

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

03/18/2004

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 12/22/2003.

TITLE: Northeast Region Sea Scallop Exemption Requirements

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0416

EXPIRATION DATE: 03/31/2007

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	272,100	2,950	195
New	269,232	2,994	140
Difference	-2,868	44	-55
Program Change		0	0
Adjustment		44	-55

TERMS OF CLEARANCE: None

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

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

## 19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
NORTHEAST REGION SEA SCALLOP EXEMPTION REQUIREMENTS**

**INTRODUCTION**

This submission requests that the Office of Management and Budget (OMB) approve the renewal of the Sea Scallop Exemption Requirements.

**A. JUSTIFICATION**

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

Framework Adjustments 14 & 15 to the Atlantic Sea Scallop Fishery Management Plan (FMP) included a controlled area access program, as a key part of scallop management. The controlled area access program initially allowed access into Closed Area I (CA I), Closed Area II (CA II), and the Nantucket Lightship Closed Area (NLCA). Framework Adjustment 14 to the FMP established the annual days-at-sea (DAS) allocation for the 2001 and 2002 fishing years, and allowed controlled access to portions of the Hudson Canyon and VA/NC areas for scallop fishing. Framework 15 established the annual DAS allocation for the 2003 fishing year, while also continuing the area access program for the Hudson Canyon and VA/NC Areas. The intent of both Framework Adjustments 14 & 15 was to continue to provide scallop vessels with access to controlled areas for scallop fishing while the New England Fishery Management Council developed Amendment 10 to implement a sea scallop area rotational management plan. The measures in Framework 15 will continue in force until March 2004. Sea Scallop Exemption Requirements currently approved under the PRA clearance consist of the following: (1) Installation of a vessel monitoring system (VMS) unit on occasional category vessels not equipped with a VMS, (2) documentation of installation of a VMS unit for these vessels, (3) daily reporting of catch and related information through the VMS e-mail messaging system for vessels fishing in the Area Access Program, or any future Scallop area access programs, (4) notification of intent to fish in the Area Access Program through the VMS e-mailing system at least 5 days prior to the opening of an exemption area, (5) all area access program vessels must notify NMFS, via VMS message, of their intent to fish in the closed areas for any given month (5 days prior to the month) (6) notification to NMFS at least 5 days prior to departing on a trip to an exemption area in order to allow for observer assignment, (7) an increase in VMS polling frequency from once every hour to once every 30 minutes.

The VMS is a comprehensive information system that serves as an important enforcement tool. While VMS use is required of full-time and part-time vessels harvesting scallops, this program extends the request to vessels with permits in the Occasional and General category when they participate in the closed area access areas fishing through the exemption program. Enforcement officials utilize the VMS unit to enforce the management measures and identify participants of the area access programs and future area access programs and monitor their activity and landing levels. The VMS unit also plays a critical role in monitoring catch levels to prevent overfishing. This action contains reporting requirements for vessel owners and operators that include information on fishing catch (scallops) and bycatch of other fish species obtained through a

mandatory observer program and reported through the VMS units. For the purposes of the PRA the following are the VMS requirements requested for approval for this action:

VMS Installation:

All Occasional permitted vessels that participate in controlled area access programs must have an operational VMS aboard. Regulations implementing the FMP already require full-time and part-time permitted vessels to have an operational VMS aboard. The VMS is already required on almost all the eligible boats, and will help in the enforcement of other closed areas during the re-opening period. Scallop vessels may be allowed to fish in areas closed to groundfish vessels once such areas are re-opened to scallop fishing. With VMS on board, enforcement patrol units will be able to rapidly identify any scallop vessels in the closed areas, helping them sort contacts in the areas. Only those vessels that give notice of their intent to take one of their allocated area access trips would be allowed into the closed areas once such areas are re-opened to scallop fishing (only one exempted trip for Occasional vessels).

Daily VMS Reporting:

1. For vessels with a NMFS observer aboard:
  - \_ A daily report of total scallops kept
  - \_ A daily report of total of fish and scallops kept for observed tows only
  - \_ A daily report of the Fishing Vessel Trip Report log page
  
2. For all vessels without a NMFS observer aboard:
  - \_ A daily report of total scallops kept
  - \_ A daily report of the Fishing Vessel Trip Report log page

Other VMS Reporting:

Any vessel intending to participate in an area access program must report to NMFS its intention to fish in any of the exemption areas no later than 5 days prior to the scheduled opening of each of the three areas. A vessel reporting its intent to fish in an area access program must e-mail the following information at least 5 days prior to the reopening of each area it intends to fish in: Vessel name and permit number, owner and operator's name, owner and operator's phone numbers, and number of trips anticipated for the month in question.

In addition to the general notification required above, in order to facilitate the random observer selection process, a vessel must provide NMFS with notice at least 5 working days prior to the date it intends to depart on a trip to a specific exemption area. Vessels may use the VMS e-mail messaging system or a personal computer equipped with e-mail messaging.

### Increase in VMS Polling Frequency:

Increasing the polling frequency for vessels with VMS units to an average of twice per hour would continue under the reporting requirements. The increase in polling frequency would apply to all vessels with a VMS unit, regardless of whether the vessel is a participant of the area access program. The increase in polling frequency will enhance the monitoring capability to catch violators fishing in the closed areas. Since the average polling would be every 30 minutes, there would be a 50% chance of detecting entries into the closed areas of more than 15 minutes. This action is also requesting the ability to expand upon already approved reporting requirements in order to provide scallop vessels with additional access to closed areas. In addition, this action is requesting the ability to set aside additional scallop Total Allowable Catch (TAC) for special harvest under a scallop research program.

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

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information as appropriate. 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.

Several offices of NMFS and the U.S. Coast Guard will utilize the information. Data collected through these programs will be incorporated into the NMFS database. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals. For law enforcement or notification programs, individual permit information will be required.

