar year.

(3) If a person receives a renewed Authorization Certificate or a decal to which he or she is not entitled, the person shall notify NMFS within 10 days following receipt.

(e) *Authorization Certificate and decal requirements.* (1) If a decal has been issued under the conditions specified in paragraph (e)(2) of this section, the decal must be attached to the vessel on the port side of the cabin or, in the absence of a cabin, on the forward port side of the hull, and must be free of obstruction and in good condition. The decal must be attached to the Authorization Certificate for nonvessel fisheries.

(2) The Authorization Certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or, in the case of nonvessel fisheries, the Authorization Certificate with decal attached, or copy must be in the possession of the person in charge of the fishing operation. The Authorization Certificate, or copy, must be made available upon request to any state or Federal enforcement agent authorized to enforce the Act, any designated agent of NMFS, or any contractor providing observer services to NMFS.

(3) Authorization Certificates and decals are not transferable. In the event of the sale or change in ownership of the vessel, the Authorization Certificate is void and the new owner must

register for an Authorization Certificate and decal.

(4) An Authorization Certificate holder must notify the issuing office in writing:

(i) If the vessel or nonvessel fishing gear will engage in any Category I or II fishery not listed on the initial registration form at least 30 days prior to engaging in that fishery; and,

(ii) If there are any changes in the mailing address or vessel ownership within 30 days of such change.

(f) *Reporting.* Any Authorization Certificate holders must comply with the reporting requirements specified under § 229.6.

(g) *Disposition of marine mammals.* Any marine mammal incidentally taken must be immediately returned to the sea with a minimum of further injury, unless directed otherwise by NMFS personnel, a designated contractor or an official observer, or authorized otherwise by a scientific research permit that is in the possession of the operator.

(h) *Monitoring.* Authorization Certificate holders must comply with the observer or other monitoring requirements specified under § 229.7.

(i) *Deterrence.* When necessary to deter a marine mammal from damaging fishing gear, catch, or other private property, or from endangering personal safety, vessel owners and crew members engaged in a Category I or II fishery must comply with all deterrence provisions set forth in the Act and all guidelines and prohibitions published thereunder.

(j) *Self defense.* When imminently necessary in self-defense or to save the life of a person in immediate danger, a marine mammal may be lethally taken if such taking is reported to NMFS in accordance with the requirements of § 229.6.

(k) *Take reduction plans and emergency regulations.* Authorization Certificate holders must comply with any applicable take reduction plans and emergency regulations.

(l) *Expiration.* Authorization Certificates expire at the end of each calendar year.

[60 FR 45100, Aug. 30, 1995, as amended at 62 FR 46, Jan. 2, 1997; 64 FR 9086, Feb. 24, 1999]

§ 229.5 Requirements for Category III fisheries.

(a) *General.* Vessel owners and crew members of such vessels engaged only in Category III fisheries may incidentally take marine mammals without registering for or receiving an Authorization Certificate.

(b) *Reporting.* Vessel owners engaged in a Category III fishery must comply with the reporting requirements specified in § 229.6.

(c) *Disposition of marine mammals.* Any marine mammal incidentally taken must be immediately returned to the sea with a minimum of further injury unless directed otherwise by NMFS personnel, a designated contractor, or an official observer, or authorized otherwise by a scientific research permit in the possession of the operator.

(d) *Monitoring.* Vessel owners engaged in a Category III fishery must comply with the observer requirements specified under § 229.7(d).

(e) *Deterrence.* When necessary to deter a marine mammal from damaging fishing gear, catch, or other private property, or from endangering personal safety, vessel owners and crew members engaged in commercial fishing operations must comply with all deterrence provisions set forth in the Act and all guidelines and prohibitions published thereunder.

(f) *Self-defense.* When imminently necessary in self-defense or to save the life of a person in immediate danger, a marine mammal may be lethally taken if such taking is reported to NMFS in accordance with the requirements of § 229.6.

(g) *Emergency regulations.* Vessel owners engaged in a Category III fishery must comply with any applicable emergency regulations.

[60 FR 45100, Aug. 30, 1995, as amended at 64 FR 9087, Feb. 24, 1999]

§ 229.6 Reporting requirements.

