

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 04/20/2007

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 01/31/2007

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200612-0648-003
TITLE: Pacific Islands Region Permit Family of Forms
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change
OMB CONTROL NUMBER: 0648-0490

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: 04/30/2008

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	208	94	99
New	384	157	9,762
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	176	63	9,663
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE: This collection is approved for one year. However, collection of Social Security Number is not approved as the agency has failed to demonstrate practical utility for the information at this time. In addition, the agency has no Privacy Act system of records in place and has not documented its means of protecting personal information on what would otherwise be a business record.

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
Pacific Islands Region Permit Family of Forms	NA, NA	Pacific Islands Region Federal Fisheries Permit Application Form, Pacific Islands Region American Samoa Pelagic Longline Limited Access Limited Entry Permit Form	

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
PACIFIC ISLANDS REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO.: 0648-0490**

INTRODUCTION

This Supporting Statement describes a renewal/revision of the existing information collection under Office of Management and Budget (OMB) Control No.: 0648-0490.

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, such as the Western Pacific Fishery Management Council (WPFMC), to develop fishery management plans (FMPs) for fisheries in the U.S. exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce (Secretary), are implemented by Federal regulations and enforced by the National Marine Fisheries Service (NMFS) and U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. FMPs regulate fishing to ensure the long-term productivity and optimum yield of the resources for the benefit of the U.S.

The WPFMC and NMFS have jurisdiction over fisheries in Federal waters of the Pacific Ocean seaward of American Samoa, Guam, Hawaii, the Commonwealth of the Northern Mariana Islands (NMI), and the Pacific Remote Island Areas (PRIA)¹. WPFMC has prepared, and the Secretary has approved and implemented through regulations, FMPs for crustacean, precious coral, pelagic, bottomfish/seamount groundfish, and coral reef ecosystem fisheries in the western Pacific. Each of these FMPs contains a requirement that commercial fishery participants obtain Federal permits for the fishery. There are three types of permits: open access fishery permits (e.g., western Pacific general longline fishing and receiving permits, pelagic troll & handline permits, lobster permits, precious coral permits), limited access permits for selected fisheries (e.g., Hawaii-based pelagic longline fishery, American Samoa pelagic longline fishery), and experimental fishing permits.

This clearance request is for renewal/revision of the currently approved collection of information under the Pacific Islands Region Permit Family of Forms (OMB Control No.: 0648-0490).

This collection of information is needed for permit issuance, to identify actual or potential participants in the fishery, determine qualifications for permits, and to help measure the impacts of management controls on the participants in the fishery. The permit program is also an effective tool in the enforcement of fishery regulations and serves as a link between NMFS and fishermen.

¹Howland, Baker, Jarvis, Wake and Palmyra Islands, Johnston Atoll, Midway Atoll, and Kingman Reef.

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 is collected via a permit application process. Permits are valid for one calendar year and may be renewed annually, except for the American Samoa longline limited entry permit, which is effective for three years. Information from the permit application form will allow NMFS, Pacific Islands Region, to confirm the identity of the permit holder and applicant, and to determine whether the applicant qualifies for the permit. Vessel-related information such as vessel documentation or registration, ownership, managing ownership, etc., are used by NMFS to determine whether the applicant is an owner of a U.S. documented/registered vessel. The information may also be used by NMFS enforcement, the USCG, and the WPFMC.

Revisions were made to the permit application form:

1. Collection of information on the vessel operator was removed as this information changes frequently, and can be obtained more efficiently through other means. Agents often submit applications on behalf of their clients, and to document the agent's authorization, a signed letter from the permit holder authorizing the agent to act on his/her behalf is required.
2. The Taxpayer Identification Number, also known as Employer Identification Number, is required when a business is listed as the owner of the vessel (the Social Security Number is required when an individual is the owner of the vessel).
3. The Date of Birth or Date of Incorporation is required of an individual or a corporation to verify identity.
4. The email address is requested of the applicant to facilitate communication.
5. The Business Contact, Contact Title, and Applicant's Title are required to verify whether the applicant is representing a corporation or partnership or acting as an agent.

The additional information required is offset by the removal of the operator information and should result in no net change to the information collection burden.

The collection includes annual requests by eligible Hawaii longline limited entry permit holders for shallow-set certificates. The certificates are required to conduct shallow-set (swordfish) longline fishing. A limited number of certificates are issued annually to those who request certificates.

This collection also includes information involving appeals of permit denials. The appellant must provide documentation to show why a permit should have been granted. The information is used by the NMFS Pacific Islands Regional Administrator in making a final determination on permit issuance under the FMP. The frequency of appeals for permit denials is expected to be 4 per year, if any.

It is anticipated that business 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. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with Federal law and regulations, and National Oceanic and Atmospheric Administration (NOAA) policies 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.

None of the federal permit application forms for western Pacific fisheries, including this collection, are currently submitted in electronic form; however, permits via facsimile have been submitted. NMFS is developing a web based permits program that would allow applicants to apply for permits online. It is expected that such a program can be implemented in the near future.

4. Describe efforts to identify duplication.

NMFS carefully considered whether there were collections by other Federal agencies or state or territorial agencies that might meet the information needs presented above. It was concluded that no other collections, besides the requested collecting information, would meet these reporting requirements.

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

All of the vessels in the Federally-managed fisheries in the western Pacific region are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. The minimum amount of data needed for permit issuance and consistent with this collection is sought in the permit application process.

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

Without this collection or if it is collected less frequently, NMFS will be unable to properly evaluate permit applications issued under the western Pacific FMPs. Also, it will be difficult to monitor the fisheries and their participants, determine entry and exit patterns, and provide information needed to ensure full impact analysis for fisheries management programs. Without this information enforcement agents will not be able to identify current fishery participants for compliance monitoring purposes and NMFS would be unable to consult with permit holders on regulatory changes.

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

This collection is considered to be 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.

Public comment has been solicited on this collection. The *Federal Register* notice is attached. No comments were received.

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

No payments or gifts are involved in this collection.

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

Under Section 402(b) of the Magnuson-Stevens Act, NOAA Administrative Order 216-100, and the Privacy Act, information submitted in accordance with regulatory requirements under the Act is confidential. Personal and proprietary information in this collection is not released to the public.

A draft system of records notice covering all NMFS commercial fishing permits is under review by the NOAA Privacy Act Officer.

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

No questions of a sensitive nature are asked.

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

There are currently 232 respondents in this collection. The estimated total annual burden hours increases to 157, with the addition of new permits previously approved in revisions to date, and revised estimates of the response volumes to current permits. The current number of responses per year is estimated at 384 for permit applications (new, renewal, and transfers).

Table 1. Permit Application-Related Burden

Permit	Number of Responses	Estimated Time per Application	Total Burden
WP Federal Fisheries Permit Application:			
Hawaii Longline Limited Entry Permit	174	30 minutes	87 hours
Hawaii Longline Closed Area Exemption	0	2 hours	0
Shallow-set Certificate Request	150	10 minutes	25 hours
WP Longline General Permit	14	30 minutes	7 hours
WP Receiving Vessel Permit	2	30 minutes	1 hour
PRIA Troll & Handline	0	30 minutes	0
Lobster (all WP areas)	2	30 minutes	1 hour
NWHI Bottomfish (Mau & Hoomalu zones)	8	1 hour	8 hours
WP Bottomfish (Guam, NMI, PRIA)	10	30 minutes	5 hours
American Samoa Longline Limited Entry Permit	20	45 minutes	15 hours
Permit Appeals	4	2 hours	8 hours
Experimental Fishing Permits	0	2 hours	0
Totals	384		157 hours

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 is no “start up” capital cost for complying with this requirement. The estimated cost to respondents for postage, faxes, copies, etc., related to his collection is estimated at \$450 per year.

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

The estimated cost to the Federal government to administer this collection, which includes database management, is \$9,360 (234 x 120 min/permit x \$20/hr).

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

This is a renewal/revision to a currently approved collection. The adjustment incorporates updated estimates for all permit applications, including existing and new permits.