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

This proposal uses automated technology to reduce reporting burdens. The VMS unit is used to monitor fishing locations in the Atlantic sea scallop fishery. This electronic system broadcasts the vessel's position on a periodic basis. The addition of onboard observers and use of VMS messaging to report real-time scallop catch and other species of particular concern are significant management information collection and enforcement tools. This technology also helps verify fishing locations and monitoring of effort controls in other area closures. This system is expected to benefit fishermen by making it easier to report catch, bycatch, and location. This will result, in concert with the mandatory observer program, in a more accurate monitoring of the area TACs. It will also facilitate monitoring of the fishery by enforcement agents.

**4. Describe efforts to identify duplication.**

The duplication of effort to collect landings and bycatch data is necessary to assure that the TAC for scallops, and the trigger for closing the exempted fishery based on yellowtail bycatch, is not exceeded. The duplication of effort is further described in item 7.

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

All of the respondents qualify as small businesses. Only the minimum data needed to monitor compliance with regulations are requested from all respondents; i.e., observers report scallop catch and other species of particular concern once per day. VMS is required for all vessels participating in area access programs.

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

Daily messages to report catches are necessary to chart the course of the area access program and assure that scallop TAC's are not exceeded, particularly with hundreds of vessels operating at the same time. Hourly transmissions are required to accurately determine the fishing locations. More frequent (than hourly) transmissions may be required to enforce closed areas.

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

The data collection is consistent with OMB guidelines, except that the VMS will be required to report vessel catch and bycatch on a daily basis when the vessel is underway in closed areas. As described above, daily reports are required to accurately determine scallop catch and yellowtail flounder bycatch, particularly in a fishery managed with area-specific TACs. This is the only way that actual catch and landings can be verified on a near real-time basis. Although Fishing Vessel Trip Reports (FVTR) are required within 30 days and include catch information and gross fishing areas, the auditing process lengthens the time for the information to reach management offices to about 3 months. In addition, absent a VMS, there is no way to verify the catch locations as reported on the form.

In order to enforce restrictions on scallop vessels accessing the closed areas, VMS position reports are necessary. Full and part-time scallop vessels are routinely polled once per hour. However, it is believed that polling vessels twice per hour during an area access trip will reduce the ability of vessels not enrolled in the area access program to conduct short tows just inside a controlled area.

As a way to determine the pool of vessels on which to place observers, each vessel operator will be required to inform NMFS of the intention to fish in the exemption area on a monthly basis through the VMS e-mail system. Vessels must report this information prior to the 15<sup>th</sup> of the month preceding the month in question, along with the following information: Vessel name and permit number, owner and operator's name, owner and operator's phone numbers, and number of



trips anticipated for the month in question. In addition, any vessel selected to take an observer must provide 5 working days notice prior to any trip on which it declares into the exemption.

**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.**

Management actions that include the collection requirements were approved through the Council process, which incorporates public comment during the development of the frameworks. In addition, the agency provided for public comment on these measures through the Federal rule making process. On March 2, 2003, a notice was published in the Federal Register to solicit comment from the public on the proposed and/or continuing information collections concerning this action. The comment period ended on September 2, 2003. No comments were received.

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

No payment or gift will be made to respondents. Observers will be paid from the proceeds of an additional allocation over and above the trip limit.

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

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

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

There are no questions of a sensitive nature.

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

Table 1 summarizes the estimated burden hours, number of respondents, and total burden of the VMS reporting requirements and increase in VMS polling frequency. The burden hours are based on the number of participants expected in the area access program. The numbers reflect estimates for the area access program only. Previously approved estimates for other fisheries, including the normal fishery under the FMP and the hourly location transmissions are required from limited access scallop vessels, are unaffected. The exact number of current participants is the number of limited access scallop permit holders.

## Vessel Monitoring System (VMS)

The plan's use of TACs assigned by area to control fishing mortality makes it essential there be confidence that reported catch, bycatch, and locations are accurate. For this reason, all vessels in the area access program will be required to use a VMS approved by the NMFS Regional Administrator. Vessels without VMS may not participate in area access programs. Occasional scallop vessels, not currently required to have VMS, may purchase or lease VMS in order to take their allocation of one trip within the closed areas, when such areas are re-opened.

The VMS will help enforce scallop catch and other bycatch TACs. The VMS will continue to provide a record of the vessel's location that can be compared to reported fishing locations to verify accurate reporting. There are areas open to fishing near the closed areas. The large size of the spawning closures makes it difficult for enforcement units to monitor the boundaries; therefore, an increase in the VMS polling frequency will be required for all vessels with VMS units during the area access program season. The VMS will allow enforcement patrol units to rapidly identify the location of area access program boats so it can be confirmed that they are the only fishing vessels in the closed areas.

All eligible, extant vessels are expected to participate in the area access programs. This estimate considers 267 limited access scallop vessels that were not history permits. This is the size of the limited access fleet based on 2001 permit data. This value does not fluctuate significantly year-to-year in the total number of vessels participating in the area access program. Of the 21 Occasional scallop vessels, four are scallop dredge vessels and 17 are scallop trawl vessels. It is not anticipated that the four scallop dredge vessels and 17 scallop trawl vessels will participate in the area access programs due to the 10 DAS allocation for the 2003-2006 fishing year and the requirement of installing a VMS. It is also anticipated that the 17 scallop trawl vessels will not participate due to the additional cost of re-rigging their scallop trawl vessels to dredge vessels. If these occasional vessels decide to participate, installation of the VMS will probably require the presence of the owner or his representative. Currently, all vessels participating in the area access program have VMS, and as the numbers of vessels participating in the program will not likely change the only installation burden may be on vessels replacing ones currently participating in the scallop fishery. The installation time is estimated to take 60 minutes, but as there is no way to determine the number of vessel replacements per year the installation burden has not been included in this program

## VMS / Observer Reporting Burden

The estimated time per response varies with type of equipment and requirement. Upon installation, vessel monitoring or transponder systems (such as Boatracs, a currently approved VMS vendor) automatically transmit data, which takes about 5 seconds. Transmission of data on Inmarsat (currently not an approved VMS vendor) communications units takes about 10 minutes. There are estimated to be 21 additional scallop vessels that will be required to have VMS. These 21 Occasional vessels are only allowed to take one 10-day area access program trip, for a total of 210 DAS. If the 21 vessels that will be required to have a VMS all fish 10 days, and transmit a 5-second report every hour, the total burden is 7.06 hours for a transponder-type system.

