

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 12/31/2002
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 10/29/2002.

TITLE: Southeast Region Electronic Reporting Survey

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0467

EXPIRATION DATE: 12/31/2003

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	3,940	657	0
Difference	3,940	657	0
Program Change		657	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.

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

SUPPORTING STATEMENT SOUTHEAST REGION ELECTRONIC REPORTING SURVEY

Introduction

This request for OMB review is for the Southeast Fisheries Science Center (SEFSC), National Marine Fisheries Service (NMFS) to conduct a one-time survey of all fishermen and dealers that have been issued a federal permit associated with fishery management plans in the Southeast Region. In accordance with the Government Paperwork Elimination Act (GPEA, P.L. 105-277), Federal agencies are required to provide the opportunity for persons, that are required to submit information to the government, to do so electronically when practicable. The purpose of this survey is to determine how many of the permit holders have (or have access to) a personal computer and whether these individuals and/or businesses would be willing to use the computers to report mandatory data regarding catch and effort data required by the respective fishery management plans in the Southeast Region.

Although the NMFS has submitted its plan to meet the October 23, 2003 deadline for compliance with the GPEA, the SEFSC feels that additional information is required regarding the use of and access to personal computers and the Internet before determining how best to meet the GPEA obligations. There are several methods that can be designed that will allow fishermen and dealers to submit catch and effort data electronically. For example, hardware is currently available that can be installed on a vessel that records the exact location of the vessel based on the global positioning system (GPS) onboard the vessel. This hardware is costly to purchase and install, and may not be necessary for all vessels. Another example is the availability of a secure Web site with an application that allows vessel owners or dealers to enter the required data on-line, which should eliminate the need for these respondents to prepare paper logbooks or dealer reports.

There are, of course, numerous other examples of potential methods for electronic reporting. The quandary that the SEFSC faces is to determine the most feasible and likely to be accepted (and used) method or methods. Obviously, the SEFSC does not want to waste limited resources to develop and implement a method of electronic reporting, only to have it infrequently used. The purpose of this survey, therefore, is to collect information on the number of fishermen and dealers that have computers and would use them to report electronically.

A. JUSTIFICATION

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

The information in this survey will be used to develop a plan for implementation of electronic reporting in the Southeast Region. The Government Paperwork Elimination Act (GPEA, P.L. 105-277) requires Federal agencies to provide the opportunity for persons, that are required to submit information to the government, to do so electronically when practicable. Because of the large diversity in the sizes of commercial harvesting and processing businesses within the

Southeast, it is important to have a good understanding of whether these businesses have access to personal computers and the Internet. The information from this one-time survey will allow the SEFSC to develop more realistic plans for the availability of electronic reporting. Because the cost of electronic reporting can be substantial, both the initial capital (human or fiscal) cost and the ongoing cost of maintaining and upgrading the system(s), the SEFSC wants to be sure that there will be a reasonable return on these costs in terms of increased efficiency to either the fishing community or the Federal government (but hopefully both). However, if little or no use will be made of electronic reporting, either because of lack of hardware or the willingness to use electronic reporting, then the SEFSC cannot justify large funding allocations to such projects.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

The proposed survey will only be conducted one time, although there will be follow up provisions to encourage recipients that did not respond on the initial mailing to respond. A questionnaire will be sent, via regular mail, to all vessel owners and dealers that have an active or recently expired Federal permit for commercial fishing or seafood production in the Southeast (mailing addresses located in all states from North Carolina through Texas). Because the business practices are different between commercial harvesting (fishermen) and seafood processors (dealers), two separate questionnaires will be used, i.e., one will be sent to vessel owners and one will be sent to dealers. The essence of the questionnaires are the same, but it makes the design of the questions simpler if different questionnaires are used.

As noted above the purpose of this survey is to collect information on whether vessel owners and seafood dealers have access to personal computers and the Internet, and would be willing to use them to submit mandatory fisheries information in lieu of a report on paper.

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 survey will not be conducted with electronic reporting.

4. Describe efforts to identify duplication.

To the knowledge of the SEFSC, comprehensive information on the numbers of vessel owners and seafood dealers that have personal computers and have access to the Internet is not currently available. The SEFSC is aware that some dealers are currently using electronic reporting to submit detailed information on the seafood products that they purchase to the respective state agency that regulates them. Because the needed information on electronic reporting is already available from these dealers, they will not be included in the SEFSC's survey.

