NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/28/2006

Department of Commerce

National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Barry West FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/05/2006

ACTION REQUESTED: Extension without change of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular ICR REFERENCE NUMBER: 200609-0648-005

TITLE: <u>Vessel Monitoring Program for the Pacific Coast Groundfish Fishery</u>

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: <u>Approved without change</u> OMB CONTROL NUMBER: <u>0648-0478</u>

The agency is required to display the OMB Control Number and inform respondents of its legal significance in

accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: <u>12/31/2009</u> DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	3,723,630	7,923	772,000
New	3,723,312	7,890	771,680
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	-318	-33	-320
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: John F. Morrall III

Acting Deputy Administrator,

Office Of Information And Regulatory Affairs

List of ICs						
IC Title	Form No.	Form Name	CFR Citation			
VMS Purchase, installation, maintenance and activation report for Pacific Coast Groundfish Fishery	NA	VMS Installation and Activation Certification Report				
Exemption report			50 CFR 660.302			
VMS Hourly Reporting			50 CFR 660.302			
Declaration report			50 CFR 660.302			

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. [] None 3. Type of information collection (*check one*) Type of review requested (check one) Regular submission a. [b. [Emergency - Approval requested by ____ a. [] New Collection Delegated b. [] Revision of a currently approved collection c. [] Extension of a currently approved collection 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? [] Yes [] No d. [] Reinstatement, without change, of a previously approved collection for which approval has expired e. [] Reinstatement, with change, of a previously approved collection for which approval has expired 6. Requested expiration date f. [] Existing collection in use without an OMB control number a. [] Three years from approval date b. [] Other Specify: For b-f, note Item A2 of Supporting Statement instructions 7. Title 8. Agency form number(s) (if applicable) 9. Keywords 10. Abstract 11. Affected public (Mark primary with "P" and all others that apply with "x") 12. Obligation to respond (check one) a. __Individuals or households d. ___Farms
b. __Business or other for-profite. ___Federal Government] Voluntary Business or other for-profite. Federal Government

Not-for-profit institutions f. State, Local or Tribal Government Required to obtain or retain benefits 1 Mandatory 13. Annual recordkeeping and reporting burden 14. Annual reporting and recordkeeping cost burden (in thousands of a. Number of respondents b. Total annual responses a. Total annualized capital/startup costs 1. Percentage of these responses b. Total annual costs (O&M) collected electronically c. Total annualized cost requested c. Total annual hours requested d. Current OMB inventory d. Current OMB inventory e. Difference e. Difference f. Explanation of difference f. Explanation of difference 1. Program change 1. Program change 2. Adjustment 2. Adjustment 16. Frequency of recordkeeping or reporting (check all that apply) 15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") a. [] Recordkeeping b. [] Third party disclosure] Reporting a. ___ Application for benefits Program planning or management 1. [] On occasion 2. [] Weekly Program evaluation f. Research 3. [] Monthly General purpose statistics g. Regulatory or compliance 4. [] Quarterly 5. [] Semi-annually 6. [] Annually 7. [] Biennially 8. [] Other (describe) 18. Agency Contact (person who can best answer questions regarding 17. Statistical methods Does this information collection employ statistical methods the content of this submission) [] Yes [] No Phone:

OMB 83-I 10/95

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

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

SUPPORTING STATEMENT VESSEL MONITORING PROGRAM FOR THE PACIFIC COAST GROUNDFISH FISHERY OMB CONTROL NO.: 0648-0478

A. JUSTIFICATION

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

The Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the U.S. exclusive economic zone (EEZ). The fishery management plans are intended to regulate fishing to ensure long-term productivity and achievement of optimum yield from the resources for the benefit of the nation. These plans are implemented by Federal regulations (for this collection, 50 CFR 660.302, .303, .304, .306, .359) which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies.

Seven groundfish stocks are currently considered to be overfished¹: widow rockfish, bocaccio, darkblotched rockfish, cowcod, canary rockfish, pop, and yelloweye rockfish. Measures have to be taken to protect the overfished stocks and to rebuild them to sustainable biomass levels. Large-scale depth-based management areas, referred to as Groundfish Conservation Areas (GCAs), are used to prohibit or restrict commercial groundfish fishing. These areas were specifically designed to reduce the catch of overfished species while allowing healthy fisheries to continue in areas and with gears where little incidental catch of overfished species is likely to occur.

GCAs are defined by points of latitude and longitude. The rockfish conservation areas (RCAs) are a sub-group of GCAs that are defined by points that approximate fathom curves for depth ranges where overfished rockfish species are commonly found. Deep-water fisheries on the slope have been permitted in areas seaward of the RCAs, and nearshore fisheries have been permitted in areas shoreward of the RCAs. Vessels intending to fish in the deep-water slope fisheries are allowed to transit through the RCAs, providing their gear is properly stowed. Target fisheries with relatively low catch rates of overfished species, such as midwater trawling for pelagic species and pink shrimp trawling with finfish excluders, have been allowed to occur in the RCAs. Various state-managed fisheries where groundfish are incidentally taken also occur in the RCA, however groundfish retention is restricted or prohibited within the RCAs. Traditional enforcement methods (such as aerial surveillance, boarding at sea via patrol boats, landing inspections and documentary investigation) are especially difficult to use when the closed areas are large-scale and the lines defining the areas are irregular. Furthermore, when management measures allow some gear types and target fishing in all or a portion of the conservation area, while other fishing activities are prohibited, it is difficult and costly to effectively enforce closures using traditional methods. Scarce state and federal resources also

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¹ In December 2005, NMFS announced, in the **Federal Register**, that the coastwide lingcod stock is no longer considered overfished and is fully rebuilt (December 19, 2005; 70 FR 75115).

limit the extent to which traditional enforcement methods can be used effectively.

To ensure the integrity of the GCAs and RCAs, a pilot Vessel Monitoring System (VMS) program was implemented on January 1, 2004. The pilot program required vessels registered to Pacific Coast groundfish fishery LE permits to carry and use VMS transceiver units while fishing off the coasts of Washington, Oregon and California. Regulations, at 50 CFR Part 660 subpart G, require vessels registered to a Pacific Coast groundfish fishery limited entry permits to carry and use mobile VMS transceiver units while fishing in the EEZ off the coasts of Washington, Oregon and California. The regulations at 50 CFR 660 subpart G also require the operator of any vessel registered to a limited entry permit, and any other commercial or tribal vessel using trawl gear; including exempted gear used to take pink shrimp, spot and ridgeback prawns, California halibut and sea cucumber, to identify their intent to fish within restricted areas.

These regulations further the conservation goals and objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by allowing fishing to continue in areas and with gears that can harvest healthy stocks with little incidental catch of low abundance species. To support this monitoring program, NMFS requests renewal of a collection to require the following information to be submitted:

<u>Installation/activation certification reports</u> require vessel owners and operators to follow specific procedures when installing or re-installing a VMS transceiver unit. Upon activation the VMS installer must complete, sign, and return the certification form to NMFS. The form contains information on the VMS hardware and satellite communications services that are provided by private communications companies approved by NMFS.

Hourly position reports are automatically transmitted to NMFS via satellite once the VMS transceiver unit is installed and activated. Vessels that are required to have VMS must operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year, except when a valid exemption report has been received by NMFS. The number of annual transmissions depends on the VMS transceiver that the vessel owner purchases and the number of fishing days per year in waters off the west coast. Many of the systems have a sleep function that automatically reduces the transmission reports when a vessel is in port. The sleep function allows for port stays without significant power drain or power shutdown. When the vessel goes to sea, the unit restarts and normal position transmissions automatically resume. Because the unit is continuously operable, NMFS may query the unit at any time to obtain a position report.