The electronic reporting requirements are required by the vessel owner or observer assigned to the trip. Observers submit reports of catch to the NMFS Office for Enforcement, NE Division,

for use by in-season management, of the scallop quotas and yellowtail flounder bycatch allowances. In the North Pacific, most industry and many observer reports had been submitted by fax. As a result, transmission and processing of reports were costly, time-consuming, and could be inefficient both for NMFS and the industry. Electronic communication of various reports by observers will greatly improve efficiency and reduce the costs associated with report submission and processing.

All area access program vessels, including those subject to observer coverage, must have or obtain an operational VMS aboard the vessel. These VMS units incorporate electronic communication equipment that can facilitate electronic reporting of fisheries data. The equipment includes satellite communication units for at-sea vessels, and computer hardware and software. These requirements do not impose a substantial burden on the industry other than purchasing and installing the necessary VMS equipment. The burden on the industry of submitting observer reports through their VMS may in fact be reduced under these regulations. Observer reporting requirements, including for the 21 Occasional vessels that must purchase or lease VMS to participate in the area access program, affects all 267 limited access scallop vessels.

Annual transmission of data from 267 vessels, based on 14,760 fishing days per season and observers transmitting an average of 10 minutes per day = 14,760 days x 10 min. = 2,460 hours. [The 246 full-time and part-time vessels are allocated 60 DAS, for a total of 14,760 DAS in the area access program; 21 Occasional vessels, allocated 10 DAS each, total 210 DAS.] Total annual cost to the public, however, based on the number of messages and \$0.79 fixed rate per VMS e-mail message (Boatracs), is \$ 11,660.40 [14,760 days, one report per day, times \$0.79].

All area access program vessels must notify NMFS, via VMS message, their intent to fish in the closed areas for any given month (5 days prior to the month). Burden hours and costs are itemized in Table 1. Full-time and part-time vessels would incur a reporting burden of 98.60 hours and \$ 2,232.08; occasional vessels, 0.70 hours and \$16.59. Cost is the product of the number of messages times \$0.79 fixed rate per VMS e-mail message. Also all area access program vessels must notify NMFS, via VMS message, their intent to fish a closed area trip (5 days prior to the start of the trip). Burden hours and costs are itemized in Table 1. Full-time and part-time would incur a reporting burden of 49.30 hours and \$ 1,166.04; occasional vessels 0.70 hours and \$16.59. Cost is again the product of the number of messages times \$0.79 fixed rate per VMS e-mail message.

#### Increase in VMS Polling Frequency

Polling frequency for scallop vessels that have a VMS unit average of twice per hour, rather than the current one per hour. The polling frequency will apply to all scallop vessels with a VMS unit, regardless of whether the vessel is a participant of the area access program or not. Transmission of polling data from 267 vessels is based on 14,760 actual fishing days per season (8 days per trip). With a polling frequency of twice every hour, 14,760 days represents 249,792 polls (14,760 days x 24 hours). The VMS unit will automatically transmit the polling data at an average of 5 seconds per poll = 249,792 polls x 5 seconds = 349.71 hours. The polling frequency represents a cost of \$124,896 (249,792 polls at \$0.50 per poll).

**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).**

Currently, all 267 limited access scallop vessels have VMS installed. Therefore this collection assumes that there will be no additional installation equipment expenses incurred by the fleet.

A. Annualized capital costs

The annualized equipment costs based on a 5-year amortization of the purchase and installation price, is \$1,200 for Boatracs and \$1,160 (maximum) for an Inmarsat C system. These costs should be compared with the potential benefits from the regulations as will be discussed below. Table 2 shows the total costs of VMS monitoring to the public under the proposed regulations.

Verification of the VMS installation must be provided to NMFS as part of the annual permit process. Of the 21 Occasional scallop vessels, 4 are scallop dredge vessels and 17 are scallop trawl vessels. It is not anticipated that the 4 scallop dredge vessels and 17 scallop trawl vessels will participate in the area access program due to the 10 DAS allocation and the requirement of installing a VMS. It is also anticipated that the 17 scallop trawl vessels will not participate due to the additional cost of re-rigging their scallop trawl vessels to dredge vessels. If the vessels did participate, the costs of providing proof of VMS installation is estimated at \$1 per response, for total cost of \$21. Because verification will be included with the permit application for full-time and part-time vessels, there is no additional cost for those vessels to mail in the verification.

B. Total operations, maintenance, and purchases of services component

The primary costs after purchase and installation of a VMS is the charge for the messages that communicate the vessel's position, catch and bycatch. The total costs for these messages depend on the system chosen for operation, either Boatracs or an Inmarsat system. There is no estimated maintenance charge for either system.

Boatracs, Inc., currently charges a flat rate for messaging of \$125/ month based on one message each hour of every day. Message costs are about \$0.10 per message for Inmarsat, or about \$75/month for a message each hour of every day.<sup>1</sup> Total annualized costs of VMS messaging per vessel are estimated to be \$1,500 for Boatracs and \$900 for an Inmarsat C system, based on one message per hour every day. Thus, based on 21 vessels being required to continue with a VMS, total message costs to the public are estimated to be \$31,500 with Boatracs, and \$18,900 with Inmarsat.

Additionally, the other 246 limited access scallop boats will incur only the continued cost of one new message per day in the area access program. These costs are estimated to be \$11,660.40 (for 14,760 messages times the daily charge of \$0.10 cents per message).

Total costs for operating a VMS are summarized in Table 2. The costs to the industry from the VMS monitoring are expected, however, to be lower than estimated above. Cost estimates include message costs for one hourly message every hour of the year; the plan will only require messages when the vessel is underway, reducing communications costs. Most scallop vessels

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<sup>1</sup> Information is based on personal communications with Sandra Yin of NMFS.

have already installed VMS. VMS also has positive impacts on the industry through improved enforcement, compliance, and management of the fishery resources as summarized under item 1 of this analysis.