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

No publication based solely on this collection of information is planned at this time. However, the information contained in the permit application will be analyzed by NMFS to determine eligibility

for permit issuance and the need for management changes to conserve fish stocks and protect endangered or threatened marine animals and their habitats. These analyses will be included in annual stock assessment and fishery evaluation reports as required under these FMPs. The information from this collection may ultimately be published in scientific journals.

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 is displayed.

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

No exceptions are proposed.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

FEDERAL FISHERIES PERMIT APPLICATION FORM
 U.S. DEPARTMENT OF COMMERCE
 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
 NATIONAL MARINE FISHERIES SERVICE
 PACIFIC ISLANDS REGION

OMB Control No.: 0648-0490
 Expiration Date: 11/30/2009

For Office Use:
 GC _____
 Issued _____
 Transmit _____

2007

Mail or deliver (do not fax) this application to:

NMFS Pacific Islands Regional Office
 ATTN: Permits
 1601 Kapiolani Blvd., Suite 1110
 Honolulu, Hawaii 96814-4700
 Tel: (808) 944-2200

(Check one or more appropriate circle(s) for types of permit application)

1. PELAGIC:	<input type="checkbox"/> Hawaii Longline Limited Entry Permit (Non-refundable Application Processing Fee: \$48.00) <i>(Make checks or money orders payable to: Dept. Of Commerce, NOAA)</i>
	<input type="checkbox"/> Hawaii Closed Area Exemption (see reverse side of this page)
	<input type="checkbox"/> Western Pacific Longline General Permit (Guam, Northern Mariana Islands, Pacific Remote Island Areas)
	<input type="checkbox"/> Western Pacific Receiving Vessel Permit (all areas)
	<input type="checkbox"/> Pacific Remote Island Areas (PRIA) Troll & Handline
2. LOBSTER:	<input type="checkbox"/> Main Hawaiian Islands <input type="checkbox"/> American Samoa <input type="checkbox"/> Guam <input type="checkbox"/> Northern Mariana Islands (NMI) <input type="checkbox"/> Pacific Remote Island Areas
3. BOTTOMFISH:	<input type="checkbox"/> Northwestern Hawaiian Islands (NWHI) Limited Entry: Hoomalu Zone <input type="checkbox"/> Northwestern Hawaiian Islands Limited Entry: Mau Zone (Non-refundable Application Processing Fee: \$65.00) (Submit supplementary info sheet for Hoomalu and Mau Zone applications) <input type="checkbox"/> Guam Large Vessel <input type="checkbox"/> Northern Mariana Islands <input type="checkbox"/> Pacific Remote Island Areas
4. PRECIOUS CORAL:	<input type="checkbox"/> Permit Area (write in): _____

VESSEL NAME: _____ VESSEL OFFICIAL NO: _____ CALL SIGN: _____

VESSEL OWNER: _____
 First, Middle, and Last Name, or Business Name Social Security Number or Taxpayer Identification Number

DATE OF BIRTH or INCORPORATION: _____

Privacy Act Statement: Federal Regulations (at 50 CFR Part 665) authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. The primary purpose for requesting the SSN/TIN is for the collection and reporting on any delinquent amounts arising out of such person's relationship with the government pursuant to the Debt Collection Improvement Act of 1996 (Public Law 104-134). Personal information is confidential and protected under the Privacy Act (5 U.S.C. 552a). Business information may be disclosed to the public.

BUSINESS CONTACT: _____ /TITLE: _____
 (First, Middle, and Last Name, if not same as vessel owner) (corporate officer, business owner, partner)

BUSINESS MAILING ADDRESS: _____
 Street/PO Box City State ZIP Code

HOME ADDRESS: _____
 Street/PO Box City State ZIP Code

BUSINESS PHONE (____) _____; HOME PHONE (____) _____; CELL PHONE (____) _____

FAX (____) _____ EMAIL: _____

APPLICANT: _____ DATE: _____
 Printed Name & Signature of Vessel Owner/Permit Holder, Corporate Officer, Partner, or Designated Agent

APPLICANT TITLE: Vessel owner, Permit holder, Corporate officer or partner, Designated agent, or Other _____
 (Check only one)

For Permit Transfer: to be completed and signed by originating permit holder

PERMIT TRANSFEROR: _____ DATE: _____
 Printed First, Middle and Last Name, and Signature of Permit Holder Transferring Permit

Permit Number of Transferred Permit: _____

NOTE: You must submit: 1) a copy of the vessel's current U.S. Coast Guard Certificate of Documentation (documented vessel) or registration certificate from a state/territorial agency (undocumented vessel) showing current vessel owner, 2) payment for the processing fee, if required, with this application form, and 3) if the applicant is an agent, attach a signed letter from the permit holder authorizing the applicant as the agent. **It is prohibited to file false information on any application for a fishing permit (50 CFR § 665.15(b)).** [version 11/14/06]

Federal Fisheries Application Form - Pacific Islands Region
SUPPLEMENTAL INFORMATION FOR:

**** MAIN HAWAIIAN ISLANDS LONGLINE FISHING PROHIBITED AREA EXEMPTION****

ELIGIBLE VESSEL: _____ **OFFICIAL NUMBER:** _____

Basis for Exemption Eligibility (all boxes must be checked and supporting documents attached to be eligible):

- Applicant currently holds a Hawaii longline limited entry permit
- Applicant was the owner or operator of a vessel that made landings of pelagic management unit species taken on longline gear prior to 1970 from waters now closed to longline fishing.
- Applicant was the owner or operator of a vessel that made landings of pelagic management unit species taken on longline gear in at least five (5) years since (and including) 1970 from waters now closed to longline fishing.
- Applicant was the owner or operator of a vessel that made at least 80 percent of its landings of longline-caught pelagic management unit species in any calendar year in waters now closed to longline fishing.

Legible copies of document(s) demonstrating exemption eligibility attached (check as many boxes as may apply):

- State of Hawaii Catch Reports Vessel fishing logs Auction receipts
- Signed affidavits (original) Other (specify): _____

SIGNATURE OF APPLICANT: _____

SUPPLEMENTARY INFORMATION FOR:

**Northwestern Hawaiian Islands Bottomfish Fishery:
Hoomalu Zone Limited Access Permit Application
Mau Zone Limited Access Permit Application**

VESSEL OWNER NAME: _____

VESSEL NAME: _____

VESSEL NO. _____

If this permit application is file by a partnership or corporation, indicate the names of all the owners and their respective percentage of ownership of the partnership or corporation.

Name of Owner (Shareholder):	Percent (%) of Ownership:
_____	_____
_____	_____
_____	_____
_____	_____

Signature of Vessel Owner or Agent: _____

If the applicant is an agent, attach a signed letter from the vessel owner/permit holder authorizing the applicant as the agent. It is prohibited to file false information on any application for a fishing permit (50 CFR § 665.15(b)).

PAPERWORK REDUCTION ACT INFORMATION

Public reporting burden for this collection is estimated as follows: 30 minutes for Hawaii longline limited access permit renewal/transfer, longline general permit initial issuance/renewal, and receiving vessel permit initial issuance/renewal; 2 hours for main Hawaiian Islands longline fishing prohibited area exemption; 1 hour for permit renewal and landing waiver requests for the Hoomalu and Mau Zones limited access permits; 30 minutes for main Hawaiian Islands, American Samoa, Guam, Northern Mariana Islands (NMI) and Pacific Remote Island Areas (PRIA) crustacean permits; 30 minutes for Guam bottomfish large vessel and NMI bottomfish permits; 30 minutes for precious coral permit initial/re-issuance (established, conditional, refugia, exploratory areas), PRIA troll and handline, bottomfish, and crustacean permits; and 2 hours for all permit denial appeals. Each burden includes 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 aspects of this collection of information, including suggestions for reducing this burden, to NMFS Pacific Islands Regional Administrator, 1601 Kapiolani Blvd. Suite 1110, Honolulu, Hawaii 96814-4700.