Exemption reports are optional. The exemption reports are sent by the vessel owner or operator wishing a vessel to be excused from the requirement to operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year. Such exemptions are allowed only for vessels operating outside of the EEZ for more than 7 consecutive days and vessels that are continuously out of the water for more than 7 consecutive days. A vessel may be exempted from the requirement to operate the mobile transceiver unit continuously 24 hours a day if a valid exemption report, is received by NMFS, Office for Law Enforcement(OLE) and the vessel is in compliance with all conditions and requirements of the exemption. An exemption report is valid until a second exemption report is sent to cancel the existing exemption.

<u>Declaration reports.</u> Declaration reports are submitted to NMFS OLE by telephone and are valid until revised by the vessel operator. Vessel operators making declaration reports receive a confirmation number that verifies that the reporting requirements were satisfied. If a vessel operator intends to use the vessel to fish in a different fishing category, a new declaration report must be submitted to revise the old declaration report.

In 2007, NMFS is implementing additional closed area restrictions to protect bottom habitat from fishing gear impacts, as mandated by the Magnuson-Stevens Act. These areas are referred to as Essential Fish Habitat (EFH) conservation areas. Like GCAs and RCAs, the EFH conservation areas will be defined by points of latitude and longitude. An information collection request to support Proposed Rule 0648-AU08 will extend the VMS requirements to all Open Area vessels. After approval by OMB, this new collection will be merged with OMB Control No. 0648-0478.

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.

Installation/activation reports will be used to provide OLE with information about the hardware installed and the communication service provider that will be used by the vessel operator. Specific information that links a permitted vessel with a certain transmitting unit and communications service is necessary to ensure that automatic position reports will be received properly by NMFS and to identify the unique signature for each VMS unit. In the event that there are problems, NMFS will need to have ready access to a database that links owner information with installation information. NMFS can then apply troubleshooting techniques and as necessary, contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider. Vessel owners would be required to provide these reports following initial installation and after a re-installation or when the hardware or communications service provider changes. This is not expected to occur more than once per year.

<u>Hourly position reports</u> will be used by NMFS to maintain the integrity of EFH conservation areas and large geographical rockfish conservation areas where fishing activities are restricted. On a broad level, the VMS vessel location reports are a cost-effective tool used to facilitate enforcement of time/area closures in the fishery. The hourly position reports are transmitted 24 hours per day throughout the calendar year (note: that some type-approved models have a sleep mode that automatically reduces the transmissions after an extended period of inactivity and resumes transmission when the vessel moves) and provide NMFS and USCG with real-time vessel location and activity information. Position information will also be used by NMFS fishery managers to evaluate fishing effort and determine whether further management measures are needed to protect low abundance species. Vessel operators are required to operate the VMS unit continuously throughout the a year. This means that the vessel operator will maintain the transponder unit, antennas and the electrical sources that power the system. When an operator is aware that transmission of automatic position reports has been interrupted, or when notified by NMFS that automatic position reports are not being received, they must contact NMFS and follow the instructions provided. Such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's position or returning to port until the VMS is operable. In addition, some systems may require software to be updated. Many of the transponders can have their set of features upgraded by being reloaded/flashed with updated versions.

<u>Exemption reports</u> allow vessels to discontinue or reduce transmissions when they are seaward of the monitored area or when the vessel has been removed from the water for an extended period and is without the electrical power source needed to operate the VMS transceiver unit. These reports allow flexibility to the industry participants while providing NMFS OLE with the information needed to determine why a position report is not being received from the vessel.

Declaration reports are needed by NMFS OLE and USCG to identifying vessels that are legally fishing within RCAs. To effectively monitor activity in the RCAs and efficiently use limited resources, it is necessary to require vessels to declare their gear before entering the RCAs. In addition to the groundfish fishery, there are numerous state and federal fisheries that occur in the EEZ off Washington, Oregon, and California. Because many of the groundfish vessels also participate in fisheries other than groundfish it is difficult to determine during an enforcement flyover if they are fishing for groundfish or for a species and with a gear for which harvest is allowed in the RCA. Therefore, a declaration report is necessary to identify what gear the vessel operator intends to use. Only those vessels that are difficult to identify are being required to declare their intent. For example, vessels such as salmon troll and sport charter vessels are visually unique and would therefore not be required to provide declaration reports. A single gear type is typically used for multiple trips, so to reduce the reporting burden each declaration report will be valid until cancelled (can apply to multiple trips) or revised by the vessel operator. After a declaration report has been sent, the vessel cannot engage in any activity with gear that is inconsistent with that which can be used in the RCA unless another declaration report is sent to cancel or change the previous declaration.

This information will be used in combination with VMS to more efficiently and effectively direct the use of enforcement resources throughout the fishing year. It is anticipated that the information collected will be used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. <u>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.</u>

<u>Installation/activation reports</u> The installation/activation reports will be made available over the Internet. Due to the need for the owner's signature NMFS will use facsimile submission for the installation report. NMFS OLE will accept mailed submissions if the vessel owner prefers this method. Hourly position reports are automatically sent from VMS transceivers installed aboard vessels. Once per hour, the unit automatically determines the vessel's location and transmits that

position to a processing center via a communication satellite. The VMS transceiver units type-approved for use in the Pacific Coast groundfish fishery include models that automatically reduce the number transmissions, and thus the transmission costs after and extended period of inactivity by the vessel. In addition, vessel owners may choose to take advantage of the VMS technology by linking personal computers to VMS transceiver units to improve communication (by adding email capacity) and add other services such as newspapers or weather reports.

<u>Exemption reports and Declaration reports</u> will be submitted by dialing a toll-free number, the caller is asked a series of questions. This system allows vessels to quickly and easily submit their report. NMFS has prepared an example of a worksheet that can be used by the caller to organize report information (attached). The worksheet is an example and would not be a form submitted to NMFS.

4. Describe efforts to identify duplication.

There are no alternate sources of this information or duplicative requirements.

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

Most of the respondents qualify as small businesses. The burden on fishery participants was considered and only the minimum data needed to monitor compliance with regulations are being requested from respondents. The VMS units that have been type-approved for this fishery range in costs and service features. This allows the vessel owner the flexibility in choosing the model that best fits the needs of their vessel. Vessels that have already purchased VMS transceiver units for other fisheries or personal purposes have been given consideration. Vessels will be allowed to retain existing VMS transceivers providing they are on the list of type-approved models and have been upgraded to the level required for the fishery. The submission of declaration reports was initially proposed as per-trip reports. Following consultation with fishery participants, it was determined that the needs of NMFS OLE and the USCG could be met with less frequently made declaration reports. Therefore, it was determined that a declaration report identifying the type of gear being used by a vessel would remain valid until cancelled or revised by the vessel operator. This results in a significant reduction in the number of reports. Following consultation with fishery participants, it was determined that some vessels may prefer to reduce the costs of reporting when leaving the EEZ off the coasts of Washington, Oregon, and California. Because a substantial number of permitted vessels also fish in waters off Alaska and in areas outside the EEZ, and because vessels are commonly pulled out of the water for extended periods, a VMS hourly report exemption option was added, which included an exemption report.

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

<u>Installation/activation reports</u> -- The use and submission of an of the installation/activation reports is required only for the initial installation, re-installation or when the hardware or communications service provider changes. Less frequent reporting would prevent NMFS and the vessel operator from confirming that the system is functioning properly.

