

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 04/15/2008

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 12/11/2007

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200711-0648-010
AGENCY ICR TRACKING NUMBER:
TITLE: U.S.-Canada Albacore Treaty Reporting System
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0492

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: 04/30/2011

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	2,440	928	2,000
New	1,900	158	2,803
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-540	-770	803
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Request to be listed as eligible vessel			50 CFR 300 Subpart L
Reporting of border crossings			50 CFR 300 Subpart L
Vessel Logbooks	NA	U.S. Pacific Albacore Logbook	
Vessel marking requirement			50 CFR 660.704

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
U.S.-CANADA ALBACORE TREATY REPORTING SYSTEM
OMB CONTROL NO.: 0648-0492**

A. JUSTIFICATION

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

Enacted in early 2004, House of Representatives (H.R.) 2584 amended the Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)) to authorize the issuance of regulations as needed to carry out the obligations of the United States under the 1981 Treaty Between the Government of the United States and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty). That Treaty was amended in 2002 with the support of the U.S. albacore fishing industry, which felt that the original Treaty was offering greater benefits for Canadian interests than for U.S. interests. Regulations were promulgated (69 FR 31531) effective June 1, 2004, to implement the provisions of the amended Treaty. The regulations require vessel operators to: 1). report their desire to be on the list of vessels provided to Canada each year, indicating eligibility to fish for albacore in waters under the fisheries jurisdiction of Canada; 2). report in advance their intention to fish or transit before crossing the border between the U.S. and Canada, or vice versa; and 3). mark their fishing vessels to facilitate effective enforcement. Without such reports, the U.S. will not be able to meet its obligations under the Treaty.

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.

The Southwest Region (SWR), National Marine Fisheries Service (NMFS) and the Canadian Department of Fisheries and Oceans (DFO) will use reports taken during the year to carry out Treaty obligations. The Treaty amendments include a program of limits on reciprocal fishing by vessels of one Party in the waters of the other Party. In order to comply with these limits, the SWR and DFO must be able to monitor the activity of U.S. and Canadian fishing vessels as they move across the border and fish in the waters subject to the fisheries jurisdiction of the other Party.

The SWR and other staff in NMFS have worked with the DFO for many months to develop a system using a third party contractor that is able to take vessel reports through several means (land line and cell phone, email, and fax), 24 hours a day and 7 days a week. The communication costs are borne by the vessel owner or operator initiating the call. The overall contract with the third party is partly financed by the SWR and partly by fees from fishermen for communication services by the contractor. The reports provide information that is available to both Parties by direct contact with the contractor and through the internet so that, at any point in time, each Party can determine whether the fishing by its fleet in waters of the other Party has reached or is near the limit set in the Treaty. If so, the Party can notify its fleet of any closure as necessary. NMFS implemented this system through regulations at 50 C.F.R. Section 300 Subpart L and 50 C.F.R. Parts 600.525 and 600.530. The regulations also formalized the current process for providing

Canada with a list of vessels that is eligible to fish in Canadian waters under the Treaty. This is an element of the Treaty that had been handled informally in the past; there has been no regulatory mechanism to require U.S. vessel operators to submit information or requests to be on the list provided by the U.S. The SWR used coastwide records of albacore landings to identify vessels that have participated in the fishery in the past year and provided a “universe” of potentially interested participants. With the limits set by the Treaty, it is more important that there be a more structured process to ensure that only eligible vessels engage in fishing, and that all interested vessel operators or owners be known, so that they can be contacted in the event of a fishery closure. Finally, vessel owners and operators now have to ensure that their fishing vessels are marked in accordance with the Treaty to facilitate vessel identification by enforcement platforms at sea and in the air.

The vessel marking is a simple addition to the marking required under the new Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS), Fishery Management Plan (FMP), recently approved and implemented by regulations (50 CFR 660.704) issued under the Magnuson-Stevens Act. Summaries of fishery information (e.g., number of vessels participating, months of fishing by U.S. vessels and their catch in Canadian waters, total U.S. catch) will be provided to the DFO and U.S. fishery interests and will be released to the public consistent with confidentiality requirements and Information Quality Guidelines. The SWR and Northwest Region (NWR), NMFS, will use paper copy as well as the internet to distribute this information.

