

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 09/28/2003
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 08/20/2003.

TITLE: Commercial Fisheries Employment Survey

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0485

EXPIRATION DATE: 09/30/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	7,000	583	0
Difference	7,000	583	0
Program Change		583	0
Adjustment		0	0

TERMS OF CLEARANCE:

OMB requests a report on the responses rates achieved for this survey at its conclusion.

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
COMMERCIAL FISHERIES EMPLOYMENT SURVEY**

A. JUSTIFICATION

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

The purpose of this data collection is to provide information about commercial fishing employment in all vessel-based federal and state fisheries of the United States. The survey asks vessel owners and/or captains to report the number of crew employed on an average trip in each fishery they participate in, as well as the number of days per month that they fish per fishery. Data will be used in descriptive analyses of the economic significance of the commercial harvest sector.

The need for economic information and the authorization to collect these data are found in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*), and Executive Order 12866.

The Magnuson-Stevens Act established the policy that the nation's fisheries should be "conserved and maintained so as to provide optimum yields on a continuing basis," and created eight regional fishery management councils to manage the nation's fisheries in Federal waters. Eight of the ten National Standards under the Magnuson-Stevens Act which provide guidance to the fishery management councils have implications for economic analyses. Under section 303 (a) (9) of the Magnuson-Stevens Act, a fishery management plan must include a Fishery Impact Statement (FIS), which assesses, specifies, and describes the likely effects of the conservation and management measures on participants in the fisheries being managed, fishing communities dependent on these fisheries, and participants in fisheries in adjacent areas.

Executive Order 12866 requires an economic analysis of the benefits and costs to society of each regulatory alternative that was considered by the regional fishery management council, and a determination of whether the rule is significant. Under the Regulatory Flexibility Act (RFA), the Small Business Administration needs a determination of whether a proposed rule has a significant impact on a substantial number of small entities that are to be directly regulated.

The analysis for National Environmental Policy Act (NEPA) involves a determination of whether Federal actions significantly affect the human environment. This requires a number of different types of economic analyses including the impact on entities that are directly regulated and those that are indirectly affected.

This data collection will help satisfy these regulatory objectives and analytical requirements by providing estimates, by fishery and by region, of the number of individuals employed in commercial fisheries. In addition, it will assist NOAA Fisheries in choosing policies that meet

conservation/management goals and minimize to the extent possible the economic effects on fishery participants.

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.

Information acquired with this data collection will be used by NMFS economists for descriptive and analytical purposes. The survey will provide policy makers with much needed information on the numbers of people employed in commercial fisheries, but will only provide a snapshot of the employment situation in 2002. As there are currently no other readily available sources of information about commercial fishing employment in the U.S., it is anticipated that these data will be cited and used by social scientists and policy makers until such time as this survey is repeated.

The survey is presented in tabular format, and asks each vessel owner or captain to report, for the calendar year 2002, the average number of crew taken on a trip and the number of days fished in each 2-month period in each fishery. This will allow for the estimation of: the total number of crew members employed (annually and by month) in all U.S. commercial fisheries; the total number of crew members employed by fishery (annually and by month); and the total number of days of employment by fishery and across all fisheries. The questions are asked on a monthly basis both to examine seasonal employment patterns and to assist respondents with recall.

It is essential to obtain information regarding both the number of crew and the number of days fished per fishery to paint a complete picture of employment. For example, Fishery A may have 100 people employed in it, but only for 2 weeks out of the year (for 1400 crew days). Fishery B might employ 50 people, but operate for 26 weeks (for 9100 crew days). Without information about the days of operation, it would appear that Fishery A provides more employment; however, it is clearly Fishery B that supports a higher level of employment.