Hourly position reports -- Implementing depth-based management measures over large geographic areas, the U.S./Canada border to the U.S./Mexico border, marks the transition to a much greater dependence upon at-sea enforcement. If the VMS was not operational, NMFS Law Enforcement agents and USCG would be tasked with monitoring closed areas via air and surface patrols. Because the USCG engages in multi-purpose missions, at-sea surveillance of fisheries, homeland defense, search and rescue, pollution response, law enforcement, and training, effort may be diverted from depth-based management patrols. VMS provides a level of coverage that cannot be attained by these more traditional enforcement methods, and at a substantially lower cost. A more liberal depth-based management regime is only possible if the integrity of the depth-based RCAs can be ensured. Without the ability to ensure the integrity of the RCAs, it is most likely that the depth-based management strategy will be discontinued. If this were the case, the management structure would revert back to very restrictive limits or no limits on healthy stocks in order to protect low abundance species. Less frequent position reports would be ineffective in deterring the illegal activity. Along some areas of the coast, the RCAs are narrow or prime fishing grounds are near the boundary line of the RCA. If reports were less frequently it would be possible for some vessels to fish within the RCA without being detected. This would undermine the integrity of the RCAs.

<u>Exemption reports and Declaration reports</u> are needed to efficiently and effectively direct the use of enforcement resources throughout the fishing year. The reporting frequency has been reduced to the minimum amount needed to maintain the integrity of the RCAs.

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

The collection is consistent with Office of Management of the Budget (OMB) guidelines except that the VMS reports are sent multiple times per day. That frequency is necessary for enforcing regulations.

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

A federal register notice was published on February 23, 2006. No comments were received.

As described above in #5: following consultation with fishery participants, it was determined that the needs of NMFS OLE and the USCG could be met without requiring "per trip" declaration reports. Therefore, it was determined that a declaration report identifying the type of gear being used by a vessel would remain valid until cancelled or revised by the vessel operator. It was also determined that some vessels may prefer to reduce the costs of reporting when leaving the EEZ or when pulled out of the water for extended periods. To reduce the reporting burden on vessels outside the EEZ, an optional exemption report was added to allow vessels to reduce or

discontinue VMS hourly position reports when they are out of the EEZ for more than 7 consecutive days.

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

No payments or gifts are provided under this program at this time.

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

Efforts were made in the design of the VMS program to ensure the security of all individual vessel location data, including analysis and storage. The system includes measures to minimize the risk of direct or inadvertent disclosure of fishing location information. In addition, VMS data is considered confidential under NOAA Administrative Order 216-100, Confidentiality of Fishery Statistics, and is subject to the confidentiality protection of Section 402 of the Magnuson-Stevens 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 are asked of a sensitive nature.

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

Total burden hours and annual costs for the VMS unit installation and operation are presented in Table 1 below. Total annualized responses are 3,723,312. Total annualized hours are 7,890.

Table 1. Public Burden and Cost for VMS purchase, installation, maintenance, and reporting.

Activity	# Respondents	Annual responses per respondent	Total annual responses	Time per response	Total annualized burden hours	Capital expenses/ recordkeeping/ reporting cost per response	Total annualized capital expenses/ recordkeeping/ reporting cost
Purchase and installation of VMS	424	NA	NA	4 hours	424	\$2900 (\$2,000 - \$3800)	\$307,400
VMS main- tenance	424	NA	NA	4 hours	1696	\$0	\$0
Activation report	424	1 (annualized = 0.25)	106	5 min.	9	\$3	\$318
Hourly reports	424	8760 (365 x 24)	3,714,240	5 seconds	5159	\$3 (\$1-\$5)/day	\$464,280 (424 x 365 x \$3)
Exemption reports	145	2	290	5 minutes	24	\$0	\$0
Declaration reports	723 (424 LE + 294 exempted trawl+ 5 tribal trawl)	12	8,676	4 minutes	578	\$0	\$0
TOTALS	<u>723</u>		3,723,312		<u>7890</u>		<u>\$771,998</u>

Installation and activation hours and purchase costs are annualized by dividing by 4, the expected service life.

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).

Total burden hours and annual costs for the VMS unit installation and operation are presented in Table 1 above. Total annualized capital costs are \$307,400. Total annualized reporting costs are \$464,598. Overall total annualized costs are \$771,998.

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

NMFS is required to ensure that VMS units have been installed properly and are operational. In addition, the review the data transmissions will be required to maintain the integrity of the restricted RCAs. NMFS has one full-time employee (FTE) (GS-13, \$85,000) and two contract employees, one at \$68,000 and one at \$48,000 from the NMFS OLE dedicated to maintaining the system.

The cost to the government during the first year of the program includes software (\$25,000) and equipment for a base station (\$54,000), software design (\$15,000), reporting system and telephone usage fees (\$1,500), as well as training, travel, office space, etc., approximately \$50,000. The estimated cost of the total program is \$306,000 for the first year and approximately \$212,000 in subsequent years. This includes the costs of maintaining the base station and continuing the reporting system.

The total annualized cost to the government is \$444,333.

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

Responses were decreased by 318 and hours were decreased by 26, due to a calculation error in the previous submission (one-time activation report burden had not been annualized).

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

No formal scientific publications based on these collections are planned at this time. The data will be used for management reports and fishery management plan amendments and evaluations by the NMFS and the Council. However, subsequent use of the data collected over a series of years may include scientific papers and publications.

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

N/A.

18.	Explain	each	exception	to the	certificati	on statem	ent ider	ntified in	<u>Item</u>	19 of	the	OMB
<u>83-</u>	I.											

N/A.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS No Statistical Methods are employed.

VMS INSTALLATION AND ACTIVATION CERTIFICATION REPORT

OMB Control No. 0648-0478 Expires xx/xx/xxxx

The vessel owner must sign this statement certifying compliance with the installation procedures. Submit this certification to the National Oceanic and Atmospheric Administration, NMFS, Office for Law Enforcement, Northwest Division, 7600 Sandpoint Way NE, Seattle, WA 98115-6349. Fax (206) 526-6528, before participating in a fishery. Before participating in a fishery with a VMS requirement, you must obtain confirmation from NMFS OLE that the VMS transmissions are being received without error.

Vessel Name:	Federal Groundfish Permit Number:
Documentation number (if vessels less than 5 tons	provide state & licence number):
VMS Unit Manufacturer:	VMS Unit serial number:
INMARSAT Serial number (ISN):	INMARSAT mobile number (INM):
Is this VMS unit a primary or back-up unit? ☐ Pri	imary □ Back-up
VMS Communications Service Provider:	
only when all of the correct documents have be Has this VMS transceiver Unit been previously reg coast of Washington, Oregon or California? Ye Note: Registering a VMS transceiver unit to mor Transceiver Unit was previously registered to anot	gistered to another vessel that operated in marine waters off the s No The than one vessel at the same time is prohibited. If this VMS ther vessel that operated in marine waters off the coast of the this activation report and proof of ownership of the VMS
	O (d)(2), as the owner of a vessel participating in the Pacific Coast vistem on my vessel has been installed in compliance with the ctions.
Vessel Owner Name:	
Address (provide if this is for a open access vessel)):
Telephone (provide if this is for a open access vess	el):Fax:
Vessel Owner Signature:	Date:

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in this Vessel Monitoring System (VMS) installation and activation report is mandatory for the purpose of managing the Pacific Coast Groundfish fishery. The VMS installation and Certification Report information is used to ensure proper operation of the VMS unit. Reporting burden for the collection of information is estimated to average 4 hours per installation, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. The burden for submission of this VMS installation and Certification Report is estimated at 6 minutes per response. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. It is the policy of the National Marine Fisheries Service not to release confidential data to the public or unauthorized users, other than in aggregate form, as the Magnuson Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the NMFS ensures that information identifying the business activity of a particular individual is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act, you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Office of Law Enforcement, Northwest Division 7600 Sandpoint Way NE, Seattle, WA 98115-6349.