This information is being collected to ensure accurate and timely records about the persons licensed to participate in fisheries under Federal regulations in the Western Pacific Region. This will enable NMFS and the Western Pacific Fishery Management Council to (a) determine who would be affected by changes in management; (b) inform license holders of changes in fishery regulations; and (c) determine whether the objectives of the fishery program are being achieved by monitoring entry and exit patterns and other aspects of the fisheries. The information is used in analyzing and evaluating the potential impacts of regulatory changes on persons in the regulated fisheries as well as in related fisheries. Responses to the collection are required to obtain the benefit of a license for the fishery involved (ref. 50 CFR 665.13). Data provided concerning the vessel and/or business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec. 402(b)). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

FEDERAL FISHERIES APPLICATION FORM

PACIFIC ISLANDS REGION
 NATIONAL MARINE FISHERIES SERVICE
 1601 Kapiolani Blvd., Suite 1110
 Honolulu, HI 96814-4700
 Ph: (808) 944-2200

OMB Control No.: 0648-0490
 Expiration Date: 11/30/2009

For Office Use
 Reviewed _____
 Issued _____
 Transmit _____

PLEASE PRINT RESPONSES

**American Samoa Pelagic Longline Limited Access Program
 Limited Entry Permit Application**

Version: 11/14/06

Application Type (check only one type): *MAIL OR DELIVER (DO NOT FAX) COMPLETED FORM TO PACIFIC ISLANDS REGION*

(Non-Refundable Application Processing Fee: **\$35.00**, payable by check or money order to: Department of Commerce, NOAA. Charged for all permit transactions unless otherwise noted below)

- Additional Permit Issuance** (Please indicate vessel size classification):
 A = 40' or less **B** = 40.1' – 50' **C** = 50.1' – 70' **D** = 70' or larger
- Registration of vessel** to initial permit or re-registration (applies to vessels which have been sold or sunk): [No application processing fee charged for initial registration of vessel to initial permit]
- Permit transfer** (for permits registered to vessels of size Class **A, B, C, and D**, and Class B-1, C-1, and D-1 after three years)
 Family member Community organization Person with documented participation in the American Samoa longline fishery (participation in vessel size Class A for Class A only)

NAME: _____ Family Relationship: _____
 (Print first and last names, or name of community organization) (if Family member is checked)

- Permit Upgrade** (Only for permit holders with Class A permits. Please indicate vessel class size to which you are upgrading):
 B-1 = 40.1' – 50' **C-1** = 50.1' – 70' **D-1** = 70' or larger
 [Retired permit number: _____] **NOTE:** This option expires 07/31/2009

VESSEL NAME: _____ VESSEL REGISTRATION NUMBER: _____

VESSEL OWNER: _____ SOCIAL SECURITY NUMBER: _____
 (First, Middle and Last Name, or Business Name) (or TAXPAYER IDENTIFICATION NUMBER)

DATE OF BIRTH or INCORPORATION: _____

Use the Supplementary Information Sheet to list names and addresses of owners, partners or officers.

Privacy Act Statement: Federal Regulations (at 50 CFR Part 665) authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. The primary purpose for requesting the SSN/TIN is for the collection and reporting on any delinquent amounts arising out of such person's relationship with the government pursuant to the Debt Collection Improvement Act of 1996 (Public Law 104-134). Personal information is confidential and protected under the Privacy Act (5 U.S.C. 552a). Business information may be disclosed to the public.

BUSINESS MAIL ADDRESS: _____, _____, _____, _____
 (Number, street, apt. no.) (City/Village) (State) (Zip)

BUSINESS PHONE: _____ HOME PHONE: _____ CELL: _____
 (Please include the area code for each number)

FAX: _____ EMAIL: _____

PERMIT APPLICANT: _____ DATE: _____
 (Print first, middle and last name) (Signature)

Additional permit, permit renewal or upgrade, and vessel registration: Permit holder or applicant fills out "Permit Applicant" information above.
Permit transfers: The transferring permit holder completes Permit Transferor information below and signs, and the person receiving the permit fills completes and signs the Permit Applicant information above.

PERMIT TRANSFEROR: _____ DATE: _____
 (Current owner) (Print first and last name) (Signature)

PERMIT NUMBER OF PERMIT WHICH IS BEING TRANSFERRED AWAY: _____

Please submit:

- 1) Payment for the non-refundable application processing fee, if required,
- 2) A copy of the vessel's current U.S. Coast Guard Certificate of Documentation (documented vessel) or registration certificate from the state/territorial agency (undocumented vessel) to register a vessel to the permit,
- 3) Documentation of participation in the American Samoa longline fishery if applying for an Additional Permit, Permit Transfer, or Permit Upgrade, and
- 4) Signed letter from permit holder authorizing the permit applicant as their agent, if the agent is submitting the application.

**American Samoa
Pelagic Longline Limited Access Program
Limited Entry Permit Application**

SUPPLEMENTARY INFORMATION SHEET

Company/Corporation officers, owners, or partners:

NAME	MAILING ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Check boxes are for office use only:

- Previous ownership of longline vessel (prior to March 21, 2002): USCG COD _____ or AS Vsl Reg. _____
- Vessel used to legally harvest Pacific pelagic management unit species with longline gear in the EEZ around American Samoa, and those fish were landed in American Samoa, at some time on or prior to March 21, 2002
- Currently holds Class A permit (for permit upgrades)
- Current Protected Species workshop certification (for renewal)

Documented Evidence of Work on AS Longline Fishing Vessel:

_____.

_____.

_____.

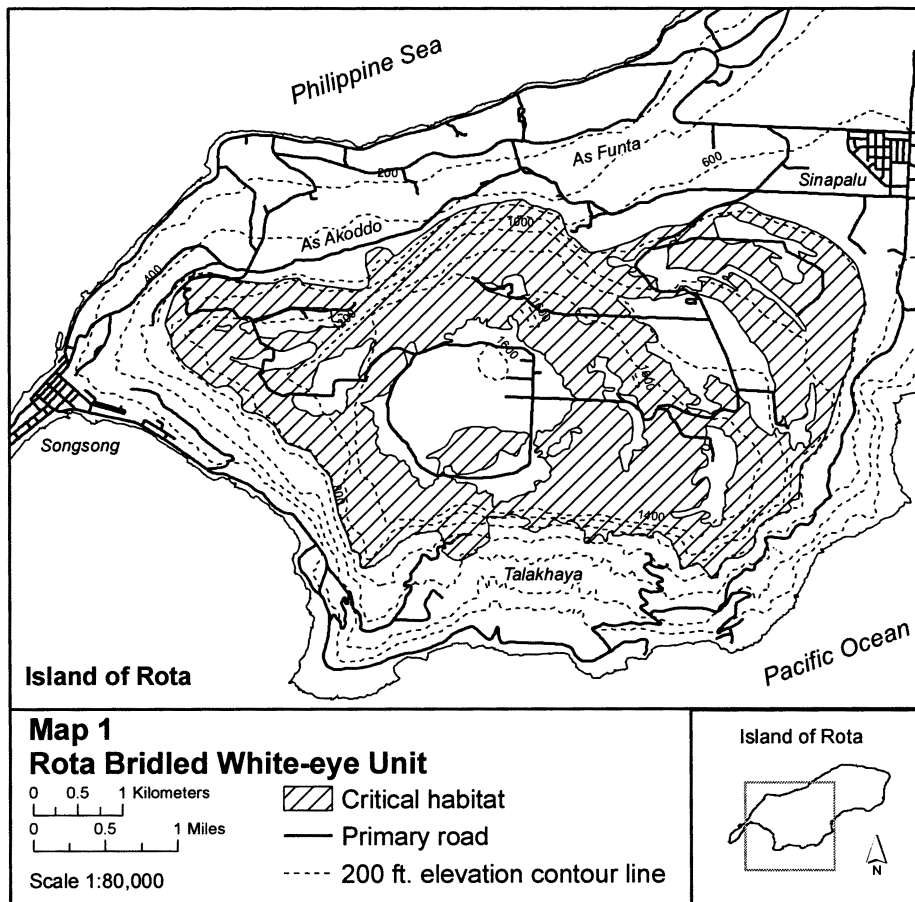
_____.