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.

Fishery participants will have multiple options for reporting vessel activity, including electronic reports to the contractor. The contractor in turn uses the same means to provide confirmation numbers to the persons making reports of vessel border crossings. NMFS and DFO are able to use a web-based system to monitor and assess the amount of fishing by the respective fleets in the other Party’s waters so that the need for closure notices or other actions can be determined in a timely manner. NMFS and DFO also use electronic means as well as phone and fax to distribute information to the fishing fleets. The SWR website (<http://nmfs.swr.noaa.gov>) is the primary NMFS website used to inform the public about reporting and other management program requirements. Instructions for making vessel reports are available online. The SWR and NWR are also working with state agencies and the Pacific Council to use their web sites to increase the distribution of information about permit and other requirements.

4. Describe efforts to identify duplication.

The SWR compiled information on U.S. vessels engaged in HMS fisheries for initiation of a permit system under the HMS, FMP. That information includes a component for West Coast vessels that have been active in the West Coast albacore fishery. In addition, during the season, the NWR has for many years been compiling and updating the vessel list that is provided to Canada under the Treaty prior to Treaty amendments in 2001. Thus, the SWR and NWR together have made use of past collections to minimize duplication and reduce the likelihood that interested participants would not be aware of the need for actions on their part. Similarly, the vessel-marking requirement is a minor addition to, rather than duplication of, markings required

under the HMS, FMP to support enforcement. There is no other system in place for in-season reports by U.S. or Canadian vessels prior to crossing the border to fish under the Treaty.

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

All fishing operations involving vessels in the albacore fishery can be categorized as small businesses. However, the reporting burdens of: 1) making sure the vessel is on the list provided to Canada, 2) reporting prior to border crossings, and 3) marking vessels as required under the proposed rule are slight relative to the overall cost of fishing. The use of the third party to take reports 24 hours a day and 7 days a week by multiple means allows vessel operators to select the most cost effective way for each individual operation to meet the requirement for vessel reports. No special measures are needed to offset any disproportionate effect on small businesses.

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

If the collection is not conducted, there will be no way to implement the fishing effort limits of the Treaty in a fair, equitable, and effective manner. Closures would have to be set based on past history of fishing; there would be a high probability of either premature closure (which would deny fishing opportunities that are to be provided under the Treaty) or a late closure, which would effectively preclude achieving the fishery control the benefits of the amended Treaty. In the latter case, U.S. interests could be seriously disadvantaged and pressure would rise to terminate the Treaty.

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

The collection is consistent with the guidelines.

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

A notice that solicited public comments on the information collection was published in the Federal Register on June 13, 2007. We received a comment that suggested doing the survey every two years rather than every year. The requirement to conduct this collection every year is tied to the annual fishing effort limitation program under the amended U.S.-Canada Albacore Treaty. That program calls for effort to be reduced gradually over the 3-year period of the program. The United States would be unable to carry out this obligation with a collection that is conducted only every other year or every third year. There is considerable turnover in the fishery, and even one-year old data can be incorrect or misleading.

NMFS consulted with the U.S. troll albacore fishing industry in development and implementation of the reporting system in place. The fishing industry includes individual fishermen, an association of fishermen from the U.S. and Canada, and processors. The consultations occurred during the negotiations in 2001 and 2002 to amend the Treaty and in subsequent meetings to develop and evaluate reporting alternatives in 2003 and early 2004 (50 CFR 300.170 - 300.176).

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

There is no payment or nor are there gifts to respondents.

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

NMFS will maintain data as confidential consistent with the Magnuson-Stevens Fishery Conservation and Management Act as well as the Trade Secrets Act.

Fishermen are aware that reports by side-scan radio are subject to interception at sea, so the reporting options being provided include landline and cell telephone as well as fax and email. Data such as personal addresses and phone numbers will remain confidential information. The business information of holders of Federal permits is, however, public information.

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

No questions are asked of a sensitive nature.