Vessel Monitoring Systems Installation and Activation Certification Report for the Pacific Coast Groundfish Fisheries

INSTRUCTIONS: This Vessel Monitoring System (VMS) Installation and Activation Certification report for the Pacific Coast groundfish fishery is provided by the National Marine Fisheries Service (NMFS) pursuant to the regulatory requirements of 50 C.F.R.660.359 (d). The vessel owner or operator must follow the indicated procedures when installing or re-installing a type-approved VMS transceiver unit. Prior to leaving port on a trip in which VMS is required, the vessel must send the Installation and Activation Report.

This VMS installation and Activation Certification Report is applicable for the VMS transceiver units and communications service providers currently approved for use in the Pacific Coast groundfish fishery. As additional VMS transceiver units and communication service providers are approved, revised instructions will be posted on the NMFS, Office for Law Enforcement (OLE) web site www.nmfs.noaa.gov/ole/nw_vms.html and on the Northwest Region's web site at www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Vessel-Monitoring-System/Index.cfm

Follow the steps for the particular transceiver unit selected by the vessel owner. The vessel owner is responsible for all installation and activation costs. After the installation is complete and unit is activated, the owner must mail or fax the Installation and Activation Certification Report to NMFS, OLE, Northwest Division, 7600 Sandpoint Way NE, Seattle, WA 98115-6349. Fax (206) 526-6528.

INSTALLATION AND ACTIVATION

Begin by consulting the "Vessel Monitoring System, List of Approved Mobile Transceiver Units and Communications Service Providers for the Pacific Coast groundfish Fishery". This list of type-approved transceiver units and communications service providers, which consolidates information published in the Federal Register, will be posted on the NMFS Northwest Region web site. The list is also available from NMFS OLE by calling (206) 526-6135.

A. If you already have an INMARSAT-C transceiver unit: If you already have an INMARSAT-C transceiver unit that is the same make and model as one of the approved units, you can qualify the unit for use in the Pacific Coast groundfish fishery if the unit is functionally equivalent to an approved unit. This may require you to upgrade the version of software and firmware for the unit, and/or reconfigure the message settings (unit parameters and menu options). If you are not currently using your unit, you will need to contact the INMARSAT-C service provider to establish communications service. This includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges.

Contact the VMS provider for your make and model and request an upgrade for your unit. After the provider performs the upgrade, go to Section C, Step 9. If you cannot get an upgrade, you will need to purchase new equipment and services for VMS.

B. If you already have an ARGOS MAR GE transceiver unit:

If you already have an ARGOS MAR GE transceiver unit that is the same make and model as one of the approved units, you can qualify the unit for use in the Pacific Coast groundfish fishery if the unit is functionally equivalent to an approved unit. If you are not currently using your unit, you will need to contact the Argos provider to establish communications service. This includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges. If

you are using your VMS for fishing in the Exclusive Economic Zone off Alaska or for other purposes, you will need to complete the VMS Installation and Activation Certification report. Please contact NMSF OLE, VMS Program Coordinator during business hours at (206) 526-6135, go to Section C, Step 9.

C. Purchasing a new VMS transceiver unit:

Step 1 Contact the entities identified in the Federal Register Notice under "VMS Provider Addresses". Indicate to the providers that you will be using the VMS transceiver unit for the Pacific Coast groundfish fishery and you would like to obtain purchase and installation information on the units they provide. Determine the transceiver unit and communications service provider that best suits your needs. Select which satellite system to use for the fishing vessel's VMS. If you select INMARSAT-C, go to Step 2, if you select INMARSAT-D+, go to Step 7 and if you choose ORBCOMM, go to Step 8.

<u>Step 2</u> Choose INMARSAT-C providers: one for the transceiver unit, and one for the communications service providers. The VMS program is designed so that the fisherman has free choice of any combination of approved INMARSAT-C options. Do the next two steps, Steps 3 and 4, in any order.

Step 3 Choose the INMARSAT-C communications service provider you prefer and establish a service contract. This includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges. If applicable, record the important identifying information, such as a user name and password to access your private position information and your transceiver unit, and the INMARSAT-C email address of your unit.

Step 4 Choose the INMARSAT-C transceiver unit you prefer. If you purchase a Thrane & Thrane TT3022D, request part number "NMFS" before the unit is mailed out. The Thrane & Thrane provider will initially mail you only the form known as the INMARSAT Service Activation Request Form (SARF). Go to Step 5.

Step 5 Register your transceiver unit for INMARSAT-C by using the following steps.

- Fill out the SARF form referred to in Step 4 above.
- Fax or mail the SARF to the "routing organization" indicated on the form for U.S.-flagged vessels.
- Include proof of the fishing vessels "ship radio license" (copy of FCC Form 506) with the SARF.

When the SARF is processed, you will be given an "INMARSAT Number" (also known as "IMN" or "INMARSAT Mobile Number"). This number uniquely identifies your unit within the INMARSAT system, similar to a telephone number. Record this number. Go to Step 6.

<u>Step 6</u> Contact your Thrane & Thrane provider and inform them of your INMARSAT Mobile Number (INM) and the

communications service provider company you have chosen. The Thrane & Thrane provider will configure the unit to be ready for VMS (VMS message settings and satellite operations), and will then ship the unit. Go to Step 9.

Step 7 The INMARSAT D+ transceiver that meets the minimum technical requirements for the Pacific Coast groundfish fishery is the Satamatics SAT-101 (Model Number SAT-101 NMFS/PCG). Satamatics provides both the transceiver unit for sale, and the communications service. To activate your INMARSAT-D+ transceiver, you must establish a service contract with the INMARSAT-D+ vendor. This includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges. Go to Step 9.

Step 8 The ORBCOMM transceiver that meets the minimum technical requirements for the Pacific Coast groundfish fishery is the Stellar ST2500G (Part Number ST2500G-NMFS). To activate your ORBCOMM transceiver, you must establish a service contract with the ORBCOMM vendor. This

includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges. Go to Step 9.

 $\underline{\text{Step 9}}$ Install the VMS transceiver unit and antenna according to the installation instructions contained in the

manual supplied by the manufacturer, or contact a marine electronics specialist or dealer to install the unit. Also see Step 10.

Step 10 Run the cable connecting the unit in the wheelhouse to the antenna mounted outside, through a solid, immovable and permanent part of the vessel such as a bulkhead, deck, or console. Go to Step 11.

Step 11 Turn on the power to the vessel transceiver. Go to Step 12

<u>Step 12</u> Confirm, by phone, with your communications service provider's Customer Service that periodic position reports are now automatically being sent to NOAA OLE. Go to Step 13

<u>Step 13</u> Once you transceiver unit is installed and activated and you have confirmed with your customer service provider that the unit is operational, fill out the "VMS Installation and Certification Report" and mail or fax it to NMFS.

Exemption Report Worksheet

This worksheet is for your own use and is intended to help you organize information submitted in an exemption report. Do not submit this worksheet to NMFS.

1) Press (1) to enter a report. If you are calling this system for the first time and or if you have lost your vessel
number or passcode enter (0). (Call should be forwarded to a live person or a message that reminds them to cal
during business hours and identifies the hour)

2) Enter your 6 digit vessel number followed by the # k

	Vessel Num	ber	
			#

3) Enter your 5 digit vessel passcode followed by the # key.____

	Vesse	l Passcode	
			<u>#</u>

- 4) Enter the type of report you are making followed by the # key.
- * Press 3 to enter an exemption report (Next Question E1)
 - * Press 4 to cancel an exemption report (Next Question E2)

Ту	pe of report
	#

E1) Enter the 2 digit exemption code followed by the # key

10 - Haul out Exemption - When a vessel is continuously out of the water for more than 7 consecutive days

20 - Outside Areas Exemption - When the vessel will be operating outside of the EEZ off Washington, Oregon, or California for more than 7 consecutive days

Туре	of Exemption
	#

E2) For your records, record the confirmation number provided by this system. Re-enter the confirmation number followed by the # key.