#### Elimination of requirements with VMS monitoring/ Observer coverage

- \_ Discard data available on observed trips
- \_ Reduced administrative costs
- \_ Improved timeliness of data

#### Other benefits

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

#### Benefits for vessel operations

- \_ More precise location allows faster response by rescue platforms
- \_ 2-way communication allows vessels to communicate precise nature of problems
- \_ Improved vessel record-keeping - more accurate plotting of tow results - catches, bottom characteristics and potential obstructions
- \_ More accurate monitoring of vessel operations by owners who are not aboard the vessels
- \_ Would provide secure 2-way communications between vessels and shore
- \_ Allows vessels /companies to communicate valuable information about catches, markets, logistics, etc.
- \_ The VMS would back-up global positioning systems currently used by vessels - this benefit will be greater when the LORAN system is eliminated in the future.
- \_ As closed areas become more enforceable, they could be smaller - yet still result in an equivalent level of conservation.
- \_ Would increase the flexibility of vessels operations by making area closure smaller or by making feasible measures that apply trip limits to specific areas.

#### Notifications

All area access program vessels must notify NMFS via VMS message of their intent to fish in the closed areas for any given month (5 days prior to the month). Burden hours and costs are itemized in Table 1. Full-time and part-time vessels would incur a reporting burden of 98.60 hours and \$2,232.08; occasional vessels, 0.70 hours and \$16.59. Cost is the product of the number of messages times \$0.79 fixed rate per VMS e-mail message. All area access program vessels must notify NMFS, via VMS message, their intent to fish a closed area trip (5 days prior

to the start of the trip). Hour burdens and costs are itemized in Table 1. Full-time and part-time vessels incur a reporting burden of 49.30 hours and \$1,166.04; occasional vessels, 0.70 hours and \$16.59. Cost is the product of the number of messages times \$0.79 fixed rate per VMS e-mail message.

**14. Provide estimates of annualized costs to the Federal Government.**

The NMFS Northeast Region currently operates a VMS system for the Atlantic Sea scallop fishery. The estimates of the annual administrative and enforcement costs to the Federal Government from this program are summarized in Table 3. The ongoing (recurring) costs amount to \$300,000 a year and include staff costs, internet connection, training, travel and the annual costs for equipment and the back-up system.<sup>2</sup> These costs are not expected to increase with the VMS requirement for Occasional scallop vessels. Respondents will submit verification of VMS installation as part of the permitting process, and the Government will confirm receipt of proof through the review of permits. Costs associated with processing this verification are assumed to be insignificant when considering the current magnitude of the permitting program.

A VMS system could potentially enable the Coast Guard to fully meet its fisheries program standards without additional resources. Consequently, VMS is expected to result in significant savings in enforcement costs associated with the area access program.

In addition to these monetary benefits, VMS/Observer coverage in the controlled access areas significantly improves the Coast Guard's ability to detect violators and respond with the appropriate action. It will augment cutter and aircraft patrols and allow them to be used to enforce other management measures. A VMS also makes boarding efforts more efficient, as it will help Coast Guard distribute boardings in a more equitable manner across all fleet sectors. Further discussion of additional benefits from VMS monitoring for the public and the Government in terms of improved compliance, enforcement and management is provided in items 1, 5, and 13 above.

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

The changes reported are adjustments from the re-estimation of burden and costs.

**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.

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<sup>3</sup> Salary costs are those minimally associated with two GS-13 computer specialists and one GS-11 VMS technician required for daily maintenance of the system. The costs include benefits.

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

There are no reasons why display would be inappropriate.

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

There are no exceptions.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

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

**Table 1. Burden and Cost estimates for the Public and the Government**

Requirement	Number of Entities	Items per Entity	Total Number of Items	Response Time	Total Burden	Cost of Time to Public	Other Costs to Public <sup>(1),(2)</sup>	Cost to Government <sup>(3)</sup>
<b>Vessel Monitoring System</b>								
Installation	N/A	0	0	0	0	0		0
Verification requirement	N/A	0	0	0	0	0	0	N/A
Reporting burden - hourly	N/A	0	0	0	0		0	N/A
Purchase and operation	N/A							N/A
<b>VMS / Observer Reporting Burden – Daily</b>								
Full-time / Part-time	246	60	14,760	0.1667	2,460		\$11,660.40	\$4,000
Occasional	21	10	210	0.1667	35		\$165.90	N/A
<b>VMS / 5-day Notification Month before Month of Fishing Reporting Burden</b>								
Full-time/Part-time	246	12	2952	0.0334	98.60		\$2,332.08	N/A
Occasional	21	1	21	0.0334	0.70		\$16.59	N/A
<b>VMS / 5-Day Notification Reporting Burden</b>								
Full-time/Part-time	246	6	1,476	0.0334	49.30		\$1,166.04	N/A
Occasional	21	1	21	0.0334	0.70		\$16.59	N/A
<b>VMS Polling - Daily</b>	267	935.55 <sup>(4)</sup>	249,792	0.0014	349.71		\$124,896	N/A
<b>Total</b>			269,232		2,994.01	0	\$140,254.10	\$4,000

1. Daily and Other reporting on VMS is \$0.79 fixed rate per VMS e-mail message (Boatrac).
2. Assumed to be \$0.50 per poll.
3. Assumed to be \$25 per hour (see Tables 3 & 4).
4. Based on a total of 14,760 days fished for the fleet, and 24 reports per day.



**Table 2.** Annualized VMS Cost Estimates for the Occasional vessels.

Equipment	Number of Entities	Equipment Costs	Total Equipment Costs	Annual Message Costs(1)	Total Message Costs	Total Annual Costs per Vessel	Total Costs
Boatrac	21	1,200	0	1,500	31,500	2,700	\$56,700
Inmarsat C	21	1,160	0	900	18,900	2,060	\$43,260

(1) Not including daily VMS emails by Observers or Operators

**Table 3. Costs to the Government from VMS Monitoring.**

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

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

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

**Fishery Conservation and Management**

**§ 648.58**

under section 305(e) of the Magnuson Act.