Depending on the other information available regarding each vessel, it should also be possible to provide estimates of employment (as described above) by state or by vessel characteristics such as gear type. All of these estimates are of interest to policy makers as they attempt to determine the impact of fishing regulations on employment in commercial fisheries.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The administered survey will be a mail survey that has four distinct mailouts (see Table I in Section B.3). The statement of work for this contract asks that contractors identify technological innovations to be used to record and track responses. It is possible that bar code identification will be used to accomplish this; however, the final tracking mechanism will be left to the decision of the contractor.

4. Describe efforts to identify duplication.

There are other commercial fisheries surveys that have asked or are currently asking questions about crew size and/or employment in the commercial harvest sector. For example, The "Commercial Harvester and Recreational Party and Charter Boats Sociocultural and Economic Data Collection Pilot Study" conducted in the Northeast region of the U.S. asks the number of crew employed on one particular trip, once per quarter (or four trips per year). The West coast-Alaska economic performance surveys have approval to ask employment questions; however, of the surveys completed (e.g., the albacore survey, the drift gillnet survey, the West Coast Cost, Earnings and Employment Survey of the groundfish fleet), none ask for information on 2003 operations. Likewise, the North Carolina and Louisiana king and Spanish mackerel pilot survey asks average crew size for a typical trip for either king mackerel, Spanish mackerel, or for the largest catch of any other species, but the survey year is 2001. The Pacific charter boat survey asks for total number of employees (full- and part-time) on an annual survey and both this survey and the and Gulf of Mexico charter boat survey ask for 'number of crew on board for this trip' on a trip-level survey. Only the Gulf of Mexico survey, however, which ran from July 2002 through June 2003, asks for crew information for any part of 2003. The Caribbean trap fishery survey asks for minimum crew necessary and 'number of crewmembers normally taken on a trip.'

Despite the various surveys described above, there are a number of reasons why the current proposed survey will need to sample from the entire population of U.S. commercial fishing vessels (with the exception of Puerto Rico and U.S.V.I.). First, particularly for observer programs, the sampling coverage is often quite low, leading to highly variable estimates. Second, the sampling design is usually driven by other issues (e.g., bycatch) and the sample selected is not necessarily a representative sample of fleet activity. Finally, and most importantly, none of these surveys asks for the complete set of information necessary to yield estimates of employment in all fisheries at a given point in time. The problem with fishery-specific surveys is that both fishermen and vessels often participate in more than one fishery during the year. As such, fishery-specific surveys do not capture information about employment on a vessel in a fishery other than that being surveyed. To estimate total employment, it is necessary to collect average crew per trip per fishery as well as the number of days spent fishing *in each fishery* (as discussed in Question 2). Relying on existing information from a single fishery could lead to under- or overestimates of employment, depending on the degree of mobility of employment in that fishery. Finally, as mentioned above, the one-time surveys that

have been completed to date do not collect information on fishing operations for 2003, the reference year for this survey.

As a side note, the information gathered in this survey could be used to cross-check or validate employment information collected from other surveys, observer programs or instruments such as logbooks.

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

Some of the commercial boats that will be surveyed are small businesses as defined by the Small Business Administration. This data collection proposes to minimize reporting burden by requesting that only a sample of boats provide economic information. Boats not selected in the sample will not be required to report economic information. Additionally, the employment survey will be sent to commercial fishing vessel owners and/captains in January (2004), a period when the least fishing activity occurs. The estimated time to complete the survey is 5 minutes. A pre-addressed pre-stamped envelope will be provided to respondents so that there is no financial cost associated with responding.

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

This survey will request information about employment of commercial fishermen. If these data were not collected, then economists would be less able to estimate the effects of regulation on employment. Proposed regulations for commercial fisheries would continue to be debated with limited economic information. While we cannot prove that the existence of economic data would alter regulation in any fishery, it is our belief that this information will lead to a better understanding of the economic effects of proposed management and will enable fishery managers to make better-informed decisions among regulatory alternatives. Finally, this is a one-time data collection, and therefore cannot be conducted less frequently.

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

This collection is consistent with OMB guidelines.