Confirmation Number						
						#

E3) Listen to the declaration report as the system plays it back to you. Press # to confirm that the declaration report is correct and hang up or press 1 to make changes to your report.

Declaration Report Worksheet

This worksheet is for your own use and is intended to help you organize information submitted in a declaration report. Do not submit this worksheet to NMFS.

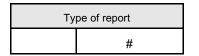
- 1) Press (1) to enter a report. If you are calling this system for the first time and or if you have lost your vessel number or passcode enter (0). (Call should be forwarded to a live person or a message that reminds them to call during business hours and identifies the hour)
- 2) Enter your 6 digit vessel number followed by the # key.

Vessel Number						
						#

3) Enter your 5 digit vessel passcode followed by the # key.

Vessel Passcode					
					#

- 4) Enter the type of report you are making followed by the # key.
 - * Press 1 to enter a new declaration report to fish in a conservation area or to revise an existing declaration. (Next Question D1)
 - * Press 2 to cancel a declaration report to fish in a conservation area. (Next Question D1)



- D1) Enter your 2 digit gear code followed by the # key
 - 10 Limited entry fixed gear
 - 20 Limited entry midwater trawl gear
 - 30 Limited entry bottom trawl gear
 - 41 Pink shrimp, spot and ridgeback prawn trawl gear
 - 42 California halibut trawl gear
 - 43 Sea cucumber trawl gear
 - 50 Tribal trawl gear
 - 60 Spot and ridgeback prawns non-trawl gear
 - 61 Crab or lobster gear

- 62 Pacific Halibut gear
- 63 Salmon troll gear
- 64 California halibut gear
- 65 California Sheephead gear

- 66 Gear used to take Highly Migratory Species 67 Gear used to take Coastal Pelagic Species 68 Gear used to take species in the California gillnet complex
- 69 A gear that is not listed above

Gear Code	
	#

D2) For your records, record the confirmation number provided by this system. Re-enter the confirmation number followed by the # key.

Confirmation Number						
						#

D3) Listen to the declaration report as the system plays it back to you. Press # to confirm that the declaration report is correct and hang up or press 1 to make changes to your report.

PART 660--FISHERIES OFF THE WEST COAST STATES

SUBPART G -- West Coast Groundfish Fisheries

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 660.302, add "Address of record", "Groundfish Conservation Area or GCA", "Mobile transceiver unit", "Office for Law Enforcement", and "Vessel monitoring system or VMS", in alphabetical order to read as follows:

§ 660.302 <u>Definitions</u>.

Address of record. Address of Record means the business address of a person, partnership, or corporation used by NMFS to provide notice of actions.

* * * * *

Groundfish Conservation Area or GCA means a geographic area defined by coordinates expressed in degrees latitude and longitude, created and enforced for the purpose of contributing to the rebuilding of overfished West Coast groundfish species. Specific GCAs are referred to or defined at 660.304(c).

* * * * *

Mobile transceiver unit means a vessel monitoring system or VMS device, as set forth at § 660.359, installed on board a

vessel that is used for vessel monitoring and transmitting the vessel's position as required by this subpart.

Office for Law Enforcement (OLE) refers to the National Marine Fisheries Service, Office for Law Enforcement, Northwest Division.

* * * * *

Vessel monitoring system or VMS means a vessel monitoring system or mobile transceiver unit as set forth in § 660.359 and approved by NMFS for use on vessels that take (directly or incidentally) species managed under the Pacific Coast Groundfish FMP, as required by this subpart.

- Section 660.303 is revised to read as follows:
 \$ 660.303 Reporting and recordkeeping.
- (a) This subpart recognizes that catch and effort data necessary for implementing the PCGFMP are collected by the States of Washington, Oregon, and California under existing state data collection requirements. Telephone surveys of the domestic industry may be conducted by NMFS to determine amounts of whiting that may be available for reallocation under 50 CFR 660.323(a)(4)(vi). No Federal reports are required of fishers or processors, so long as the data collection and reporting systems operated by state agencies continue to provide NMFS with statistical information adequate for management.

- (b) Any person who is required to do so by the applicable state law must make and/or file, retain, or make available any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law.
- (c) Any person landing groundfish must retain on board the vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.
- (d) Reporting requirements for vessels fishing in conservation areas—(1) Declaration reports for trawl vessels intending to fish in a conservation area. The operator of any vessel registered to a limited entry permit with a trawl endorsement; any vessel using trawl gear, including exempted gear used to take pink shrimp, spot and ridgeback prawns, California halibut and sea cucumber; or any tribal vessel using trawl gear must provide NMFS with a declaration report, as specified at paragraph 660.303(d)(5), of this section to identify the intent to fish within the CCA, as defined at § 660.304, or any trawl RCA, as defined in the groundfish annual management measures that are published in the Federal Register.

- (2) <u>Declaration reports for non-trawl vessels intending to</u> <u>fish in a conservation area</u>. The operator of any vessel registered to a limited entry permit with a longline or pot endorsement must provide NMFS OLE with a declaration report, as specified at paragraph (d)(5) of this section, to identify the intent to fish within the CCA, as defined at § 660.304, or any non-trawl RCA, as defined in the groundfish annual management measures that are published in the Federal Register.
- (3) When a declaration report for fishing in a conservation area is required, as specified in paragraphs (d)(1) and (d)(2) of this section, it must be submitted before the vessel leaves port:
- (i) On a trip in which the vessel will be used to fish in a conservation area for the first time during the calendar year;
- (ii) On a trip in which the vessel will be used to fish in a conservation area with a gear type that is different from the gear declaration provided on a valid declaration report as defined at paragraph 660.303 (d)(6) of this section; or
- (iii) On a trip in which the vessel will be used to fish in a conservation area for the first time after a declaration report to cancel fishing in a conservation area was received by NMFS.
- (4) <u>Declaration report to cancel fishing in a conservation</u>

 <u>area.</u> The operator of any vessel that provided NMFS with a

 declaration report for fishing in a conservation area, as

required at paragraphs (d)(1) or (d)(2) of this section, must submit a declaration report to NMFS OLE to cancel the current declaration report before the vessel leaves port on a trip in which the vessel is used to fish with a gear that is not in the same gear category set out in paragraph 660.303 (d)(5)(i) declared by the vessel in the current declaration.

- (5) <u>Declaration reports will include</u>: the vessel name and/or identification number, and gear declaration (as defined in § 660.303(d)(5)(i)). Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt. Retention of the confirmation code or receipt to verify that the declaration requirement was met is the responsibility of the vessel owner or operator.
 - (i) One of the following gear types must be declared:
 - (A) Limited entry fixed gear,
 - (B) Limited entry midwater trawl,
 - (C) Limited entry bottom trawl,
- (D) Trawl gear including exempted gear used to take pink shrimp, spot and ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber.
 - (E) Tribal trawl,
- (F) Other gear including: gear used to take spot and ridgeback prawns, crab or lobster, Pacific Halibut, Salmon,

California halibut, California sheephead, species managed under the Highly Migratory Species Fishery Management Plan, species managed under the Coastal Pelagic Species Fishery Management Plan, and any species in the gillnet complex as managed by the State of California.

- (G) Non-trawl gear used to take groundfish.
- (ii) Declaration reports must be submitted through the VMS or another method that is approved by NMFS OLE and announced in the Federal Register. Other methods may include email, facsimile, or telephone. NMFS OLE will provide, through appropriate media, instructions to the public on submitting declaration reports. Instructions and other information needed to make declarations may be mailed to the limited entry permit owner's address of record. NMFS will bear no responsibility if a notification is sent to the address of record and is not received because the permit owner's actual address has changed without notification to NMFS, as required at § 660.335 (a)(2). Owners of vessels that are not registered to limited entry permits and owners of vessels registered to limited entry permits that did not receive instructions by mail are responsible for contacting NMFS OLE during business hours at least 3 days before the declaration is required to obtain information needed to make

declaration reports. NMFS OLE must be contacted during business hours (Monday through Friday between 0800 and 1700 Pacific Time).