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

Because almost all dealers and fishermen are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet reporting objectives are required from the respondents. The data requested in these questionnaires is readily available from the recipients without any additional recordkeeping. Thus, the reporting burden on vessel owners and dealers is at a minimum.

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

The SEFSC feels that this information is critical in order to develop a cost-effective plan for electronic reporting in the Southeast.

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

No special circumstances are requested for this survey.

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 copy of the Federal Register notice is attached. No comments were received in response to the Federal Register notice.

NMFS participates in a cooperative program to collect fishery statistics throughout the Southeastern United States. The following is a list of the state coordinators and Council staffs that have been contacted for a list of vessels or dealers that are known to participate in electronic reporting.

Dee Lupton
North Carolina Department of Marine Resources
P.O. Box 769
Morehead, NC 28557
(252) 726-7021

Nan Jenkins
South Carolina Wildlife and Marine Resources Dept.
P.O. Box 12559
Charleston, SC 29412
(912) 264-0542

Julie Califf
Georgia Department of Natural Resources
1200 Glynn Avenue
Brunswick, GA 31523
(912) 264-0542

Joseph O'Hop
Florida Department of Environmental Protection
Marine Research Laboratory
100 8th Avenue, S.E.
St. Petersburg, FL 33701
(813) 896-8626

Kevin Anson
Alabama Department of Marine Resources
P.O. Drawer 458
Gulf Shores, Al 36542
(205) 968-7576

Thomas Van Devender
Mississippi Bureau of Marine Resources
P.O. Box 959
Long Beach, MS 39560
(601) 864-4602

Joseph Shepard
Louisiana Department of Wildlife and Fisheries
P.O. Box 15570
Baton Rouge, LA 70895
(504) 765-2371

Page Campbell
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744
(512) 389-4857

Wayne Swingle
Gulf of Mexico Fishery Management Council
Lincoln Center, Suite 881
5401 West Kennedy Blvd.
Tampa, FL 33609
(813) 228-2815

Gregg Waugh
South Atlantic Fishery Management Council
Southpark Building, Suite 306
1 Southpark Circle
Charleston, SC 29407
(803)571-4366

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

No payment or other remuneration are provided.

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

The responses to the questions on this survey are not of a sensitive or confidential nature do not fall under either the Magnuson-Stevens Fishery Conservation and Management Act or the Privacy Act.

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 questions of a sensitive nature are asked.

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

Currently, there are approximately 300 dealers in the Southeast Region with active or recently expired Federal permits. There are approximately 5,800 vessels in the Southeast Region that have active or recently expired permits. In addition, the NMFS issued regulations that are effective September 7, 2002, that require all shrimp vessels fishing in the EEZ in the Gulf of Mexico to have Federal vessel permit. It was estimated in the Paperwork Reduction Act submission for approval to issue these permits that approximately 7,000 permits would be issued to shrimp vessel under these new regulations. Thus, the estimated total vessels and dealers that will have Federal permits for purposes of the electronic reporting survey is 13,100. However, an estimated 100 dealers are already reporting electronically to state fishery agencies and will not be sent the survey questionnaire.

As with most mail survey, a 100% response is highly unlikely. Without any prior knowledge of the expected response rate, we anticipate a 30% response from the fishermen and a 50% response rate from the dealers. Assuming these response rates, it is likely that 3,840 fishermen will respond and 100 dealer for a total number of respondents of 3,940.

An estimated 10 minutes will be necessary to complete the form. Thus, the total reporting burden to the public is 657 hours.

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

There are no anticipated costs to the public other than the time required to complete the questionnaire. The postage costs will be zero because the survey recipients will be provided with addressed, postage-paid envelopes that they will be able to use to return the completed form. They will also be able to fax the form.

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

The estimated cost to the Federal government is \$13,000 in postage, which includes the return postage fee. It is estimated that 1 month of time will be required to enter and analyze the data from the survey. The cost will be about \$3,000.

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

This is a new survey and is a program change.

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

Results from the data collection using the forms in this family are not planned for publication.

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.

The OMB number and expiration number will be displayed on each of the forms.