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

Based on recent activity in 2006 and 2007, respondents are estimated to be 100 or less. There are four elements to this collection.

1). Vessel owners who want to be eligible to fish in Canadian waters under the Treaty must ensure that their vessels are on the list of vessels exchanged with Canada. This will require a call, email or fax to NMFS that will take approximately 5 minutes. If 100 vessel owners so request, **the total annual responses will be 100 and the annual burden for this element will be 8.33 (8) hours** (100 x 5 minutes/60 minutes).

2). Regulations require reporting border crossings under this rule to a U.S.-designated contractor so that NMFS can track fishing against its limit. Assuming one round-trip (two border crossings, and thus, two calls per trip) for each of an average of 100 active vessels each year, and with each call taking an average of 5 minutes, this imposes a burden of **200 responses and 16.67 (17) hours** per year (100 x 2 x 5 minutes/60 minutes). Note that some vessels are expected to engage in two or more crossings each year, while most vessels will not engage in any crossings. The Treaty through the imposed effort limitation regime in force indirectly limits the number of crossings. Under the amended Treaty, in the current default effort limitations, U.S. vessels will

be limited to no more than 375 vessel months per year (if a vessel fishes 1 day or 30 days in a given month, this counts as one vessel month for purposes of Treaty effort limits).

3). Regulations require logbook-reporting requirements for fishing under the Treaty in Canadian waters. Assuming that all of the estimated 100 vessels fish every day for one month (i.e., up to 30 days per month) and complete 1 logbook page per day (at 5 minutes per page), the responses will be 30 per vessel or 3,000 and the burden will be a maximum average of 250 hours per year. It is estimated that 50 percent of these vessels already respond to the mandatory logbook requirement under the West Coast Highly Migratory Species Fishery Management Plan, so the net added maximum burden for which approval is requested is **125 hours (1,500 responses)**. In most years, there will be much less fishing (and thus less reporting) under the Treaty than the level on which this estimate is based. For instance, in 2007, 18 US vessels utilized 22 vessel months of effort, and average trip duration of 10 days fishing in the Canadian EEZ.

4). The vessel marking requirement under the revised regulations consists of adding the letter “U” after the vessel marking number required under regulations at 50 CFR 660.704, if the vessel enters Canadian waters. This is estimated to take 5 minutes per vessel. Given the estimate of 100 vessels per year, an estimated **annual 100 responses and burden of 8.33 (8) hours** is anticipated.

Thus, the total responses are estimated to be 1,900 and the burden, 158 hours per year for the next 3-year period of fishing limits. NMFS is working with the albacore fishery to evaluate the potential of electronic recordkeeping and reporting for this fishery. This could reduce the collection burden in the future.

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 are no significant capital or equipment costs associated with this reporting burden.

1). The estimated cost of making the initial call or fax to be placed on the authorized list is approximately \$2.00, or less (5 minutes x \$0.40 per minute), totaling \$200.00 for 100 vessels.

2). The estimated cost of reporting border crossings by phone or ship-to-shore radio is up to \$1,200, based on up to 200 reports at \$6.00 per call. This includes connection fees and per minute charges.

3). Logbooks:

a). Mailing costs for submitting logbooks are estimated to be up to \$205 per year (30 pages per 50 vessels = 1,500 total logbook pages; at 6 pages to the ounce, this would require mailing of 250 ounces at \$ 0.41 per ounce or \$103).

b). Additionally, each vessel must register an account with ShipCom (the contractor provider for the hail monitoring system) at an annual estimated fee of \$25.00 each, or a total of \$1,250 for the estimated 50 vessels.

4). The estimated cost of the vessel-marking requirement is \$0.50 per vessel for 100 vessels, or up to \$50.00 per year.

Thus, total annual costs are estimated at \$2,803 (\$200 + \$1,250 + \$103 + \$1,250 + \$50). Actual costs are anticipated to be much less, as not all 100 vessels are expected to fish in a given year.