- (6) A declaration report will be valid until a declaration report to revise the existing gear declaration or a declaration report to cancel fishing in a conservation area is received by NMFS OLE. During the period that a vessel has a valid declaration report on file with NMFS, it cannot fish with a gear other than a gear type that is within the gear category (50 CFR 660.303 (d)(5)) declared by the vessel. After a declaration report to cancel fishing in the RCA is received, that vessel must not fish in a conservation area until another declaration report for fishing by that vessel in a conservation area is received by NMFS.
- 4. Section 660.304 is revised to read as follows:

 § 660.304 Management areas, including conservation areas, and commonly used geographic coordinates.

(a) Management areas

(1) <u>Vancouver</u>. (i) The northeastern boundary is that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48°35'75'' N. lat., 124°43'00" W. long.) south of the International Boundary between the U.S. and Canada (at 48° 29'37.19" N. lat., 124°43'33.19" W. long.), and north of the

point where that line intersects with the boundary of the U.S. territorial sea.

(ii) The northern and northwestern boundary is a line connecting the following coordinates in the order listed, which is the provisional international boundary of the EEZ as shown on NOAA/NOS Charts #18480 and #18007:

Point	N. lat.	W. long.
1	48°29'37.19"	124°43'33.19"
2	48°30'11''	124°47'13''
3	48°30'22''	124°50'21''
4	48°30'14''	124°54'52''
5	48°29'57''	124°59'14''
6	48°29'44''	125°00'06''
7	48°28'09''	125°05'47''
8	48°27'10''	125°08'25''
9	48°26'47''	125°09'12''
10	48°20'16''	125°22'48''
11	48°18'22''	125°29'58''
12	48°11'05''	125°53'48''
13	47°49'15''	126°40'57''

17	46°31'47''	129°07'39''
16	46°42'05''	128°51'56''
15	47°22'00''	127°41'23''
14	47°36'47''	127°11'58''

- (iii) The southern limit is 47°30' N. lat.
- (2) Columbia. (i) The northern limit is $47^{\circ}30'$ N. lat.
- (ii) The southern limit is 43°00' N. lat.
- (3) Eureka. (i) The northern limit is 43°00' N. lat.
- (ii) The southern limit is 40°30' N. lat.
- (4) Monterey. (i) The northern limit is $40^{\circ}30'$ N. lat.
- (ii) The southern limit is 36°00' N. lat.
- (5) Conception. (i) The northern limit is $36^{\circ}00'$ N. lat.
- (ii) The southern limit is the U.S.- Mexico International Boundary, which is a line connecting the following coordinates in the order listed:

Point	N. lat.	W. long.
1	32°35'22''	117° 27'49''
2	32°37'37''	117°49'31''
3	31°07'58''	118°36'18''

- (b) Commonly used geographic coordinates.
- (1) Cape Falcon, OR--45°46' N. lat.
- (2) Cape Lookout, OR--45°20'15" N. lat.
- (3) Cape Blanco, OR--42°50' N. lat.
- (4) Cape Mendocino, CA--40°30' N. lat.
- (5) North/South management line--40°10' N. lat.
- (6) Point Arena, CA--38°57'30" N. lat.
- (7) Point Conception, CA--34°27' N. lat.
- (c) Groundfish Conservation Areas (GCAs). In § 660.302, a GCA is defined as "a geographic area defined by coordinates expressed in latitude and longitude, created and enforced for the purpose of contributing to the rebuilding of overfished West Coast groundfish species." Specific GCAs may be defined here in this paragraph, or in the Federal Register, within the harvest specifications and management measures process. While some GCAs may be designed with the intent that their shape be determined by ocean bottom depth contours, their shapes are defined in regulation by latitude/longitude coordinates and are enforced by those coordinates. Fishing activity that is prohibited or permitted within a particular GCA is detailed in Federal Register

documents associated with the harvest specifications and management measures process.

- (1) Rockfish Conservation Areas (RCAs). RCAs are defined in the Federal Register through the harvest specifications and management measures process. RCAs may apply to a single gear type or to a group of gear types, such as "trawl RCAs" or "nontrawl RCAs".
 - (2) Cowcod Conservation Areas (CCAs).
- (i) The Western CCA is an area south of Point Conception that is bound by straight lines connecting all of the following points in the order listed:

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33°50' N. lat., 119°30' W. long.;

33°50' N. lat., 118°50' W. long.;

32°20' N. lat., 118°50' W. long.;

32°20' N. lat., 119°37' W. long.;

33°00' N. lat., 119°37' W. long.;

33°00' N. lat., 119°53' W. long.;

33°33' N. lat., 119°53' W. long.;

and connecting back to 33°50' N. lat., 119°30' W. long.
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(ii) The Eastern CCA is a smaller area west of San Diego that is bound by straight lines connecting all of the following points in the order listed:

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32°42' N. lat., 118°02 W. long.;

32°42' N. lat., 117°50 W. long.;

32°36'42" N. lat., 117°50 W. long.;

32°30' N. lat., 117°53'30" W. long.;

32°30' N. lat., 118°02 W. long.;

and connecting back to 32°42' N. lat., 118°02' W. long.
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(d) Yelloweye Rockfish Conservation Area (YRCA). The YRCA is a C-shaped area off the northern Washington coast that is bound by straight lines connecting all of the following points in the order listed:

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48°18' N. lat., 125°18' W. long.;

48°18' N. lat., 124°59' W. long.;

48°11' N. lat., 124°59' W. long.;

48°11' N. lat., 125°11' W. long.;

48°04' N. lat., 125°11' W. long.;

48°04' N. lat., 124°59' W. long.;

48°00' N. lat., 124°59' W. long.;

and connecting back to 48°18' N. lat., 125°18' W. long.
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- (e) <u>International boundaries</u>. (1) Any person fishing subject to this subpart is bound by the international boundaries described in this section, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are established or recognized by the United States.
- (2) The inner boundary of the fishery management area is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the "3-mile limit").
- (3) The outer boundary of the fishery management area is a line drawn in such a manner that each point on it is 200 nm from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

* * * * *

- 5. In § 660.306, new paragraphs (z), (aa) and (bb) are added to read as follows:
- § 660.306 Prohibitions.

* * * * *

(z) <u>Vessel monitoring systems</u>. (1) Use any vessel registered to a limited entry permit to operate in State or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or

California, unless that vessel carries a NMFS OLE type-approved mobile transceiver unit and complies with the requirements described at § 660.359.

- (2) Fail to install, activate, repair or replace a mobile transceiver unit prior to leaving port as specified at § 660.359.
- (3) Fail to operate and maintain a mobile transceiver unit on board the vessel at all times as specified at § 660.359.
- (4) Tamper with, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel as specified at § 660.359.
- (5) Fail to contact NMFS OLE or follow NMFS OLE instructions when automatic position reporting has been interrupted as specified at § 660.359.
- (6) Register a VMS transceiver unit registered to more than one vessel at the same time.
- (aa) Fishing in conservation areas. Fish with any trawl gear, including exempted gear used to take pink shrimp, spot and ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber; or with trawl gear from a tribal vessel or with any gear from a vessel registered to a groundfish limited entry permit in a conservation area unless the vessel owner or operator

has a valid declaration confirmation code or receipt for fishing in conservation area as specified at § 660.303(d)(5).

- (bb) Operate any vessel registered to a limited entry permit with a trawl endorsement in a Trawl Rockfish Conservation Area (as defined at 660.302), except for purposes of continuous transiting, with all groundfish trawl provided that all groundfish trawl gear is stowed in accordance with 660.322(b)(8), or except as authorized in the annual groundfish management measures published in the Federal Register.
- 6. In § 660.322 new paragraph (b)(7) is added to read as follows:

§ 660.322 Gear restrictions.