_____.

PAPERWORK REDUCTION ACT INFORMATION

Public reporting burden for this collection is estimated as follows: 45 minutes for American Samoa longline limited access initial permit issuance, renewal, transfer or upgrade. Send comments regarding this burden estimate and any other aspects of this collection of information, including suggestions for reducing this burden, to Regional Administrator, NMFS Pacific Islands Region, 1601 Kapiolani Blvd., Suite 1110, Honolulu, Hawaii 96814-4700.

This information is being collected to ensure accurate and timely records about the persons licensed to participate in fisheries under Federal regulations in the Western Pacific Region. This will enable NMFS and the Western Pacific Fishery Management Council to (a) determine who would be affected by changes in management; (b) inform license holders of changes in fishery regulations; and (c) determine whether the objectives of the fishery program are being achieved by monitoring entry and exit patterns and other regulatory changes on person in the regulated fisheries as well as in related fisheries. Responses to the collection are required to obtain the benefit of a license for the fishery involved (ref. 50 CFR 665.13). Data provided concerning the vessel and/or business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec. 402 (b)). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Numbers.



* * * * *

Dated: September 5, 2006.

David M. Verhey,
Acting Assistant Secretary for Fish and
Wildlife and Parks.

[FR Doc. 06-7583 Filed 9-11-06; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric
Administration****50 CFR Part 665**[Docket No. 060606149-6234-02; I.D.
052506A]

RIN 0648-AT95

**Fisheries in the Western Pacific;
Omnibus Amendment for the
Bottomfish and Seamount Groundfish
Fisheries, Crustacean Fisheries, and
Precious Coral Fisheries**

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend three fishery management plans (FMPs) to include fisheries and waters around the Commonwealth of the Northern Mariana Islands (CNMI) and Pacific Remote Island Areas (PRIA). These amendments affect United States domestic fisheries that offload or operate in Federal waters around the CNMI and the PRIA. These amendments establish new permitting and reporting requirements for vessel operators targeting bottomfish species around the PRIA to improve understanding of the ecology of these species and the activities and harvests of the vessel operators that target them. They also establish new permitting and reporting requirements for vessel operators targeting crustacean species and precious corals around the CNMI and PRIA.

DATES: This final rule is effective October 12, 2006, except for amendments to §§ 665.14, 665.41, and 665.61, which require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). When OMB approval is received, the effective date will be announced in the **Federal Register**.

ADDRESSES: Copies of the FMP amendments and Environmental Assessment (EA) may be obtained from Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council (WPFMC), 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, or from the web site www.wpcouncil.org. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted to William L. Robinson, Regional Administrator, Pacific Islands Region (PIR), NMFS, 1601 Kapiolani Blvd. 1110, Honolulu, HI 96814, or to David Rostker, OMB, by e-mail David_Rostker@omb.eop.gov, or by fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT:
Robert Harman, NMFS PIR, 808-944-2271.

SUPPLEMENTARY INFORMATION:**Electronic Access**

This **Federal Register** document is also accessible via the Internet at the web site of the Office of the Federal Register: www.gpoaccess.gov/fr/index.html.

Background

The NMFS Pacific Islands Region encompasses Federal waters, i.e., the U.S. Exclusive Economic Zone (EEZ), around the Territories of Guam and American Samoa, the State of Hawaii, the CNMI, and the PRIA. The EEZ extends from the inner boundary of the EEZ, i.e., the seaward limit of each coastal state, commonwealth, territory, and possession, to 200 nautical miles (nm) offshore. For the CNMI and PRIA, the inner boundary of the EEZ is the shoreline, and for Guam, American Samoa, and Hawaii, the inner boundary of the EEZ is 3 nm from the shoreline.

The Federal waters surrounding the CNMI are currently not included in the Fishery Management Plans for the Bottomfish, Crustaceans, or Precious Corals Fisheries of the Western Pacific Region (Bottomfish FMP, Crustaceans FMP, and Precious Corals FMP). Similarly, Federal waters surrounding the PRIA are not included in the Bottomfish or Crustaceans FMPs. Vessels have been known to fish for bottomfish and crustaceans in the Federal waters around the CNMI and PRIA, although on a small scale. While there are currently no known fisheries operating in the PRIA, and no precious corals fisheries operating in the CNMI, interest may arise in the future. This rule amends the FMPs to include fisheries operating in these areas under the FMPs. This rule is designed to establish monitoring systems and management mechanisms to implement specific regulatory controls should the need arise; specific management measures (such as time and area closures, or effort and landing limits) are not included.

Additional background information on this final rule may be found in the preamble to the proposed rule (71 FR 36049) published on June 23, 2005, and is not repeated here.

Comments and Responses

On June 7, 2006, NMFS published in the **Federal Register** a notice of availability of the subject FMP amendments (71 FR 32911), and on June 23, 2006, NMFS published the proposed rule that would implement the amendments (71 FR 36049). The public comment period ended on August 7, 2006. NMFS received one comment on the proposed rule, as follows:

Comment. The US Fish and Wildlife Service (USFWS) recommended the addition of regulatory text to clarify the management authority over commercial fisheries in refuge waters within the PRIA.

Response. The preamble to the proposed rule states that the USFWS

governs fishing activities within refuges, including those in the western Pacific, pursuant to the National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and other authorities. Refuge waters are closed to all uses until they are specifically opened for such uses, and that the USFWS determines whether to open refuge waters for any use that is compatible with the refuges' primary purpose(s) and mission. While commercial fishing is generally prohibited in refuge waters, specific regulations are absent. Including refuge areas under the Bottomfish, Crustaceans, and Precious Corals FMPs will add specific regulations to these areas, but these regulations will not supersede any valid existing Federal regulations that are more restrictive to fishing operations. NMFS believes that the preamble language recognizes the authority of the USFWS, and adequately addresses the USFWS comments.

Changes to the Proposed Rule

In the proposed rule, instruction 5 would have added at § 665.42 a paragraph to make it unlawful for any person to refuse to make available, to an authorized officer or employee of NMFS designated by the Regional Administrator for inspection and copying, any records that must be made available in accordance with § 665.14(f)(2). This proposed addition would have duplicated an existing prohibition at § 665.15(e), and was deemed unnecessary. Accordingly, that instruction was removed from the final rule.

In the proposed rule, instruction 7 would have revised § 665.69, paragraph (b), to define the inner boundary of each new fishery management area. Although the inner boundary of the PRIA was described in the preamble to the proposed rule as being the shoreline, this definition was inadvertently omitted in the regulatory instructions. Accordingly, instruction 7 was edited to include the inner boundary of the PRIA in § 665.69(b).

Classification

The Assistant Administrator, NMFS, determined that the three FMP amendments are necessary for the conservation and management of the affected fisheries, and that the amendments are consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification, or on the economic impact of the rule. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule contains amendments to collection-of-information requirements subject to the PRA under OMB control numbers 0648-0214 and 0648-0490. The amendments to these collection of information requirements have not yet been approved by OMB, but OMB approval is expected no later than November 13, 2006. NMFS will publish a notice when these requirements are cleared by OMB and are, therefore, effective (see **DATES**). The public reporting burden for the permit application process is 30 min per application. In the crustaceans fishery, it is estimated that two permit applications will be submitted annually for the permit area, resulting in a paperwork burden of 1 hr/yr. In the bottomfish fishery, it is estimated that no more than five permit applications will be received annually for the permit area, resulting in a paperwork burden of 2.5 hr/yr. In the precious corals fishery, it is estimated that one permit will be applied for annually for the permit area, resulting in 30 min/yr in paperwork burden. Therefore, the total paperwork burden of these collections of information will be no more than four hours annually. The public burden for the proposed reporting requirements is 5 min per daily logsheet. It is estimated that up to eight vessels will be subject to the reporting requirement at any given time, and that each vessel will fish, on average, no more than 50 days/yr, resulting in a total paperwork burden of approximately 35 hr/yr. These estimates include 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 these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to William L. Robinson, NMFS PIR (see **ADDRESSES**), or by e-mail to David_Rostker@omb.eop.gov, or fax to 202-395-7285.