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

A Federal Register Notice (copy attached) solicited public comment on this proposed collection. No comments were received.

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

No monetary payments or other remuneration will be given to respondents.

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

All data that are submitted are treated as confidential in accordance with NOAA Administrative Order 216-100. Only group averages or group totals will be presented in any reports, publications, or oral presentations of the study's results.

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

There are no questions of a sensitive nature in this collection.

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

It is estimated that approximately 7,000 vessel owners or captains will be surveyed. At a response time of 5 minutes each, this yields an estimate of 583 burden hours. Respondents should be able to complete the survey without consulting records, and are expected to readily identify the fisheries they participated in, the average number of crew per trip and the days fished.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

There will be no financial cost to the public to participate in this survey. Information to be gathered from this study will be readily available from vessel settlement sheets, logbook records, or from the respondents' knowledge of employment practices.

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

The proposed budget for the contract to conduct this work in FY04 is \$175,000. This includes development of the survey design, development and pre-testing of the survey instrument, conduct of the survey, database development, data entry, preparation of statistical estimates, and preparation of all reports. There is no other cost to the government other than the labor cost of staff for oversight of contract administration.

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

There is currently no way to estimate regional or national employment in commercial fisheries in a systematic, consistent fashion. This is a new survey effort. Therefore, all the burden hours identified above will be a program change.

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

While the main purpose of this survey is to provide estimates of commercial fishing employment for use in Regulatory Impact Reviews and Environmental Assessments for Fishery Management Plans, it is possible that summary information will be published. This information would be aggregated by fishery and/or by state or region. Possible venues for publication include Fisheries of the United States, and future editions of Our Living Oceans: Economic Status of U.S. Fisheries, both publications of NOAA Fisheries.

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 expiration date for OMB approval will be printed on all materials sent to respondents.

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

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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

The potential respondent universe is any commercial fishing vessel that (1) holds a federal or state permit or license; and (2) participated in fishing activity in either state or federal waters in the year 2002 or 2003. Based on information from U.S. Coast Guard files and federal permit files, it is estimated that there are at least 20,000 federally-permitted fishing vessels, and possibly as many as 25,000-30,000 state fishing vessels. It is expected that approximately 20% (or 10,000) of the federal and state vessels will be sampled nationwide. Sampling strategy will be a stratified random sample, with strata potentially including gear type, fishery, and geographic location. Dillman's Total Design Method (1978) for mail surveys will be followed to ensure

maximum participation. It is expected that the overall response rate will be 70%. This survey has not been conducted before.

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

Once the sample frame for the potential universe has been created, information about each vessel and its fishing activity will be used to stratify the sample. It is expected that available information will vary from state to state, between federal and state fisheries, and fishery to fishery. However, potential strata include length of the vessel, gear type, species targeted, and county/state of landings. While the ultimate goal is to provide estimates of employment by state and by fishery, whenever these variables are available, this information will be used to select a stratified random sample of respondents. It is anticipated that the federal fisheries will have more information available for stratification, while state fisheries will have much more variation in the amount and quality of information available. Every effort will be made to utilize existing information.

The population of potential respondents will be known from a compilation of state and federal permit and license files. This population information will allow the results from the sample to be generalized to the population level by weighing the data points in each stratum by the proportion of the population represented by that stratum.

Variances, standard errors and coefficients of variation will be estimated for employment estimates at the state level. Use of a stratified random sample design should reduce error to a statistically acceptable level.

We do not anticipate any unusual problems requiring specialized sampling procedures. As this is a one-time survey of employment, less frequent surveying is not an option.

3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.

Dillman's Total Design Method (TDM) has been widely used in survey research as a way to increase response rates for mail surveys¹. The major steps of the method are outlined below (see Table I). First, each respondent is sent an initial letter that describes the purpose of the survey and how the information will be used. The actual mail survey should be sent to respondents

¹ See Don A. Dillman, Mail and Telephone Surveys: The Total Design Method. John Wiley and Sons, NY. 1978.

within two weeks of receiving the introductory letter. The survey packet will contain a cover letter and the actual questionnaire. The questionnaire will not exceed one page.