[61 FR 34968, July 3, 1996, as amended at 62 FR 1404, Jan. 10, 1997; 64 FR 14839, Mar. 29, 1999]

**§ 648.57 Closed and regulated areas.**

(a) *Hudson Canyon Sea Scallop Access Area.* Through February 28, 2003, except as provided in §§ 648.52 and 648.58, no vessel may fish for scallops in or land scallops from the area known as the Hudson Canyon Sea Scallop Access Area, and no vessel may possess scallops in the Hudson Canyon Sea Scallop Access Area, unless such vessel is only transiting the area with all fishing gear unavailable for immediate use as defined in § 648.23(b), or, there is a compelling safety reason to be in such areas without all such gear being unavailable for immediate use. The Hudson Canyon Sea Scallop Access Area (copies of a chart depicting this area are available from the Regional Administrator upon request) is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
H1	39 30' N.	73 10' W.
H2	39 30' N.	72 30' W.
H3	38 30' N.	73 30' W.
H4	38 40' N.	73 50' W.

(b) *Virginia Beach Sea Scallop Access Area.* Through February 28, 2003, except as provided in §§ 648.52 and 648.58, no vessel may fish for scallops in or land scallops from the area known as the Virginia Beach Sea Scallop Access Area, and no vessel may possess scallops in the Virginia Beach Sea Scallop Access Area, unless such vessel is only transiting the areas with all fishing gear unavailable for immediate use as defined in § 648.23(b), or, there is a compelling safety reason to be in such areas without all such gear being unavailable for immediate use. The Virginia Beach Sea Scallop Access Area (copies of a chart depicting this area are available from the Regional Administrator upon request) is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
V1	37 00' N.	74 55' W.
V2	37 00' N.	74 35' W.

Point	Latitude	Longitude
V3	36 25' N.	74 45' W.
V4	36 25' N.	74 55' W.

[66 FR 45785, Aug. 30, 2001]

**§ 648.58 Sea Scallop Area Access Program.**

(a) *Eligibility.* Vessels issued a limited access scallop permit are eligible to participate in the Sea Scallop Area Access Program, and may fish in the Sea Scallop Access Areas, as described in § 648.57 of this section, for the times specified in paragraph (c)(1) of this section, when fishing under a scallop DAS, and while complying with the requirements of this section. Copies of a chart depicting these areas are available from the Regional Administrator upon request.

(b) *Sea Scallop Access Areas—(1) Hudson Canyon Sea Scallop Access Area.* Eligible vessels, as specified in paragraph (a) of this section, may fish for, possess, and retain sea scallops in excess of the possession limit specified in § 648.52(e) in or from in the Hudson Canyon Sea Scallop Access Area, which is the area described in § 648.57(a).

(2) *Virginia Beach Sea Scallop Access Area.* Eligible vessels, as specified in paragraph (a) of this section, may fish for, possess, and retain sea scallops in excess of the possession limit specified in § 648.52(e) in or from the Virginia Beach Sea Scallop Access Area, which is the area described in § 648.57(b).

(c) *Sea Scallop Area Access Season and Requirements.* To fish in the Sea Scallop Access Areas under the Sea Scallop Area Access Program, eligible vessels must fish during the Season specified in paragraph (c)(1) of this section and must comply with the requirements specified in paragraphs (c)(2) through (c)(4) of this section:

(1) *Season—(i) Fishing year 2001.* From May 1, 2001 through February 28, 2002, vessels participating in the Sea Scallop Area Access Program may fish for or possess sea scallop in or from the respective Sea Scallop Access Areas specified in § 648.57 of this section, unless access to these areas is terminated as specified in paragraph (f) of this section.

(ii) *Fishing year 2002.* From March 1, 2002, through February 28, 2003, vessels

participating in the Sea Scallop Area Access Program may fish in the respective Sea Scallop Access Areas specified in § 648.57 of this section, unless access to these areas is terminated as specified in paragraph (f) of this section. Should the 2001 fishing year season be closed early, as described in paragraph (c)(1) of this section, the Sea Scallop Area Access Program season for fishing year 2002 will begin on April 1, 2002.

(2) *VMS*. The vessel must have installed on board an operational VMS unit that meets the minimum performance criteria specified in §§ 648.9 and 648.10 and paragraph (h) of this section.

(3) *Declaration*. (i) Prior to the 25th day of the month preceding the month in which fishing is to take place, the vessel must submit a monthly report through the VMS e-mail messaging system of its intention to fish in the Hudson Canyon or Virginia Beach Sea Scallop Access Areas, along with the following information: Vessel name and permit number, owner and operator's name, owner and operator's phone numbers, and number of trips anticipated for each Sea Scallop Access Area in which it intends to fish. The Regional Administrator may waive a portion of this notification period for trips into the Sea Scallop Access Areas in April or May, 2001. Notification of this waiver of a portion of the notification period will be provided to the vessel through a permit holder letter issued by the Regional Administrator.

(ii) In addition to the requirements described in paragraph (c)(3)(i) of this section, and for the purpose of selecting vessels for observer deployment, a vessel must provide notice to NMFS of the time, port of departure, and specific Sea Scallop Access Area to be fished, at least 5 working days prior to the beginning of any trip on which it declares into the Sea Scallop Area Access Program.

(iii) On the day the vessel leaves port to fish under the Sea Scallop Area Access Program, the vessel owner or operator must declare into the Program through the VMS, in accordance with instructions to be provided by the Regional Administrator prior to the vessel leaving port.

(4) *Number of trips*—(i) *Full and part-time vessels*. Full and part-time vessels

are restricted to a total of three trips into the Sea Scallop Access Areas, unless otherwise authorized by the Regional Administrator as specified in paragraph (e)(2) of this section. A trip to either area counts as one trip.

(A) *Distribution of trips for the 2001 fishing year*. For fishing year 2001, full-time and part-time vessels participating in the Sea Scallop Area Access Program may start no more than two of their three allowed Area Access Program trips before June 1, 2001. To be eligible for any additional trips allocated under paragraph (e)(4) of this section, at least one trip must begin by September 1, 2001.

(B) *Distribution of trips for 2002 fishing year*. For fishing year 2002, full-time and part-time vessels participating in the Sea Scallop Area Access Program may start no more than one of their three allowed Area Access Program trips before May 1, 2002, and no more than two of their three allowed Area Access Program trips before June 1, 2002.