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

There are no exceptions to Item 19 of the OMB 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The survey will be sent to every person and seafood dealer that has an active or recently expired Federal permit. As noted in #12 above, only about 1/3 of the recipients are anticipated to respond. Because we do not plan to use the survey results to estimate personal computer use for the entire population of permit holders, statistical estimation techniques will not be used. We will use the actual responses on the survey questionnaires to determine whether a certain threshold of users has and is willing to use personal computers and Internet access for electronic reporting. Although our thresholds may change, the SEFSC will probably develop methods for electronic reporting if an additional 100 dealers answer positively and at least 500 fishermen answer positively (these are not absolute thresholds, but represent what we think are reasonable targets at this time).



**NATIONAL MARINE FISHERIES SERVICE
SOUTHEAST FISHERIES SCIENCE CENTER
ELECTRONIC REPORTING SURVEY - VESSELS**

This survey is being conducted to determine how many vessel owners with federal fishing permits have personal computers and would participate in electronic reporting. This survey is for informational use only, and your response does not constitute any commitment on your part.

Please answer all applicable questions by checking the appropriate circle - Yes or No.

1. Do you own a personal computer at your home? Yes No
2. If no, do you have access to a personal computer? Yes No

If the answer to 1 and 2 is No, skip to question 12 below.

3. Would you be willing to use it to prepare and submit your vessel logbook data? Yes No
4. Do you have access to the Internet? Yes No

If the answer to 4 is No, skip to question 10 below.

5. If you have Internet access, is it through a telephone modem? Yes No
6. If you have Internet access, is it through a DSL (Data Structure Link) Connection? Yes No
7. If you have Internet access, is it through a TV cable company? Yes No
8. Would you be willing to prepare and submit your vessel logbook data on the Internet? Yes No
9. Would you be willing to apply for, renew or transfer a vessel permit on the Internet? Yes No
10. Do you have a personal computer onboard your vessel? Yes No

If the answer to 10 is No, skip to question 12 below.

11. Do you have remote access to the Internet from the computer on your vessel? Yes No

12. Do you have GPS equipment on your vessel? Yes No

13. Would you be willing to have your GPS connected to additional equipment to automatically record and store your fishing location and provide it to the NMFS? Yes No

Please return the survey questionnaire in the self-addressed envelope or mail it to National Marine Fisheries Service, Electronic Reporting Survey, 75 Virginia Beach Drive, Miami, Florida 33149. THANK YOU FOR YOUR TIME.

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the 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 aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Drive, N., St. Petersburg, Florida 33702. Your responses to this questionnaire will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources.



**NATIONAL MARINE FISHERIES SERVICE
SOUTHEAST FISHERIES SCIENCE CENTER
ELECTRONIC REPORTING SURVEY - DEALERS**

This survey is being conducted to determine how many seafood dealer/processors with federal permits have personal computers and would participate in electronic reporting. This survey is for informational use only, and your response does not constitute any commitment on your part.

Please answer all applicable questions by checking the appropriate circle - Yes or No.

1. Does your company own and use personal computers for the accounting and inventory for your business? Yes No

If the answer to question #1 is yes, would your company be willing to install a computer program that would access your accounting and inventory data to determine the data required for federal reporting? Yes No

If the answer to question #1 is no, does your company have access to a personal computer? Yes No

If your response to the immediately preceding questions is No, do not continue with this survey. Please return the survey questionnaire in the self-addressed envelope or mail it to National Marine Fisheries Service, Electronic Reporting Survey, 75 Virginia Beach Drive, Miami, Florida 33149. THANK YOU FOR YOUR TIME.

2. Would your company be willing to use your personal computer to enter the data required for federal reporting? Yes No

3. Does your company have access to the Internet? Yes No

4. If you have Internet access, is it through a telephone modem? Yes No

5. If you have Internet access, is it through a DSL (Data Structure Link) Connection? Yes No

6. If yes, would our company be willing to submit the data required for federal reporting on the Internet? Yes No

7. Would you have concerns about security of the information that you submit on the Internet? Yes No

8. Do personnel employed by your company prepare vessel logbooks for fishermen that sell to your company? Yes No
9. If yes, would you be willing to use your personal computer to prepare and submit the vessel logbook data? Yes No
10. Would you be willing to prepare and submit the vessel logbook data on the Internet? Yes No
11. Would you be willing to apply for your dealer permit renewal on the Internet? Yes No
12. Would you have concerns about security if you applied for a permit renewal on the Internet? Yes No

Please return the survey questionnaire in the self-addressed envelope or mail it to National Marine Fisheries Service, Electronic Reporting Survey, 75 Virginia Beach Drive, Miami, Florida 33149. THANK YOU FOR YOUR TIME.