- (b) * * *
- (7) Trawl vessels may transit through the trawl RCA, with or without groundfish on board, provided all groundfish trawl gear is stowed either:
 - (i) Below deck; or
- (ii) If the gear cannot readily be moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; or
- (iii) Remaining on deck uncovered if the trawl doors are hung from their stanchions and the net is disconnected from the doors.

- 7. Section 660.359 is added to subpart G to read as follows: § 660.359 Vessel Monitoring System (VMS) Requirements.
- (a) What is a VMS? A VMS consists of a NMFS OLE type-approved mobile transceiver unit that automatically determines the vessel's position and transmits it to a NMFS OLE type-approved communications service provider. The communications service provider receives the transmission and relays it to NMFS OLE.
- (b) Who is required to have VMS? A vessel registered for use with a Pacific Coast groundfish limited entry permit that fishes in state or Federal water seaward of the baseline from which the territorial sea is measured off the states of Washington, Oregon or California is required to install a NMFS OLE type-approved mobile transceiver unit and to arrange for an NMFS OLE type-approved communications service provider to receive and relay transmissions to NMFS OLE, prior to fishing.
- (c) How are mobile transceiver units and communications

 service providers approved by NMFS OLE? (1) NMFS OLE will

 publish type-approval specifications for VMS components in the

 Federal Register or notify the public through other appropriate media.

- (2) Mobile transceiver unit manufacturers or communication service providers will submit products or services to NMFS OLE for evaluation based on the published specifications.
- (3) NMFS OLE may publish a list of NMFS OLE type-approved mobile transceiver units and communication service providers for the Pacific Coast groundfish fishery in the <u>Federal Register</u> or notify the public through other appropriate media. As necessary, NMFS OLE may publish amendments to the list of type-approved mobile transceiver units and communication service providers in the <u>Federal Register</u> or through other appropriate media. A list of VMS transceivers that have been type-approved by NMFS OLE may be mailed to the permit owner's address of record. NMFS will bear no responsibility if a notification is sent to the address of record and is not received because the applicant's actual address has changed without notification to NMFS, as required at 660.335 (a)(2).
- (d) What are the vessel owner's responsibilities? If you are a vessel owner that must participate in the VMS program, you or the vessel operator must:
- (1) Obtain a NMFS OLE type-approved mobile transceiver unit and have it installed on board your vessel in accordance with the instructions provided by NMFS OLE. You may get a copy of the VMS installation and operation instructions from the NMFS OLE

Northwest, VMS Program Manager upon request at 7600 Sand Point Way NE, Seattle, WA 98115-6349, phone: (206)526-6133.

- (2) Activate the mobile transceiver unit, submit an activation report, and receive confirmation from NMFS OLE that the VMS transmissions are being received before participating in a fishery requiring the VMS. Instructions for submitting an activation report may be obtained from the NMFS OLE, Northwest VMS Program Manager upon request at 7600 Sand Point Way NE, Seattle, WA 98115-6349, phone: (206)526-6133. An activation report must again be submitted to NMFS OLE following reinstallation of a mobile transceiver unit or change in service provider before the vessel may participate in a fishery requiring the VMS.
- (i) Activation reports. If you are a vessel owner who must use VMS and you are activating a VMS transceiver unit for the first time or reactivating a VMS transceiver unit following a reinstallation of a mobile transceiver unit or change in service provider, you must fax NMFS OLE an activation report that includes: Vessel name; vessel owner's name, address and telephone number, vessel operator's name, address and telephone number, USCG vessel documentation number/state registration number; if applicable, the groundfish permit number the vessel is registered to; VMS transceiver unit manufacturer; VMS communications service

provider; VMS transceiver identification; and a statement signed and dated by the vessel owner confirming compliance with the installation procedures provided by NMFS OLE.

- (ii) Ownership of the VMS transceiver unit may be transferred from one vessel to another vessel by submitting a new activation report, which identifies that the transceiver unit was previously registered to another vessel, and by providing proof of ownership of the VMS transceiver unit or proof of service termination from the communication service provider.
- (3) Operate the mobile transceiver unit continuously 24 hours a day throughout the calendar year, unless such vessel is exempted under paragraph(d)(4) of this section.
- (4) <u>VMS exemptions</u>. A vessel that is required to operate the mobile transceiver unit continuously 24 hours a day throughout the calendar year may be exempted from this requirement if a valid exemption report, as described at 660.359 (d)(4)(iii), is received by NMFS OLE and the vessel is in compliance with all conditions and requirements of the VMS exemption identified in this section.
- (i) <u>Haul out exemption</u>. When it is anticipated that a vessel will be continuously out of the water for more than 7 consecutive days and a valid exemption report has been received by NMFS OLE, electrical power to the VMS mobile transceiver unit may be

removed and transmissions may be discontinued. Under this exemption, VMS transmissions can be discontinued from the time the vessel is removed from the water until the time that the vessel is placed back in the water.

- (ii) Outside areas exemption. When the vessel will be operating seaward of the EEZ off Washington, Oregon, or California continuously for more than 7 consecutive days and a valid exemption report has been received by NMFS OLE, the VMS mobile transceiver unit transmissions may be reduced or discontinued from the time the vessel leaves the EEZ off the coasts of Washington, Oregon or California until the time that the vessel re-enters the EEZ off the coasts of Washington, Oregon or California. Under this exemption, the vessel owner or operator can request that NMFS OLE reduce or discontinue the VMS transmissions after receipt of an exemption report, if the vessel is equipped with a VMS transceiver unit that NMFS OLE has approved for this exemption.
- (iii) Exemption reports must be submitted through the VMS or another method that is approved by NMFS OLE and announced in the Federal Register. Other methods may include email, facsimile, or telephone. NMFS OLE will provide, through appropriate media, instructions to the public on submitting exemption reports.

 Instructions and other information needed to make exemption

reports may be mailed to the limited entry permit owner's address of record. NMFS will bear no responsibility if a notification is sent to the address of record and is not received because the permit owner's actual address has changed without notification to NMFS, as required at 660.335 (a)(2). Owners of vessels registered to limited entry permits that did not receive instructions by mail are responsible for contacting NMFS OLE during business hours at least 3 days before the exemption is required to obtain information needed to make exemption reports. NMFS OLE must be contacted during business hours (Monday through Friday between 0800 and 1700 Pacific Standard Time).

- (iv) Exemption reports must be received by NMFS at least 2 hours and not more than 24 hours before the exempted activities defined at § 660.359 (d)(4)(i) and (ii) occur. An exemption report is valid until NMFS receives a report canceling the exemption. An exemption cancellation must be received at least 2 hours before the vessel re-enters the EEZ following an outside areas exemption or at least 2 hours before the vessel is placed back in the water following a haul out exemption.
- (5) When aware that transmission of automatic position reports has been interrupted, or when notified by NMFS OLE that automatic position reports are not being received, contact NMFS OLE at 7600 Sand Point Way NE, Seattle, WA 98115-6349, phone:

(206)526-6133 and follow the instructions provided to you. Such instructions may include, but are not limited to, manually communicating to a location designated by NMFS OLE the vessel's position or returning to port until the VMS is operable.

- (6) After a fishing trip during which interruption of automatic position reports has occurred, the vessel's owner or operator must replace or repair the mobile transceiver unit prior to the vessel's next fishing trip. Repair or reinstallation of a mobile transceiver unit or installation of a replacement, including change of communications service provider shall be in accordance with the instructions provided by NMFS OLE and require the same certification.
- (7) Make the mobile transceiver units available for inspection by NMFS OLE personnel, U.S. Coast Guard personnel, state enforcement personnel or any authorized officer.
- (8) Ensure that the mobile transceiver unit is not tampered with, disabled, destroyed or operated improperly.
- (9) Pay all charges levied by the communication service provider as necessary to ensure continuous operation of the VMS transceiver units.