One week after this mailing, a postcard will be sent to all respondents. It will motivate the study a bit more, and will thank respondents who have already responded and remind those that did not to respond. Three weeks after the initial mailing, another follow-up mailing will be sent, but only to non-respondents. This will have the complete packet with a slightly modified cover letter and the questionnaire.

Table I. Dillman’s Total Design Method

Time	Activity
Initial contact	Mail introductory letter
Within two weeks of introductory letter	Mail survey packet
One week later	Followup postcard
3 weeks later	Re-mail survey packet to non-respondents

To address the issue of non-response bias (i.e., bias introduced because those who responded were systematically different from those who did not), a small sample of those who have not responded after three mailings will be randomly selected and contacted by phone. These individuals will be asked the same employment questions that are on the mail survey.

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

No additional testing will be done.

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

Both Dr. David Van Voorhees and Dr. Thomas Sminkey, statisticians in the NMFS Office of Science and Technology, consulted on the statistical aspects of the survey design. They can both be reached at 301-713-2328. The actual survey will be conducted by a consulting firm selected competitively. A prerequisite for selection of the consulting firm will be that the firm has at least one senior statistician who will be responsible for the final statistical design and administration of the survey.

Dear Vessel Owner or Captain:

Important information on any industry includes national employment figures. Fishing is no exception. We are interested in learning how many people work on commercial fishing and for-hire vessels throughout the United States. To estimate employment in the nation's fisheries, we need to know how many crew worked on a fishing vessel throughout the year, and how many days the vessel spent in each fishery.

You have been randomly selected from a national list of state or federally registered commercial or for-hire vessels to receive this survey. While your response is voluntary, we would greatly appreciate it if you could complete the enclosed form for {VESSEL IDENTIFIER} and return it in the prepaid envelope provided. In order for the results to accurately reflect the size of the commercial harvest industry, it is important that each survey be completed and returned.

You may be assured of complete confidentiality, in accordance with Section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act and NOAA Administrative Order 216-100, "Confidentiality of Fishery Statistics." The questionnaire has an identification number for mailing purposes only. This is so that we can check your name off the mailing list when your questionnaire is returned. Your name will never be placed on the questionnaire.

Public reporting burden for completing this form is estimated to average **five minutes** per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Amy Gautam, NMFS Office of Science and Technology, 1315 East-West Highway, Silver Spring, MD 20910.

The results of this research will be made available to the National Marine Fisheries Service, fishery management councils, state agencies, and all interested citizens. You may receive a summary of results by writing "copy of results requested" on the back of the return envelope, and printing your name and address below it. Please do not put this information on the questionnaire itself.

I would be most happy to answer any questions you might have. Please write, call, or email me. The telephone number is (301) 713-2328.

Thank you in advance for your time and assistance.

Sincerely,

Amy Gautam, Ph.D.
NMFS Office of Science and Technology
1315 East-West Highway
Silver Spring, MD 20910
amy.buss.gautam@noaa.gov

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

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

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

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

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

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

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

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

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

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

(4) assess and specify--

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

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

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

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

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

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

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

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

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

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

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

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

(A) minimize bycatch; and

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

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

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

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

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

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

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

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

(B) the operator of any such vessel; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97-453, 104-297

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

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

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

EFFECTIVE DATE: May 1, 2003.