Notwithstanding any other provision of the law, no person is required to

respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaii, Hawaiian natives, Northern Mariana Islands, Pacific Remote Island Areas, Reporting and recordkeeping requirements.

Dated: September 7, 2006.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 665 is amended as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

1. The authority citation for part 665 continues to read as follows:

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

2. In § 665.12, the definitions for "Crustaceans management area", "Crustaceans permit area 3", and "Crustaceans receiving vessel" are revised, the definitions of "Crustaceans permit area 4", "Pacific Remote Island Areas bottomfish fishing permit", and "Pacific Remote Island Areas crustacean fishing permit" are added, and under the definition of "Precious coral permit area" paragraph (4)(v) is added to read as follows:

§ 665.12 Definitions.

* * * * *

Crustaceans management area means the EEZ waters around American Samoa, the CNMI, Guam, Hawaii, and the PRIA.

* * * * *

Crustaceans Permit Area 3 (Permit Area 3) means the EEZ around Guam and American Samoa, and the EEZ seaward of points 3 nautical miles from the shoreline of the CNMI.

Crustaceans Permit Area 4 (Permit Area 4) means the EEZ around the PRIA, with the exception of EEZ waters around Midway Atoll.

* * * * *

Crustaceans receiving vessel means a vessel of the United States to which lobsters taken in the crustaceans management area are transferred from another vessel.

* * * * *

Pacific Remote Island Areas (PRIA) bottomfish fishing permit means the permit required by § 665.61 to use a

vessel to fish for bottomfish management unit species (MUS) in the EEZ around the PRIA, or to land bottomfish MUS shoreward of the outer boundary of the EEZ around the PRIA, with the exception of EEZ waters around Midway Atoll.

Pacific Remote Island Areas (PRIA) crustacean fishing permit means the permit required by § 665.41 to use a vessel to fish for crustacean management unit species (MUS) in the EEZ around the PRIA, or to land crustacean MUS shoreward of the outer boundary of the EEZ around the PRIA, with the exception of EEZ waters around Midway Atoll.

* * * * *

Precious coral permit area * * *

(4) * * *

(v) Permit Area X-P-CNMI includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of points 3 nautical miles from the shoreline of the CNMI.

* * * * *

3. In § 665.14, paragraph (a) is revised to read as follows:

§ 665.14 Reporting and recordkeeping.

(a) Fishing record forms. The operator of any fishing vessel subject to the requirements of §§ 665.21, 665.41, 665.81, or 665.602 must maintain on board the vessel an accurate and complete record of catch, effort, and other data on report forms provided by the Regional Administrator. All information specified on the forms must be recorded on the forms within 24 hr after the completion of each fishing day. Each form must be signed and dated by the fishing vessel operator. For the fisheries managed under § 665.21, 665.41, and 665.81, the original logbook form for each day of the fishing trip must be submitted to the Regional Administrator within 72 hr of each landing of MUS, unless the fishing was authorized under a PRIA troll and handline permit, a PRIA crustaceans fishing permit, or a PRIA precious corals fishing permit, in which case the original logbook form for each day of fishing within the PRIA EEZ waters must be submitted to the Regional Administrator within 30 days of each landing of MUS. For fisheries managed under § 665.602, the original logbook form for each day of the fishing trip must be submitted to the Regional Administrator within 30 days of each landing of MUS.

* * * * *

4. In § 665.41, paragraph (a)(2) is revised to read as follows:

§ 665.41 Permits.

(a) * * *

(2) The owner of any vessel used to fish for lobster in Permit Area 2, Permit Area 3, or Permit Area 4, must have a permit issued for that vessel.

* * * * *

5. In § 665.61, paragraph (a)(1) is revised to read as follows:

§ 665.61 Permits.

(a) * * *

(1) The owner of any vessel used to fish for bottomfish management unit species in the Northwestern Hawaiian Islands Subarea or Pacific Remote Island Areas Subarea must have a permit issued under this section and the permit must be registered for use with that vessel.

* * * * *

6. In § 665.62 paragraph (b) is revised, and paragraph (f) is added to read as follows:

§ 665.62 Prohibitions.

* * * * *

(b) Fish for, or retain on board a vessel, bottomfish management unit species in the Ho'omalulu Zone, the Mau Zone, or the Pacific Remote Island Areas without the appropriate permit registered for use with that vessel issued under § 665.13.

* * * * *

(f) Falsify or fail to make or file all reports of bottomfish management unit species landings taken in the Pacific Remote Island Areas, containing all data in the exact manner, as specified in § 665.14(a).

7. In § 665.69, paragraphs (a) introductory text, (b), and (c) are revised, and paragraphs (a)(6), (a)(7), and (a)(8) are added, to read as follows:

§ 665.69 Management subareas.

(a) The bottomfish fishery management area is divided into eight subareas with the following designations and boundaries:

* * * * *

(6) CNMI Inshore Area means that portion of the EEZ shoreward of 3 nautical miles of the shoreline of the CNMI.

(7) CNMI Offshore Area means that portion of the EEZ seaward of 3 nautical miles from the shoreline of the CNMI.

(8) Pacific Remote Island Areas means that portion of the EEZ seaward of the Pacific Remote Island Areas, with the exception of Midway Atoll.

(b) The inner boundary of each fishery management area is a line coterminous with the seaward boundaries of the State of Hawaii, the Territory of American Samoa, the Territory of Guam, the CNMI, and the PRIA.

(c) The outer boundary of each fishery management area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is

measured, or is coterminous with adjacent international maritime boundaries. The boundary between the fishery management areas of Guam and the CNMI extends to those points which

are equidistant between Guam and the island of Rota in the CNMI.

[FR Doc. E6-15066 Filed 9-11-06; 8:45 am]

BILLING CODE 3510-22-S

This correction will not impose or relax any substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice and opportunity for comment on these correcting amendments are not necessary.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety; Reporting and recordkeeping requirements, Tires.

■ Accordingly, 49 CFR part 571 is corrected by making the following correcting amendment:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Paragraph S5.3.1 of 571.205 is revised to read as follows:

§ 571.205 Glazing materials.

* * * * *
S5.3 *Shade Bands.* * * *

S5.3.1 Shade bands for windshields shall comply with SAE J100 JUNE 1995.
* * * * *

Issued: October 26, 2006.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.
[FR Doc. E6-18390 Filed 11-1-06; 8:45 am]
BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 060724200-6275-02; I.D. 071106G]

RIN 0648-AT94

Fisheries in the Western Pacific; Western Pacific Bottomfish and Seamount Groundfish Fisheries; Guam Bottomfish Management Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 9 to the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) that prohibits large vessels, i.e., those 50 ft

(15.2 m) or longer, from fishing for bottomfish in Federal waters within 50 nm (92.6 km) around Guam, and establishes Federal permitting and reporting requirements for these large bottomfish fishing vessels. This final rule is intended to maintain viable participation and bottomfish catch rates by small vessels in the fishery, to maintain traditional patterns of the bottomfish supply to local Guam markets, to provide for the collection of adequate fishery information for effective management, and to reduce the risk of local depletion of deepwater bottomfish stocks near Guam.

DATES: This final rule is effective December 4, 2006, except for the revisions to § 665.14 and § 665.61, which require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). When OMB approval is received, the effective date will be announced in the **Federal Register**.

ADDRESSES: Copies of the FMP amendment, including an Environmental Assessment (EA), regulatory impact review (RIR) and final regulatory flexibility analysis (FRFA) may be obtained from William L. Robinson, Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814-4700. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to William L. Robinson (see **ADDRESSES**), or to David Rostker, OMB, by e-mail to David_Rostker@omb.eop.gov, or by fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Robert Harman, NMFS PIR, 808-944-2271.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the Internet at the web site of the Office of the Federal Register: www.gpoaccess.gov/fr/index.html.

Background

The bottomfish fishery that operates in Federal waters around Guam is managed under the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP). Aside from restrictions on the use of certain destructive fishing methods, such as bottom trawling, bottom set nets, poisons, and explosives, that apply to the bottomfish fisheries throughout the western Pacific, the fishery is mostly

unregulated at this time. Potential developments in the fishery, however, led the Western Pacific Fishery Management Council to recommend the management measures in this final rule.