(a) Vessel owners or operators engaged in any commercial fishery must report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Assistant Administrator, or appropriate Regional Office, by mail or other means, such as fax or overnight mail

(2)(A) An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A)(i) or (ii), upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used. Such information shall be in a readily usable format that can be efficiently entered into and utilized by an automated or computerized data processing system. A decal or other physical evidence that the authorization is current and valid shall be issued by the Secretary at the time an authorization is granted, and so long as the authorization remains current and valid, shall be reissued annually thereafter.

(B) No authorization may be granted under this section to the owner of a vessel unless such vessel -

(i) is a vessel of the United States; or

(ii) has a valid fishing permit issued by the Secretary in accordance with section 1824(b) of this title.

(C) Except as provided in subsection (a) of this section, an authorization granted under this section shall allow the incidental taking of all species and stocks of marine mammals to which this chapter applies.

(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A)(i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery -

(i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 1383a of this title are deemed to have registered for purposes of this subsection for the period during which such exemption is valid;

(ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;

(iii) report as required by subsection (e) of this section; and

(iv) comply with any applicable take reduction plan and emergency regulations issued under this section.

(B) Any owner of a vessel receiving an authorization under this section for any fishery listed under paragraph (1)(A)(i) or (ii)

instrument and instructions should be directed to: Eric D. Prince, (305) 361-4248, eric.prince@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

According to the International Commission for the Conservation of Atlantic Tunas (ICCAT), Atlantic white marlin has been severely overfished for several decades and the stock continues to decline. These unfortunate circumstances have prompted several conservation groups to petition NOAA Fisheries to list white marlin under the Endangered Species Act (ESA). One of the main objectives of the Atlantic Billfish Research Plan (http://www.sefsc.noaa.gov/PDFdocs/ABRP_01_30_04.pdf) is to develop better information for management and rebuilding of the stocks. This project is designed to investigate characteristics of the offshore recreational white marlin fishery, including identification of specific fishing techniques and potential variables that might be included in post-release survival experiments. Specific in-depth knowledge of fishing techniques is essential to evaluate recreational fishing impacts and to develop relevant research and management approaches to reduce mortality for this sector of the fishery.

Information will be obtained through a survey and complemented and confirmed by on-board observers in the Ocean City, Maryland area, which is known as the "White Marlin Capital of the World." The project will serve as a pilot program to develop and hone survey techniques and gain general acceptance for the survey through meetings, face-to-face dialogue and word of mouth. It is important to develop rapport with the boat captains and mates to obtain information on the methods and specific techniques used to catch white marlin, which might be closely guarded information. This work attempts to form a current and knowledgeable information source on which to base appropriate research and conservation measures relative to the U.S. recreational fishery for Atlantic white marlin.

II. Method of Collection

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

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 500.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 85.

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: March 10, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-5243 Filed 3-16-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Application for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act

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

ACTION: Notice.

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

DATES: Written comments must be submitted on or before May 16, 2005.

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

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Patricia Lawson, (301) 713-2322 or Patricia.Lawson@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Marine Mammal Protection Act (MMPA) requires any commercial fisher operating in Category I and II fisheries to register for a certificate of authorization that will allow the fisher to take marine mammals incidental to commercial fishing operations. Category I and II fisheries are those identified by NOAA as having either frequent or occasional takings of marine mammals.

Some States have integrated the NMFS registration process into the existing State fishery registration process and fishers in those fisheries do not need to file a separate Federal registration. If applicable, vessel owners will be notified of this simplified registration process when they apply for their State or Federal permit or license.

II. Method of Collection

Most fishers have their information imported directly into the MMAP from their State. Otherwise they can fill out the forms on NMFS' Web page or mail in application for exemption made available to them in the NMFS regions.

III. Data

OMB Number: 0648-0293.

Form Number: None.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 12,000.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 3,000 hours.