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 (2)(A)).

DATES: Written comments must be submitted on or before April 24, 2006.

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

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Joe Giannamore, Economist, National Institute of Standards and Technology, Manufacturing Extension Partnership, 100 Bureau Drive, Stop 4800, Gaithersburg, MD 20899–4800, 301–975–4614 (phone) and 301–926–3787 (fax). In addition, written comments may be sent via e-mail to joseph.giannamore@nist.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Sponsored by NIST, the Manufacturing Extension Partnership (MEP) is a national network of locally based manufacturing extension centers working with small manufacturers to help them improve their productivity, improve profitability and enhance their economic competitiveness.

The information is collected to provide the Manufacturing Extension Partnership (MEP) with information regarding MEP Center performance in the delivery of technology, and business solutions to U.S.-based manufacturers. The information obtained will assist in determining the performance of the MEP Centers at both a local and national level, as well as, the impact on the national economy. Responses to the collection of information are mandatory per the regulations governing the operation of the MEP Program (15 CFR parts 290, 291, 292, and H.R. 1274section 2). No confidentiality for information submitted is promised or provided.

This collection under the Paperwork Reduction Act received prior Office of Management and Budget clearance in May 2003, and this clearance expires on May 31, 2006.

II. Method of Collection

Web forms will be used to collect and analyze a wide range of information from the MEP centers, which includes customer satisfaction, center activities, center staff, quarterly expenses and revenues, partners and affiliates strategic plan, operating plans, and client success stories.

III. Data

OMB Number: 0693–0032. Form Number: None.

Type of Review: Regular submission. Affected Public: Business or other forprofit organizations.

Estimated Number of Respondents: 59.

Estimated Time per Response: 127 hours.

Estimated Total Annual Burden Hours: 7,493.

Estimated Total Annual Cost: \$374,650.

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 costs) 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 will also become a matter of public record.

Dated: February 16, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–2524 Filed 2–22–06; 8:45 am]
BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Vessel Monitoring Program for the Pacific Coast Groundfish 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.

DATES: Written comments must be submitted on or before April 24, 2006.

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

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Renko, (206) 526–6110 or *Becky.Renko@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA has established large-scale depth-based management areas, referred to as Groundfish Conservation Areas (GCAs), where groundfish fishing is prohibited or restricted. These areas were specifically designed to reduce the catch of species while allowing healthy fisheries to continue in areas and with gears where little incidental catch of overfished species is likely to occur. Because NOAA needs methods to effectively enforce area restrictions, certain commercial fishing vessels are required to install and use a vessel monitoring system (VMS) that automatically send hourly position reports. Exemptions from the reporting requirement are available for inactive vessels or vessels fishing outside the monitored area. The vessels are also required to declare what gear will be used.

To ensure the integrity of the GCAs and Rockfish Conservation Areas, a pilot VMS program was implemented on January 1, 2004. The pilot program required vessels registered to Pacific Coast groundfish fishery limited entry permits to carry and use VMS transceiver units while fishing off the coasts of Washington, Oregon and California. The VMS program coverage is being expanded on January 1, 2007, to include all open access fisheries in addition to the limited entry fisheries.

A separate notice will be published regarding the proposed rule RIN 0648–AU08.

II. Method of Collection

The installation/activation reports are available over the Internet. Due to the need for the owner's signature, installation reports must be faxed or mailed to NMFS. Hourly position reports are automatically sent from VMS transceivers installed aboard vessels. Exemption reports and declaration reports are submitted via a toll-free telephone number.

III. Data

OMB Number: 0648–0478. Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other forprofits organizations; individuals or households.

Estimated Number of Respondents: 2,061.

Estimated Time per Response: VMS installation: 4 hours; VMS maintenance: 4 hours; installation, exemption and activation reports: 5 minutes each; VMS transmissions: 5 seconds; and declaration reports: 4 minutes.

Estimated Total Annual Burden Hours: 44,687.

Estimated Total Annual Cost to Public: \$2,257,000.

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: February 16, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6-2525 Filed 2-22-06; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021606A]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NOAA Fisheries), National Oceanic and Atmospheric Administration (NOAA), Commerce. ACTION: Receipt of applications for

ACTION: Receipt of applications for renewal and modification and request for comment.

SUMMARY: Notice is hereby given that NMFS has received applications to renew and modify permits from U.S. Fish and Wildlife Service, Arcata, CA (Permit 1068). This permit would affect SONCC coho salmon (Oncorhynchus kisutch), California Coastal (CC) Chinook salmon (O. tshawytscha) and Northern California (NC) steelhead (O. mykiss) This document serves to notify the public of the availability of the permit application for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Daylight savings time on March 27, 2006.

ADDRESSES: Written comments on this renewal and modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment:

For Permit 1068: Steve Liebhardt, Protected Species Division, NMFS, 1655 Heindon Road, Arcata, CA 95521 (ph: 707–825–5186, fax: 707–825–4840).

FOR FURTHER INFORMATION CONTACT: Steve Liebhardt at phone number (707–825–5186), or e-mail: steve.liebhardt@noaa.gov.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and

policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NOAA Fisheries regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see ADDRESSES). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the following four threatened salmonid ESUs: Southern Oregon/Northern California Coast (SONCC) coho salmon (Oncorhynchus kisutch), Central California Coast (CCC) coho salmon, Northern California (NC) steelhead (O. mykiss), and California Coastal (CC) Chinook salmon (O. tshawytscha). Renewal and Modification Requests Received.

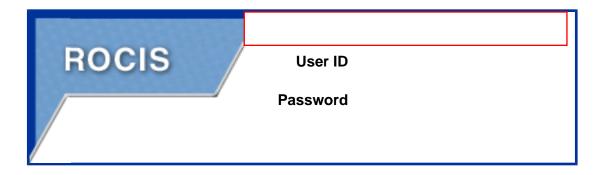
Permit 1068

The U.S. Fish and Wildlife Service (USFWS) has requested the renewal and modification 2 of Permit 1068 for take of SONCC coho salmon, associated with 2 new or modified studies assessing coho salmon in selected locations in the Klamath River. The USFWS proposes to capture juvenile and adult salmon and steelhead by rotary screw traps, seine nets, minnow traps, in-stream pipe traps, seines, weirs, trawl, and electrofishing. Renewal and Modification 1 of Permit 1068 was originally issued on April 15, 2005. USFWS has requested lethal take of up to: 168,566 juvenile and 200 adult SONCC coho salmon, 173,987 juvenile CC Chinook salmon, Renewal and Modification 2 of Permit 1068 will include two new studies using SONCC coho salmon caught in screw traps and seines to identify disease and pathogens and how it effects survival rates of salmonids. These two new studies would "sacrifice" (intentional mortality) up to 450 wild coho salmon and up to 530 hatchery coho salmon (980 coho salmon).

Renewal and Modification 2 of Permit 1068 will expire on September 1, 2013.

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ROCIS Broadcast Message

For those Information Collections that will expire at the end of this month that do not already have a pending submission in OIRA, it is imperative that a new submission or a request for emergency extension or discontinuation be received by OIRA no later than the 15th of this month.

There are several ways to check what is expiring:

- 1 . Reports— ICR_Expirations_By_Agency Report Click on Expiring and Expired and select your agency.
- 2. Advanced Search
- 3 . Filter List on All Concluded . Either sort on Expiration Date column or use the Filter query . Select Concluded In with no limitation, Current Expiration Date, and Agency . Remember to use the last day of the month when requesting expiration dates, September 30, 2006, for instance.

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