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the 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 aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Drive, N., St. Petersburg, Florida 33702. Your responses to this questionnaire will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources.

*TITLE XVII—GOVERNMENT PAPERWORK
ELIMINATION ACT*

SEC. 1701. SHORT TITLE.

This title may be cited as the “Government Paperwork Elimination Act”.

SEC. 1702. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

“(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.”.

SEC. 1703. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 1704. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 1705. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget

shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 1706. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

- (1) paperwork reduction and electronic commerce;*
- (2) individual privacy; and*
- (3) the security and authenticity of transactions.*

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 1707. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 1708. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this title, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 1709. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this title shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 1710. DEFINITIONS.

For purposes of this title:

(1) *ELECTRONIC SIGNATURE.*—The term “*electronic signature*” means a method of signing an electronic message that—

(A) *identifies and authenticates a particular person as the source of the electronic message;*
and

(B) *indicates such person’s approval of the information contained in the electronic message.*

(2) *EXECUTIVE AGENCY.*—The term “*Executive agency*” has the meaning given that term in section 105 of title 5, United States Code.

Workshop and a program update. The applications under review contain trade secrets and proprietary commercial information submitted to the Government in confidence. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Anyone wishing to attend this meeting must register 48 hours in advance in order to be admitted. Please submit your name, time of arrival, email address and phone number to Virginia Davis no later than Monday, September 16, 2002, and she will provide you with instructions for admittance. Ms. Davis' e-mail address is virginia.davis@nist.gov and her phone number is 301/975-2361.

DATES: The meeting will convene September 19, 2002 at 9 a.m. and adjourn at 4:30 p.m. on September 19, 2002. It is estimated that the closed portion of the meeting will last from 9 a.m. until 1 p.m. and the open portion of the meeting will last from 1 p.m. until 4:30 p.m.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Building 222, Red Training Room, Gaithersburg, Maryland 20899. Please note admittance instructions under **SUMMARY** paragraph.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2361.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 11, 2002, that part of the meeting of the Judges Panel will be closed pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by section 5(c) of the Government in the Sunshine Act, Public Law 94-409. The meeting, which involves examination of Award applicant data from U.S. companies and a discussion of this data as compared to the Award criteria in order to recommend Award recipients, may be closed to the public in accordance with section 552b(c)(4) of Title 5, United States Code, because the meetings are likely to disclose trade secrets and commercial or financial information obtained from a person which is privileged or confidential.

Dated: August 15, 2002.

Arden L. Bement, Jr.,
Director.

[FR Doc. 02-21462 Filed 8-21-02; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081902A]

Proposed Information Collection; Comment Request; Southeast Region Electronic Reporting Survey

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 October 21, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6608, 14th and Constitution Avenue NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to John Poffenberger, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, Florida 33149, (phone 305-361-4263).

SUPPLEMENTARY INFORMATION:

I. Abstract

This data collection activity is a one-time survey to collect information from persons and/or companies that have been issued a federal fisheries permit in the Southeast Region. The purpose of the survey is to collect on the availability and use of personal computers and whether these persons and/or companies would be willing to report electronically via the Internet. There are several methods that can be undertaken by the National Marine Fisheries Service to make reporting data more efficient through electronic reporting, but the availability of personal computers and their use is an important part of determining how best to provide this alternative reporting methodology.

II. Method of Collection

The Southeast Fisheries Science Center will conduct this survey through the mail. A short form has been developed that is to be filled out by the permit holder (usually the vessel owner or manager of the seafood processing company) and returned to the Center in a pre-addressed, postage-paid envelope.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations (seafood dealers and fishermen).

Estimated Number of Respondents: 6,500.

Estimated Time Per Response: 5 minutes.

Estimated Total Annual Burden Hours: 540.

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: August 16, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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