The Guam-based bottomfish fishery is a mix of subsistence, recreational, and limited commercial fishing from primarily small boats on nearshore slopes. There is a potential component of the fishery, however, in which fishermen in relatively large vessels (i.e., greater than 50 ft or 15.2 m in length) target deep-slope fish species, particularly onaga (longtail red snapper, or flame snapper, *Etelis coruscans*). This fishery is currently inactive, but several vessels have operated in the past. The fish were caught on offshore banks in Federal waters, landed at Guam's commercial port and, rather than entering the local market, were exported by air to foreign markets. The activity occurred on some or all of Guam's southern banks, including Galvez, 11-Mile, Santa Rosa, White Tuna, and Baby Banks. Most of the vessels fishing on these southern banks targeted the shallow-water bottomfish complex, but some targeted the deep-water complex. The banks to the north of Guam, including Rota Bank, and far to the west of Guam, including Bank A, appear not to have been fished.

The potential for renewed large-vessel bottomfish fishing activity prompted concerns about fishery information being inadequate for effective management, about the potential for small-vessel catch rates declining to non-viable levels, about threats to sustained participation by smaller vessels in the fishery, about disruptions to traditional patterns of supply of bottomfish products to the local market, and about localized depletion of bottomfish stocks.

Based on the current FMP reporting and management requirements, existing data collection programs can provide adequate information about Guam's inshore bottomfish fisheries that are conducted by smaller vessels. Thus, this final rule does not establish additional data collection requirements on smaller vessels.

There is no evidence, to date, that the bottomfish stocks around Guam are currently subject to overfishing or are being overfished. Deepwater bottomfish species, however, have life history characteristics (slow growth, relatively low productivity and limited migration ranges) that make local fish stocks sensitive to fishing pressure, and severe local depletion can result in reduced productivity of the stock as a whole.

Closing areas to potential large vessel bottomfish fishing reduces the risk of

local depletion of deepwater bottomfish stocks in those areas. This final rule redirects possible large-vessel bottomfish fishing to areas greater than 50 nm (92.6 km) from Guam, displacing some potential fishing pressure on the nearshore slope and banks to areas that have higher bottomfish abundance and experience lower fishing pressure from smaller boats.

This final rule intends to ensure that adequate information is routinely collected from the large-vessel, export-oriented bottomfish fishery that might take place in Federal waters around Guam, to maintain adequate opportunities for small-scale commercial, recreational, and subsistence bottomfish fishermen in Federal waters around Guam, to provide for sustained community participation by smaller vessels in the Guam bottomfish fishery, to encourage consistent availability of fresh, locally-caught deepwater bottomfish products to Guam consumers, and to reduce the potential risk of local depletion of deepwater bottomfish stocks near Guam.

Additional background information on this final rule may be found in the preamble to the proposed rule published on August 14, 2006 (71 FR 46441), and is not repeated here.

Comments and Responses

On July 24, 2006, NMFS published in the **Federal Register** an announcement on the availability of the subject FMP amendment (71 FR 41770), and on August 14, 2006, NMFS published a notice of the proposed rule (71 FR 46441). The public comment period for both notices ended on September 22, 2006. NMFS received one comment from the public, and responds to this comment, as follows:

Comment 1: The commentor expressed support for the proposed rule out of a concern for the impact of large vessels fishing in the area, and for marine resources.

Response. Comment noted; NMFS is also concerned about the potential for large bottomfish vessels to locally deplete bottomfish stocks. The final rule establishes an area closed to large bottomfish vessels. This measure is intended to prevent overfishing of bottomfish around Guam.

Changes to the Proposed Rule

In this final rule, several minor editorial changes were made to the proposed rule. In the time since the proposed rule for this action was published on August 14, 2006, another final rule, referred to as the "omnibus" rule, was published. The omnibus rule, published on September 12, 2006 (71 FR

53605), made changes under three western Pacific FMPs to the regulatory text in several sections of 50 CFR Part 665. Those changes necessitated minor adjustments in the regulatory text contained in this final rule. Specifically, the instructions for § 665.14(a) were modified in this final rule to include omnibus rule requirements for fishing record forms for the Pacific Remote Island Areas (PRIA). The instructions for § 665.61(a)(1) were modified in this final rule to include omnibus rule requirements for PRIA permits. Finally, the instructions for § 665.62 were modified in this final rule to renumber the new paragraphs to account for omnibus rule prohibitions.

In the proposed rule, the coordinates for the closed area boundary contained several errors. Proposed Point GU-1-A (14°23'43" N., 144°27'36" E.) was incorrectly positioned within EEZ waters around the CNMI, and was moved to coincide with the boundary separating the EEZ waters around Guam from those waters around the CNMI. The new point GU-1-A is located at 14°16' N., 144°17' E. Moving point GU-1-A to coincide with the boundary put it very close to proposed point GU-1-B (14°10' N., 144°11' E.), removing the need for point GU-1-B in defining the closed area. Thus, point GU-1-B was eliminated. Proposed point H (12° 35' N., 144°15' E.) introduced an unintended and unnecessary jog in the boundary, and was removed to straighten the boundary. The final coordinates were renumbered, and they accurately define the area that is approximately 50 nm from Guam's shoreline, and take into account the boundary between Guam and the CNMI.

Other instructions are unchanged from the proposed rule.

Classification

The NOAA Assistant Administrator for Fisheries (AA) determined that this FMP amendment is necessary for the conservation and management of the affected fisheries, and that the amendment is consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other applicable laws.

NMFS prepared an EA for this FMP amendment, and the AA concluded that there will be no significant impact on the human environment as a result of this rule. NMFS determined that the preferred management alternative has the greatest likelihood of achieving the purpose and need for this Federal action. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the

conclusion of no significant impacts. A copy of the EA is available from William L. Robinson (see **ADDRESSES**).

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Consistent with section 604 of the Regulatory Flexibility Act, NMFS prepared a FRFA for Amendment 9, as described below. This FRFA incorporates the initial regulatory flexibility analysis (IRFA) prepared for Amendment 9. The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated in its entirety here.

A statement of the need for, and objectives of, the rule is provided in the preambles to the proposed rule and to this final rule, and is not repeated here. There were no comments received on the IRFA.

The Small Business Administration defines a commercial fishing business as a small entity if annual gross receipts are less than \$4.0 million. All bottomfish vessels impacted by this rulemaking are considered to be small entities under this definition. Therefore, there are no economic impacts resulting from disproportionality between large and small vessels.

Number of Affected Small Entities

This final rule is expected to adversely impact as many as 13 bottomfish vessels of length greater than 50 ft (15.2 m) (large vessels) that have previously operated, but are not currently operating, in Federal waters within 50 nm (92.6 km) of Guam. Alternative 3, which would implement a trip limit on onaga, and alternative 4, which would implement limited access, would impact 100-300 bottom fish vessels operating in Federal waters around Guam, regardless of their size.

Recordkeeping and Reporting Requirements

This final rule would implement permitting, recordkeeping, and reporting requirements for large vessels engaged in the fishery. The costs associated with obtaining permits and keeping and reporting information in logbooks would be minimal. The annual personnel cost for potential respondents is estimated at \$62 per year. This was derived by multiplying the number of hours of burden per year (2.5 hr) times an hourly cost rate of \$25, the estimated range of hourly wage rates for fishermen harvesting bottomfish in the western Pacific. There is no "start up" capital cost for complying with the reporting requirement. The estimated cost to potential respondents, other than

personnel cost, is about \$20 per respondent per year. This cost includes telephone charges and other incidental costs associated with sending the logbook forms to NMFS after each trip.