FOR FURTHER INFORMATION CONTACT: Susan Lehman or Richard Rimlinger, AD/CVD Enforcement Group I, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: 202-482-0180 or 202-482-4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 17, 1997, the Department of Commerce (the Department) published *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 66472, and on November 20, 1997, it published *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom: Amended Final Results of Antidumping Duty Administrative Reviews*, 62 FR 61963 (collectively, *AFBs 7*), which covered the period May 1, 1995, through April 30, 1996. The Japanese companies covered by the reviews are NTN Corporation (NTN), NSK Ltd. (NSK), Koyo Seiko Co., Ltd. (Koyo), Nippon Pillow Block Manufacturing Company (NPBS), and Nachi Fujikoshi (Nachi). The classes or kinds of merchandise covered by these reviews are ball bearings and parts thereof (BBs), cylindrical roller bearings and parts thereof (CRBs), and spherical plain bearings and parts thereof (SPBs). Various parties appealed *AFBs 7*.

On June 5, 2000, the Court issued an order in *NTN Bearing Corporation of America, NTN Corporation, American NTN Bearings Manufacturing Corporation, NTN Driveshaft, Inc. and NTN-Bower Corporation; NSK Ltd. and NTN Corporation; Koyo Seiko Co., Ltd. and Koyo Corporation of U.S.A. v. United States*, Consol. Court No. 97-10-01801, Slip Op. 00-64 (June 5, 2000) (*NTN*), remanding *AFBs 7* to the Department. In *NTN*, the Court remanded *AFBs 7* to the Department to make the following changes: 1) annul all findings and conclusions made pursuant to the duty-absorption inquiry conducted for the reviews; 2) make adjustments pursuant to section 772(c) of the Tariff Act of 1930 as amended (the Act), to section 772(a)'s starting price for determining export price; 3) make adjustments pursuant to sections

772(c) and (d) of the Act to section 772(b)'s starting price for determining constructed export price (CEP); 4) articulate how the record supports the Department's decision to recalculate NTN's home-market indirect selling expenses without regard to level of trade; 5) clarify how the Department complied with sections 776 and 782 of the Act by using facts available and applying an adverse inference with respect to NTN's alleged zero-price sample sales and, if the Department determined that it conformed with the statutory framework, to include NTN's sample sales in its U.S. sales database or, if the Department determined that it did not adhere to all of the statutory prerequisite conditions, to give NTN the opportunity to remedy or explain any deficiency regarding its sample sales; and 6) clarify whether NTN was provided with notice and opportunity to respond pursuant to sections 776 and 782 of the Act with regard to its cost-of-production (COP) and constructed-value (CV) data. The remand affected the Department's calculations for NTN, Koyo, and NSK with respect to the antidumping duty orders on BBs, CRBs, and SPBs from Japan for the period May 1, 1995, through April 30, 1996.

The Department submitted its Remand Results to the Court on September 5, 2000. On February 23, 2001, the Court affirmed the Department's Remand Results in their entirety. NTN, NSK, and Koyo appealed the ruling of the Court and the lawsuit was litigated at the United States Court of Appeals for the Federal Circuit (CAFC). On June 28, 2002, the CAFC affirmed the judgment of the Court.

As there is now a final and conclusive court decision with respect to NTN, NSK, and Koyo, we are amending our final results of review for these companies and we will subsequently instruct the U.S. Customs Service to liquidate the relevant entries subject to these reviews.

Amendment to Final Results

Pursuant to section 516A(e) of the Act, we are now amending the final results of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan, for the period of May 1, 1995, through April 30, 1996, with respect to NTN. The current rates for NTN are as follows: 6.94 for BBs, 4.33 for CRBs, and 7.19 for SPBs. There are no rate changes for Koyo, Nachi, NPBS, or NSK. Accordingly, the Department will determine and the U.S. Customs Service will assess appropriate antidumping duties on entries of the subject

merchandise produced by NTN, NSK, and Koyo. Individual differences between United States price and foreign market value may vary from the percentages listed above. The Department will issue appraisal instructions to the U.S. Customs Service within 15 days of publication of these amended final results of reviews.

The Court remanded *AFBs 7* to the Department to annul all findings and conclusions made pursuant to the duty-absorption inquiry it conducted in *AFBs 7*. The Department complied with the remand as directed by the Court with respect to Koyo, NSK, and NTN and annulled all findings and conclusions made pursuant to its duty-absorption inquiry conducted for the subject reviews with respect to Koyo, NSK, and NTN. The Court affirmed the Department's remand in its entirety.