Estimated Total Annual Cost to Public: \$304,550.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have

practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: March 10, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-5244 Filed 3-16-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031005C]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to issue an EFP that would allow vessels to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would allow for

exemptions from the NE multispecies year-round closure area restrictions and the NE multispecies Gulf of Maine (GOM) and Georges Bank (GB) hook gear restrictions. The applicant proposes to conduct a haddock tagging study to assess the movement of haddock between the GOM and GB stocks, western and eastern GB substocks, and across closure area boundaries. The EFP would allow these exemptions for up to 20 commercial vessels for a combined total of 30 trips. All experimental work would be monitored by Cape Cod Commercial Hook Fishermen's Association (CCCHFA) personnel. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Written comments must be received on or before March 31, 2005.

ADDRESSES: Written comments on this notice may be submitted by e-mail to: DA736@noaa.gov. Include in the subject line the following document identifier: "Comments on CCCHFA EFP Proposal for Haddock Tagging Study (DA-736)."

Written comments may also be mailed to: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on CCCHFA EFP Proposal for Haddock Tagging Study (DA-736)."

Comments may also be sent via fax to: (978) 281-9135.

Copies of the Environmental Assessment (EA) are available from the NE Regional Office at the mailing address specified above.

FOR FURTHER INFORMATION CONTACT: Peter Cooper, Fishery Management Specialist, phone: 978-281-9122, fax: 978-281-9135.

SUPPLEMENTARY INFORMATION: An application for an EFP was submitted by CCCHFA, in collaboration with the Gulf of Maine Research Institute and the Northeast Fisheries Science Center (NEFSC), on November 22, 2004. Modifications to the initial EFP application were received on February 25, 2005. The EFP would exempt 20 federally permitted commercial fishing vessels from the following requirements in the FMP: NE multispecies closed area restrictions specified at §§ 648.81(a), (b), (d), and (e) for the purpose of providing access to haddock stocks within GB Closed Area (CA) I, GB CA II, Cashes Ledge Closure Area (Cashes), and the Western Gulf of Maine Closure Area (WGOM); and the NE multispecies GOM hook gear restrictions specified at

§ 648.80(a)(3)(v) and GB hook gear restrictions specified at § 648.80(a)(4)(v), in order to allow fishing for the purposes of tagging viable fish without hook gear restrictions.

Researchers request that the study would be conducted from March 2005 through February 2006. Fishing would take place aboard a maximum of 20 different fishing vessels totaling 30 trips fishing under NE multispecies Category A days-at-sea (DAS). Only the most vigorous haddock caught would be tagged and released to maximize their chance of survival. It is estimated that 250 haddock would be tagged and released each trip. All legal catch not tagged would be landed and sold, consistent with the current daily and trip possession landing limits. NEFSC personnel would accompany researchers on trips and sample the ovaries of landed haddock for fecundity research. The NEFSC fecundity research is not included in the EFP because it would be conducted only on landed catch. NEFSC fecundity research began February 2005, within CA I under a separate scientific research permit (SRP) that also allows haddock tagging in CA I. The EFP would not provide exemptions from the Eastern U.S./Canada Management Area, should this area or portion of this area be closed due to attainment of the U.S./Canada total allowable catches of GB cod, haddock, or yellowtail flounder. Undersized fish would be returned to the sea as quickly as possible. The participating vessels would be required to report all landings in their Vessel Trip Reports.

The goal of this study is to assess haddock movement between stock areas and across closure area boundaries. The proposed project would test existing assumptions about haddock movement rates between the GOM and GB, haddock movement rates between the eastern and western GB regulated areas, and haddock movement rates in and out of the closure areas. Researchers propose to use benthic longline gear consisting of hooks with fabricated baits (Norbait or Trident) that target haddock and reduce cod bycatch. An estimated total of 7,500 Hallmark T-bar tags would be deployed in the closure areas as follows: CA I (53.3 percent of tags); CA II (13.3 percent of tags); WGOM (26.7 percent of tags); and Cashes (6.7 percent of tags). Researchers under this tagging study, would be allowed to catch a maximum of 94,470 lb (42,851 kg) of haddock and 3,149 lb (1,429 kg) of cod within the closure areas. Catch limits would reflect tagging effort in closure areas within GB (62,980 lb (28,568 kg) haddock; 1,575 lb (715 kg) cod) and within the GOM (31,490 lb (14,284 kg)