Minimizing Economic Impacts on Small Entities

NMFS rejected alternatives imposing trip limits for onaga or a limited access system, in addition to the permitting, recordkeeping and reporting requirements for large vessels, because these alternatives would have had economic impacts on all participants in the fishery and were not necessary to meet the objectives of FMP Amendment 9. NMFS instead chose the alternative that would best achieve the objectives of FMP Amendment 9, including the continued economic viability of the small boat fishery, an alternative which focused on large vessel participants. Because data on costs and revenues for large vessels are not available, the economic impacts to the profitability of the 13 vessels that could potentially be impacted by this rulemaking cannot be directly estimated. Implementation of the rule would require the affected vessels to search elsewhere for new bottomfish grounds, or to change gear and enter another fishery. Regardless of their choice, it is likely that these vessels would experience adverse economic impacts in the form of reductions in potential profitability under this final rule. The extent of the impacts would depend on the opportunity costs of each individual vessel relative to the profits previously earned in the bottomfish fishery off of Guam.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as “small entity compliance guides.” The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide was prepared. The guide will be sent to all large vessels that have historic landings in this fishery. In addition, copies of this final rule and guide will be made available by William L. Robinson (see ADDRESSES), and at the following web site: <http://swr.nmfs.noaa.gov/pir/index.htm>.

This final rule contains revisions to collection-of- information requirements

subject to the PRA under OMB control numbers 0648–0214 and 0648–0490. The revisions to these collection-of-information requirements have not yet been approved, but OMB approval is expected in the near future. NMFS will publish a notice when these requirements are cleared by OMB and are, therefore, effective (see DATES). The public reporting burden for these requirements is estimated to be 30 min for a new permit application, and 5 min for completing a fishing logbook each day. It is estimated that up to three vessels may be subject to the reporting requirement at any given time, and that each vessel will fish, on average, no more than 50 days/yr, resulting in a total paperwork burden of approximately 14 hr/yr. These estimates include 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 these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to William L. Robinson, NMFS PIR (see ADDRESSES), or by e-mail to David_Rostker@omb.eop.gov, or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaii, Hawaiian natives, Northern Mariana Islands, Pacific Remote Island Areas, Reporting and recordkeeping requirements.

Dated: October 27, 2006.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 665 is amended as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for part 665 continues to read as follows:

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

■ 2. In § 665.12, add the definition of “Guam bottomfish permit” and revise the definition of “Large vessel” as follows:

§ 665.12 Definitions.

* * * * *

Guam bottomfish permit means the permit required by § 665.61(a)(4) to use a large vessel to fish for, land, or transship bottomfish management unit species shoreward of the outer boundary of the Guam subarea of the bottomfish fishery management area.

* * * * *

Large vessel means, as used in §§ 665.22, 665.37, 665.38, 665.61, 665.62, and 665.70, any vessel equal to or greater than 50 ft (15.2 m) in length overall.

* * * * *

■ 3. In § 665.13, revise paragraph (f)(1) to read as follows:

§ 665.13 Permits and fees.

* * * * *

(f) *Fees.* (1) PIRO will not charge a fee for a permit issued under subpart D or F of this part, for a Ho’omaluu Zone limited access permit, or for a Guam bottomfish permit issued under § 665.61.

* * * * *

■ 4. In § 665.14, revise paragraph (a) to read as follows:

§ 665.14 Reporting and recordkeeping.

(a) *Fishing record forms.* The operator of any fishing vessel subject to the requirements of §§ 665.21, 665.41, 665.61(a)(4), 665.81, or 665.602 must maintain on board the vessel an accurate and complete record of catch, effort, and other data on report forms provided by the Regional Administrator. All information specified on the forms must be recorded on the forms within 24 hr after the completion of each fishing day. Each form must be signed and dated by the fishing vessel operator. For the fisheries managed under § 665.21, 665.41, 665.61(a)(4), and 665.81, the original logbook form for each day of the fishing trip must be submitted to the Regional Administrator within 72 hr of each landing of MUS, unless the fishing was authorized under a PRIA troll and handline permit, a PRIA crustaceans fishing permit, or a PRIA precious corals fishing permit, in which case the original logbook form for each day of fishing within the PRIA EEZ waters must be submitted to the Regional Administrator within 30 days of each landing of MUS. For fisheries managed under § 665.602, the original logbook form for each day of the fishing trip must be submitted to the Regional Administrator within 30 days of each landing of MUS.

* * * * *

■ 5. In § 665.61, revise paragraph (a)(1) and add paragraph (a)(4) to read as follows:

§ 665.61 Permits.

(a) *Applicability.* (1) The owner of any vessel used to fish for bottomfish management unit species in the Northwestern Hawaiian Islands Subarea, Pacific Remote Island Areas Subarea, or Guam Subarea must have a permit issued under this section and the permit must be registered for use with that vessel.

* * * * *

(4) A fishing vessel of the United States must be registered for use under a Guam bottomfish permit if that vessel is a large vessel and is used to fish for, land, or transship bottomfish management unit species shoreward of the outer boundary of the Guam subarea of the bottomfish fishery management area.

* * * * *

■ 6. In § 665.62, add paragraphs (g), (h), and (i) to read as follows:

§ 665.62 Prohibitions.

* * * * *

(g) Use a large vessel that does not have a valid Guam bottomfish permit

registered for use with that vessel to fish for, land, or transship bottomfish management unit species shoreward of the outer boundary of the Guam subarea of the bottomfish fishery management area in violation of § 665.61(a).

(h) Use a large vessel to fish for bottomfish management unit species within the Guam large vessel bottomfish prohibited area, as defined in § 665.70(b).

(i) Land or transship, shoreward of the outer boundary of the Guam subarea of the bottomfish fishery management area, bottomfish management unit species that were harvested in violation of § 665.62(h).

■ 7. Under subpart E, add a new § 665.70 to read as follows:

§ 665.70 Bottomfish fishery area management.

(a) *Large vessel bottomfish prohibited area.* A large vessel of the United States may not be used to fish for bottomfish management unit species in any large vessel bottomfish prohibited area as defined in paragraph (b) of this section.

(b) *Guam large vessel bottomfish prohibited area (Area GU-1).* The large vessel bottomfish prohibited area around Guam means the waters of the US EEZ surrounding Guam that are

enclosed by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	E. long.
GU-1-A	14° 16'	144° 17'
GU-1-B	13° 50'	143° 52'
GU-1-C	13° 17'	143° 46'
GU-1-D	12° 50'	143° 54'
GU-1-E	12° 30'	144° 14'
GU-1-F	12° 25'	144° 51'
GU-1-G	12° 57'	145° 33'
GU-1-H	13° 12'	145° 43'
GU-1-I	13° 29' 44"	145° 48' 27"
GU-1-A	14° 16'	144° 17'

[FR Doc. E6-18506 Filed 11-1-06; 8:45 am]

BILLING CODE 3510-22-S

215.406-1 Prenegotiation objectives.

Follow the procedures at PGI 215.406-1 for establishing renegotiation objectives.

215.406-3 Documenting the negotiation.

Follow the procedures at PGI 215.406-3 for documenting the negotiation.

■ 12. Section 215.407-4 is revised to read as follows:

215.407-4 Should-cost review.

See PGI 215.407-4 for guidance on determining whether to perform a program or overhead should-cost review.

■ 13. Section 215.407-5-70 is amended by revising paragraphs (a)(1), (b)(1), (e), and (f) to read as follows:

215.407-5-70 Disclosure, maintenance, and review requirements.

(a) * * *

(1) *Acceptable estimating system* is defined in the clause at 252.215-7002, Cost Estimating System Requirements.

* * * * *

(b) * * *

(1) DoD policy is that all contractors have acceptable estimating systems that consistently produce well-supported proposals that are acceptable as a basis for negotiation of fair and reasonable prices.

* * * * *

(e) *Review procedures.* Follow the procedures at PGI 215.407-5-70(e) for establishing and conducting estimating system reviews.

(f) *Disposition of survey team findings.* Follow the procedures at PGI 215.407-5-70(f) for disposition of the survey team findings.

* * * * *

■ 14. Section 215.470 is amended by revising paragraph (b), removing paragraph (c), and redesignating paragraph (d) as paragraph (c). The revised text reads as follows:

215.470 Estimated data prices.

* * * * *

(b) When data are required to be delivered under a contract, include DD Form 1423, Contract Data Requirements List, in the solicitation. See PGI 215.470(b) for guidance on the use of DD Form 1423.