This notice is published pursuant to section 751(a) of the Act.

Dated: April 24, 2003.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 03-10792 Filed 4-30-03; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042503B]

Proposed Information Collection; Comment Request; Commercial Fisheries Employment 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 June 30, 2003.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the information collection instrument and instructions should be directed to Amy Gautam, NMFS ST1, 1315 East-West Highway, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION:

I. Abstract

The data will be collected to estimate full- and part-time employment in commercial fisheries. This information is needed to identify how many individuals are affected by proposed commercial fishing regulations. Respondents will be commercial fishing vessel owners and captains.

II. Method of Collection

Respondents will complete a paper questionnaire to be mailed back to the NMFS or contractor conducting the survey on NMFS' behalf.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Time Per Response: 5 minutes.

Estimated Total Annual Burden Hours: 833.

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: April 24, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-10798 Filed 4-30-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by Luz Torres DeRosa, Pedro Vidal, Frontera Colley and Fernando E. Otero Rodriguez From Objections by the Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of appeals and request for comments.

SUMMARY: Luz Torres DeRosa, Pedro Vidal, Frontera Colley and Fernando E. Otero Rodriguez (Appellants), filed with the Secretary of Commerce (Secretary) four separate notices of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.*, and the Department of Commerce's implementing regulations, 15 CFR part 930, subpart H. The appeals are taken from objections by the Puerto Rico Planning Board (PRPB) to the Appellants' consistency certifications for U.S. Army Corps of Engineers' permits for the reconstruction of stilt houses. The proposed projects are located within the maritime-terrestrial zone, territorial waters and submerged lands.

DATES: Public comments on the appeals are due within 30 days of the publication of this notice.

ADDRESSES: Comments should be sent to Mary Elliott Rolle, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Public filings made by the parties to the appeals may be available at the NOAA Office of the Assistant General Counsel for Ocean Services and the Puerto Rico Planning Board, Minillas Government Center, North Building, De Diego Ave. Stop 22, San Juan, Puerto Rico 00940-1119.

FOR FURTHER INFORMATION CONTACT: Mary Elliott Rolle, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 or at 301-713-2967, extension 216.

SUPPLEMENTARY INFORMATION:

I. Notice of Appeals

Luz Torres DeRosa, Pedro Vidal, Frontera Colley and Fernando E. Otero Rodriguez (Appellants), filed with the

Secretary of Commerce (Secretary) four separate notices of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.*, and the Department of Commerce's implementing regulations, 15 CFR part 930, subpart H. The regulations have been revised as of January 8, 2000. These matters fall under the old regulations in place at the time of the filings of these appeals. The appeals are taken from objections by the Puerto Rico Planning Board (PRPB) to the Appellants' consistency certifications for U.S. Army Corps of Engineers' permits for the reconstruction of stilt houses. The proposed projects are located within the maritime-terrestrial zone, territorial waters and submerged lands.

The CZMA provides that a timely objection by a state precludes any federal agency from issuing licenses or permits for an activity unless the Secretary finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3)(A). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122.

The Appellants request that the Secretary override the Board's consistency objections based on Ground I. To make the determination that a proposed activity is "consistent with the objectives" of the CZMA, the Secretary must find that: (1) The proposed activity furthers one or more of the competing national objectives or purposes contained in section 302 or 303 of the CZMA; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; (3) the activity will not violate any requirements of the Clean Air Act, as amended, or the Federal Water Pollution Control Act, as amended; and (4) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of Puerto Rico's coastal zone management program. See 15 CFR 930.121.

II. Public Comments

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121. Comments are due within 30 days of the publication of this notice and should be sent to Mary Elliott Rolle, Attorney-Adviser, Office of the Assistant General Counsel for Ocean