(ii) *Occasional scallop vessels*. Occasional vessels may fish only one trip per fishing year in 2001 and 2002 under the Sea Scallop Area Access Program. The one allowed trip may be conducted in either the Hudson Canyon or Virginia Beach Sea Scallop Access Area specified in § 648.57 of this section at any time during the season, as specified in paragraph (c)(1) of this section.

(5) *Area fished*. A vessel that has declared a trip into the Sea Scallop Area Access Program must not fish for, possess, or land scallops from outside the specific Sea Scallop Access Area fished during that trip and must not enter or exit the specific Sea Scallop Access Area fished more than once per trip. A vessel that has declared a trip into the Sea Scallop Area Access Program must not exit one Sea Scallop Access Area and transit to, or enter, the other Sea Scallop Access Area on the same trip.

(6) *Possession and landing limits*—(i) *Fishing year 2001*. Unless otherwise authorized by the Regional Administrator as specified in paragraph (e) of this section, after declaring into the Sea Scallop Area Access Program in fishing year 2001 a vessel owner or operator may fish for, possess and land up to 17,000 lb (7,711.1 kg) of scallop meats

per trip, with a maximum of 400 lb (181.4 kg) of the possession limit originating from 50 bu (17.62 hl) of in-shell scallops.

(ii) *Fishing year 2002.* Unless otherwise authorized by the Regional Administrator as specified in paragraph (e) of this section, after declaring into the Sea Scallop Area Access Program in fishing year 2002, a vessel owner or operator may fish for, possess, and land up to 18,000 lb (8,164.7 kg) of scallop meats per trip, with a maximum of 400 lb (181.4 kg) of the possession limit originating from 50 bu (17.62 hl) of in-shell scallops.

(7) *Gear restrictions.* The vessel must fish with or possess scallop dredge or trawl gear only in accordance with the restrictions specified in § 648.51(a) and (b), except that the mesh size of a net, net material, or any other material on the top of a scallop dredge in use by or in possession of the vessel shall not be smaller than 10.0 inches (25.40 cm) square or diamond mesh.

(8) *Transiting.* While outside of the Sea Scallop Access Areas specified in § 648.57, all fishing gear must be unavailable for immediate use as defined in § 648.23(b), unless there is a compelling safety reason.

(9) *Off-loading restrictions.* The vessel may not off-load its sea scallop catch from a trip at more than one location per trip.

(10) *Reporting.* The owner or operator must submit reports through the VMS, in accordance with instructions to be provided by the Regional Administrator, for each day fished when declared in the Sea Scallop Area Access Program, including trips accompanied by a NMFS-approved observer. The reports must be submitted in 24-hour intervals, for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day and must include the following information:

(i) Total pounds/kilograms of scallop meats kept, total number of tows and the Fishing Vessel Trip Report log page number.

(ii) [Reserved]

(d) *Accrual of DAS.* A scallop vessel that has declared a fishing trip into the Sea Scallop Area Access Program of this section shall have a minimum of 10

DAS deducted from its DAS allocation, regardless of whether the actual number of DAS used during the trip is less than 10. Trips that exceed 10 DAS will be counted as actual time.

(e) *Adjustments to possession limits and number of trips—(1) Adjustment process for sea scallop possession limits for Hudson Canyon and the Virginia Beach Sea Scallop Access Areas.* The Regional Administrator may adjust the sea scallop possession limit at any time during the Sea Scallop Area Access Program. This adjustment may be made if the Regional Administrator determines that such adjustment will likely allow the scallop TAC to be reached without exceeding it. Notification of this adjustment to the possession limit will be provided to the vessel through a permit holder letter issued by the Regional Administrator.

(2) *Adjustment process for number of trips for Hudson Canyon and the Virginia Beach Sea Scallop Access Areas.* On or after October 1 for fishing years 2001 and 2002, if the scallop catch in the Hudson Canyon and/or Virginia Beach Sea Scallop Access Areas is less than the scallop TACs specified for fishing years 2001 and 2002 in paragraphs (f)(1) and (f)(2) of this section, respectively, the Regional Administrator may allocate one or more additional trips for the Hudson Canyon and/or Virginia Beach Sea Scallop Access Areas for full and part-time limited access sea scallop vessels that declared into and began a trip under the Sea Scallop Area Access Program prior to September 1 for the respective fishing year. This adjustment may be made if the Regional Administrator determines that such adjustment will likely allow the scallop TAC to be reached without exceeding it. Notification of this adjustment to the trip limit will be provided to the vessel through a permit holder letter issued by the Regional Administrator. Unused trips after September 30, 2001, may not be carried over into the 2002 Sea Scallop Area Access Program. Vessels with occasional permits would not be allocated an additional trip.

(3) *Increase of possession limit to defray costs of observers—(1) Defraying the costs of observers.* The Regional Administrator may increase the sea scallop

possession limit specified in paragraph (c)(6) of this section to defray costs of observers by areas subject to the limits specified in paragraph (e)(3)(ii) of this section and to the limit on the cumulative amount of sea scallops allocated for a vessel that has declared a fishing trip into the Sea Scallop Area Access Program with a NMFS-approved observer on board. Notification of this increase of the possession limit will be provided to the vessel through a Letter of Authorization issued by the Regional Administrator which must be kept on board the vessel. The amount of the possession limit increase will be determined by the Regional Administrator and the vessel owner will be responsible for paying the cost of the observer, regardless of whether the vessel lands or sells sea scallops on that trip.

(ii) *Observer set-aside limits on increases of possession limits by area.* The cumulative amount of scallops authorized under this part to be taken by vessels in excess of the possession limits specified in paragraph (c)(6) of this section to defray the cost of an observer shall not exceed 2-percent of the overall TAC for each Sea Scallop Access Area. The following amounts represent 2 percent of those TACs:

(A) Hudson Canyon Sea Scallop Access Area, 2001 area access program - 127 mt;

(B) Virginia Beach Sea Scallop Access Area, 2001 area access program - 6 mt;

(C) Hudson Canyon Sea Scallop Access Area, 2002 area access program - 128 mt;

(D) Virginia Beach Sea Scallop Access Area, 2002 area access program - 5 mt.