* * * * *

PART 230—COST ACCOUNTING STANDARDS ADMINISTRATION

■ 15. Section 230.201-5 is revised to read as follows:

230.201-5 Waiver.

(a)(1)(A) The military departments and the Director, Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics)—

(1) May grant CAS waivers that meet the conditions in FAR 30.201-5(b)(1); and

(2) May grant CAS waivers that meet the conditions in FAR 30.201-5(b)(2), provided the cognizant Federal agency official granting the waiver determines that—

(i) The property or services cannot reasonably be obtained under the contract, subcontract, or modification, as applicable, without granting the waiver;

(ii) The price can be determined to be fair and reasonable without the application of the Cost Accounting Standards; and

(iii) There are demonstrated benefits to granting the waiver.

(B) Follow the procedures at PGI 230.201-5(a)(1) for submitting waiver requests to the Director, Defense Procurement and Acquisition Policy.

(2) The military departments shall not delegate CAS waiver authority below the individual responsible for issuing contracting policy for the department.

(e) By November 30th of each year, the military departments shall provide a report to the Director, Defense Procurement and Acquisition Policy, ATTN: DPAP/CPF, of all waivers granted under FAR 30.201-5(a), during the previous fiscal year, for any contract, subcontract, or modification expected to have a value of \$15,000,000 or more. See PGI 230.201-5(e) for format and guidance for the report. The Director, Defense Procurement and Acquisition Policy, will submit a consolidated report to the CAS Board and the congressional defense committees.

Subparts 230.70 and 230.71 [Removed]

■ 16. Subparts 230.70 and 230.71 are removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 17. Section 252.215-7002 is amended as follows:

■ a. By revising the clause date;

■ b. In paragraph (a), by revising the paragraph heading and adding a definition of “Acceptable estimating system”; and

■ c. By revising paragraph (b). The revised and added text reads as follows:

252.215-7002 Cost Estimating System Requirements.

* * * * *

COST ESTIMATING SYSTEM REQUIREMENTS (DEC 2006)

(a) *Definitions.*

Acceptable estimating system means an estimating system that—

(1) Is maintained, reliable, and consistently applied;

(2) Produces verifiable, supportable, and documented cost estimates that are an acceptable basis for negotiation of fair and reasonable prices;

(3) Is consistent with and integrated with the Contractor's related management systems; and

(4) Is subject to applicable financial control systems.

* * * * *

(b) *General.* The Contractor shall establish, maintain, and comply with an acceptable estimating system.

* * * * *

PART 253—FORMS

■ 18. Section 253.215-70 is revised to read as follows:

253.215-70 DD Form 1547, Record of Weighted Guidelines Application.

Follow the procedures at PGI 253.215-70 for completing DD Form 1547.

[FR Doc. E6-20396 Filed 11-30-06; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 665**

[Docket No. 060724200-6302-03; I.D. 052506A and 071106G]

RIN 0648-AT95 and 0648-AT94

Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish, Crustacean, and Precious Corals Fisheries; Permit and Reporting Requirements

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

ACTION: Final rule; effectiveness of collection-of-information requirements.

SUMMARY: NMFS announces approval by the Office of Management and Budget (OMB) of collection-of-information requirements contained in regulations implementing the amendments to the

Bottomfish and Seamount Groundfish Fishery Management Plan (FMP), Crustaceans FMP, and Precious Corals FMP. The intent of this final rule is to inform the public of the permitting and reporting requirements.

DATES: Amendments to §§ 665.14, 665.41, and 665.61, published at 71 FR 53605 (September 12, 2006), and amendments to §§ 665.14 and 665.61, published at 71 FR 64474 (November 2, 2006) are effective on January 2, 2007.

ADDRESSES: Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to William L. Robinson, Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814-4700, and to David Rostker, OMB, by e-mail to David_Rostker@omb.eop.gov, or fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Bob Harman, NMFS PIR, 808-944-2271.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible at the web site of the Office of the **Federal Register**: www.gpoaccess.gov/fr/index.html.

Background

A final rule for amendments to the Bottomfish and Seamount Groundfish, Crustaceans, and Precious Corals FMPs was published in the **Federal Register** on September 12, 2006 (71 FR 53605),

and the requirements of that final rule, other than the collection-of-information requirements, were effective on October 12, 2006. Because OMB approval of the collection-of-information requirements had not been received by the date that final rule was published, the effective date of the permitting and reporting requirements in that rule was delayed. Also, another final rule for an amendment to the Bottomfish and Seamount Groundfish FMP was published in the **Federal Register** on November 2, 2006 (71 FR 64474), and the requirements of that final rule, other than the collection-of-information requirements, will be effective on December 4, 2006. Because OMB approval of the collection-of-information requirements had not been received by the date that rule was published, the effective date of the permitting and reporting requirements in that rule was also delayed.

OMB approved the collection-of-information requirements contained in the two rules on November 7, 2006. Accordingly, this final rule makes effective the collection-of-information requirements at §§ 665.14, 665.41, and 665.61, which were amended in the September 12, 2006, final rule, and the collection-of-information requirements at §§ 665.14 and 665.61, which were amended in the November 2, 2006, final rule.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB control number.

This final rule contains revisions to collection-of-information requirements subject to the PRA under OMB control numbers 0648-0214 and 0648-0490. The public reporting burden for these requirements is estimated to be 30 min for a new permit application, and 5 min for completing a fishing logbook each day. These estimates include 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 these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to William L. Robinson (see **ADDRESSES**), or by e-mail to David_Rostker@omb.eop.gov, or fax to 202-395-7285.

Dated: November 27, 2006.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E6-20378 Filed 11-30-06; 8:45 am]

BILLING CODE 3510-22-S

(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;

16 U.S.C. 1853

(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

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Southwest Region Permit Family of Forms—Pacific**

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 June 16, 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 Walter Ikehara, (808) 944-2275 or walter.ikehara@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The National Marine Fisheries Service (NMFS) Pacific Islands Region (PIR) manages the U.S. fisheries of the Exclusive Economic Zone (EEZ) in the western Pacific under five fishery management plans (FMPs), prepared by the Western Pacific Fishery Management Council pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. The regulations implementing the FMPs are found at 50 CFR part 665.

The permitting requirements at 50 CFR part 665 form the basis for this collection of information. PIR requests information from participants in the fisheries and interested persons. This information is needed for permit issuance, to identify participants in the fisheries, and to help measure impacts of management controls on the participants in the fisheries of the EEZ in the western Pacific.

II. Method of Collection

Paper submissions and telephone calls are required from participants. Methods of submittal include mailing

and facsimile transmission of paper forms.

III. Data

OMB Number: 0648-0490.

Form Number: None.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 187.

Estimated Time Per Response: Experimental permit applications, 2 hours; all other permit applications, 30 minutes; and permit appeals, 2 hours.

Estimated Total Annual Burden Hours: 85.

Estimated Total Annual Cost to Public: \$450.

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 11, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6-5628 Filed 4-14-06; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Coastal Ocean Program Grants Proposal Application Package**

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 June 16, 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 Laurie Golden, 301-713-3338 ext 151 or laurie.golden@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The National Oceanic and Atmospheric Administration's Coastal Ocean Program (COP) provides direct financial assistance through grants and cooperative agreements for research supporting the management of coastal ecosystems. In addition to standard government application requirements, applicants for financial assistance are required to submit a project summary form. Recipients are required to file annual progress reports and a project final report using COP formats. All of these requirements are needed for better evaluation of proposals and monitoring of awards.

II. Method of Collection

Paper and electronic applications are acceptable. Progress reports can be submitted in paper form or electronically.

III. Data

OMB Number: 0648-0384.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; business or other for-profit organizations; State, Local or Tribal Government.

Estimated Number of Respondents: 300.

Estimated Time Per Response: 30 minutes for a project summary; 5 hours for an annual report; and 10 hours for a final report.

Estimated Total Annual Burden Hours: 900.

Estimated Total Annual Cost to Public: 0.