(iii) *Notification of observer set-aside limit.* NMFS shall publish notification in the FEDERAL REGISTER of the date that the Regional Administrator projects that the observer set-aside limit will be caught.

(4) *Adjustments to possession limits and/or number of trips to defray the costs of sea scallop research—(i) Defraying the costs of sea scallop research.* The Regional Administrator may increase the sea scallop possession limit specified in paragraph (c)(6) of this section or allow additional trips into a Sea Scallop Ac-

cess Area, subject to the limits on the cumulative amount of sea scallops allocated to defray costs for sea scallop research specified in paragraph (e)(4)(ii) of this section.

(ii) *Research set-aside limits on adjustments to possession limits and number of trips by area.* The cumulative amount of scallops authorized to be taken by vessels in excess of the possession limits specified in paragraph (c)(6) of this section for purposes of defraying the cost of sea scallop research shall not exceed 1 percent of the overall TAC for each Sea Scallop Access Area. The following amounts represent 1 percent of those TACs:

(A) Hudson Canyon Sea Scallop Access Area, 2001 area access program - 63 mt;

(B) Virginia Beach Sea Scallop Access Area, 2001 area access program - 3 mt;

(C) Hudson Canyon Sea Scallop Access Area, 2002 area access program - 64 mt;

(D) Virginia Beach Sea Scallop Access Area, 2002 area access program - 3 mt.

(iii) NMFS shall publish notification in the FEDERAL REGISTER of the date that the Regional Administrator projects that the scallop research set-aside limits will be caught.

(iv) *Adjustment procedure.* (A) Determinations as to which vessel may be authorized to take more than the trip limits specified in paragraph (c)(6) of this section, or to take additional trips for the purposes of defraying sea scallop research costs, shall be made by NMFS, in cooperation with the Council. At a minimum, applicants shall submit a scallop proposal under this program and a project summary that includes: The project goals and objectives, relationship of sea scallop research to management needs or priorities identified by the Council, project design, participants other than applicant, funding needs, breakdown of costs, and the vessel(s) for which authorization is requested.

## Fishery Conservation and Management

## § 648.70

(B) NMFS will make the final determination as to what proposals are approved and which vessels are authorized to take scallops in excess of possession limits or additional trips. Authorization to increase possession limits and/or number of trips will be provided to the vessel by Letter of Authorization issued by the Regional Administrator which must be kept on board the vessel.

(v) *Project Report Procedure.* Upon completion of his/her sea scallop research, the researcher of approved projects must provide the Council with a report of his/her findings, which include:

(A) A detailed description of methods of data collection and analysis;

(B) A discussion of results and any relevant conclusions presented in a format that is understandable to a non-technical audience; and

(C) A detailed final accounting of all funds used to conduct the sea scallop research.

(f) *Termination of the Sea Scallop Area Access Program—(1) Fishing year 2001 area access program—(i) Hudson Canyon Sea Scallop Access Area.* The Hudson Canyon Sea Scallop Access Area fishery for fishing year 2001 shall be terminated as of the date the Regional Administrator projects that 6,204 mt of sea scallops (the TAC less the observer and research set-asides) will be caught by vessels fishing in the Hudson Canyon Sea Scallop Access Area described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(ii) *Virginia Beach Sea Scallop Access Area.* The Virginia Beach Sea Scallop Access Area fishery for fishing year 2001 shall be terminated as of the date the Regional Administrator projects that 277 mt of sea scallops (the TAC less the observer and research set-asides) will be caught by vessels fishing in the Virginia Beach Sea Scallop Access Area described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(2) *Fishing year 2002 area access program.* (i) *Hudson Canyon Sea Scallop Access Area.* The Hudson Canyon Sea Scallop Access Area fishery for fishing year 2002 shall be terminated as of the date the Regional Administrator

projects that 6,287 mt of sea scallops (the TAC less the observer and research set-asides) will be caught by vessels fishing in the Hudson Canyon Sea Scallop Access Area described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(ii) *Virginia Beach Sea Scallop Access Area.* The Virginia Beach Sea Scallop Access Area fishery for fishing year 2002 shall be terminated as of the date the Regional Administrator projects that 268 mt of sea scallops (the TAC less the observer and research set-asides) will be caught by vessels fishing in the Virginia Beach Sea Scallop Access Area described in this section. NMFS shall publish notification of the termination in the FEDERAL REGISTER.

(g) *Transiting.* Limited access sea scallop vessels fishing under a scallop DAS that have not declared a trip into the Sea Scallop Area Access Program may not fish in the areas known as the Hudson Canyon and Virginia Beach Sea Scallop Access Areas described in §648.57, and may not enter or be in such areas unless the vessel is transiting the area and the vessel's fishing gear is unavailable for immediate use as defined in §648.23(b), or there is a compelling safety reason to be in such areas without all such gear being unavailable for immediate use.

(h) *VMS Polling.* For the duration of the Sea Scallop Area Access Program, as described under this section, all sea scallop limited access vessels equipped with a VMS unit will be polled twice per hour, regardless of whether the vessel is enrolled in the Sea Scallop Area Access Program.

[66 FR 24057, May 11, 2001]

### Subpart E—Management Measures for the Atlantic Surf Clam and Ocean Quahog Fisheries

#### § 648.70 Annual individual allocations.

(a) *General.* (1) For each fishing year, the Regional Administrator shall determine the allocation of surf clams and ocean quahogs for each vessel owner issued an allocation for the preceding fishing year, by multiplying the quotas specified for each species by the Regional Administrator under §648.71

# Magnuson-Stevens Fishery Conservation and Management Act

## Public Law 94-265

As amended through October 11, 1996

### SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

**(a) REQUIRED PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;



(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

**97-453, 99-659, 101-627, 102-251, 104-297**

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

**97-453, 104-297**

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

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

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

workplace and seeks a broad-based and diverse Board membership.

Dated: June 25, 2003.

**Karen H. Brown,**

*Deputy Director.*

[FR Doc. 03-16654 Filed 7-1-03; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Manufacturing Extension Partnership National Advisory Board (MEPNAB)

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Request for nominations of members to serve on the Manufacturing Extension Partnership National Advisory Board.

**SUMMARY:** NIST invites and requests nomination of individuals for appointment to the Manufacturing Extension Partnership National Advisory Board. NIST will consider nominations received in response to this notice for appointment to the Board, in addition to nominations already received.

**DATES:** Please submit nominations on or before July 17, 2003.

**ADDRESSES:** Please submit nominations to Ms. Carrie Hines, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, MD 20899-4800. Nominations may also be submitted via FAX to 301-963-6556.

Additional information regarding the Board, including its charter and current membership list may be found on its electronic Home page at <http://www.mep.nist.gov/index-nist.html>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carrie Hines, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, MD 20899-4800; telephone 301-975-3360, fax 301-963-6556; or via e-mail at [carrie.hines@nist.gov](mailto:carrie.hines@nist.gov).

**SUPPLEMENTARY INFORMATION:** The Board will advise the Director of the National Institute of Standards and Technology (NIST) of MEP programs, plans, and policies.

The Board will consist of nine individuals appointed by the Director of the National Institute of Standards and Technology (NIST) under the advisement of the Director of MEP. Membership on the Board shall be balanced to represent the views and needs of customers, providers, and

others involved in industrial extension throughout the United States.

The Board will function solely as an advisory body, in compliance with the provisions of the Federal Advisory Committee Act.

**Authority:** Federal Advisory Committee Act: 5 U.S.C. App. 2 and General Services Administration Rule: 41 CFR subpart 101-6.10.

Dated: June 25, 2003.

**Karen H. Brown**

*Deputy Director.*

[FR Doc. 03-16657 Filed 7-1-03; 8:45 am]

**BILLING CODE 3510-13-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 062603A]

#### Proposed Information Collection; Comment Request; Northeast Region Sea Scallop Exemption Requirements

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and 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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before September 2, 2003.

**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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Peter Christopher, 978-281-9288, or at [Peter.Christopher@noaa.gov](mailto:Peter.Christopher@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Sea scallop fishermen wishing to fish in exemption areas are subject to certain vessel monitoring system (VMS) and communications requirements. The information requirements are: (1) VMS purchase and installation, (2)

documentation and verification of VMS installation, (3) automated position reports from the VMS twice per hour, (4) daily reporting of catch and related information, (5) notification of intent to participate in the fishery 15 days prior to the opening of the exemption area, and (6) notification at least 5 days prior to leaving on a fishing trip to allow for observer assignment.

##### II. Method of Collection

Verification of VMS installation is made by submission of a paper document. Other reporting is done electronically via the VMS unit's e-mail messaging system.

##### III. Data

*OMB Number:* 0648-0416.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations, individuals or households, and not-for-profit institutions.

*Estimated Number of Respondents:* 267.

*Estimated Time Per Response:* 1 hour for VMS installation; 5 minutes for a VMS documentation/verification requirement; 5 seconds for an automated VMS position report; 10 minutes for daily transmittal of catch and related information; and 2 minutes for a notification of intent to participate in the fishery or a notification before leaving on a fishing trip.

*Estimated Total Annual Burden Hours:* 2,950.

*Estimated Total Annual Cost to Public:* \$195,000.

##### IV. Request for Comments

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

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

Dated: June 25, 2003.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-16780 Filed 7-1-03; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 062603B]

**Proposed Information Collection; Comment Request; Information for Share Transfer in the Wreckfish Fishery**

**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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before September 2, 2003.

**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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Sadler, 727-570-5326, or [Robert.Sadler@noaa.gov](mailto:Robert.Sadler@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The individual transferable quota system in the wreckfish fishery is based on percentage shares. Persons holding shares may sell or otherwise transfer them to others, but information about the proposed transfer must first be provided to NOAA. The information is needed to manage the quota system, and information about the sales price is used in economic analyses.

**II. Method of Collection**

The information is submitted in paper form.

**III. Data**

*OMB Number:* 0648-0262.

*Form Number:* None.

*Type of Review:* Regular submission.

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

*Estimated Number of Respondents:* 4.

*Estimated Time Per Response:* 15 minutes.

*Estimated Total Annual Burden*

*Hours:* 1.

*Estimated Total Annual Cost to Public:* \$0.

**IV. Request for Comments**

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

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

Dated: June 25, 2003.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-16781 Filed 7-1-03; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Science Advisory Board**

**AGENCY:** Office of Oceanic and Atmospheric Research, NOAA, Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for research, education, and application of science to resource management. SAB activities and advice provide necessary input to

ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

*Time and date:* The meeting will be held Tuesday, July 15, 2003, from 10 a.m. to 5 p.m.; and Wednesday, July 16, 2003, from 8 a.m. to 4 p.m. These times and the agenda topics described below may be subject to change. Refer to the web page listed below for the most up-to-date meeting agenda.

*Place:* The meeting will be held both days at the Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, VA.

*Status:* The meeting will be open to public participation with a 30-minute time period set aside on Wednesday, July 16 for direct verbal comments or questions from the public. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 35 copies) should be received in the SAB Executive Director's Office by July 3, 2003, to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after July 3, 2003, will be distributed to the SAB, but may not be reviewed prior to the meeting date. Approximately thirty (30) seats will be available for the public including five (5) seats reserved for the media. Seats will be available on a first-come, first-served basis.

*Matters to be considered:* The meeting will include the following topics: (1) Updates on the Climate Change Science Plan, Interagency Climate Programs and the Earth Observing Summit, (2) Fiscal Year 2006 Program Priorities, (3) the NOAA Research Council, (4) the National Centers for Environmental Prediction, (5) the Consortium for Oceanographic Research and Education, (6) the NOAA Education Council, (7) Cooperative Science Centers at Minority Serving Institutions, (8) the SAB Review Panel Report on the Cooperative Institute for Marine and Atmospheric Sciences, and (9) public statements.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael Uhart, Executive Director, Science Advisory Board, NOAA, Rm. 11142, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301-713-9121, Fax: 301-713-0163, e-mail: [Michael.Uhart@noaa.gov](mailto:Michael.Uhart@noaa.gov)); or visit the