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

The only additional cost to the Federal government is the cost of contracting with a private firm to establish the hail-in system, including preparing instructions, developing software for data processing of hail-in information, and setting up the data transfer so that NMFS and Canadian authorities can simultaneously access the information from remote computers. This is an estimated annual cost of \$2,388 for the U.S. contribution. Operational costs of the hail-in system will be covered through the fees to fishermen for use of the system.

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

Due to re-estimations based on actual respondents in the past years, estimated hours have decreased by 770 hours. Due to a more realistic accounting of costs, and inclusion of the Shipcom vessel registration costs that were not accounted for in past submissions, costs have increased by \$906.

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

There are no plans at this time for publications based on the collections.

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 instructions for making calls will display the expiration date for the collection.

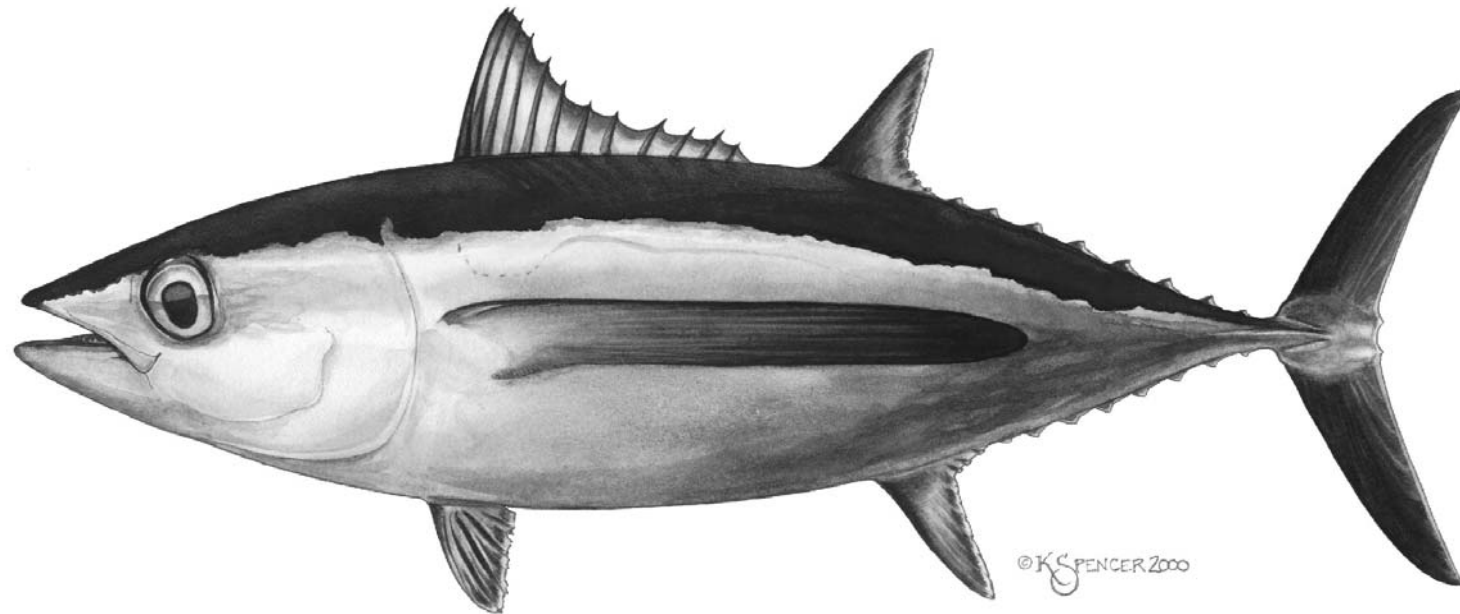
18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions to the certification statement in Item 19 of Office of Management and Budget (OMB) 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

U.S. PACIFIC ALBACORE LOGBOOK



U.S. NATIONAL MARINE FISHERIES SERVICE

(Tenth Edition, March 2006)

INSTRUCTIONS FOR COMPLETING FORMS FP AND LS

PART I. ALBACORE FISHING OPERATION INFORMATION (FORM FP). This section is used to provide information on the general composition of the albacore fleet. Fill in the blanks or circle the number(s) of the fields that apply to your vessel. Complete **one sheet** each season. Sign and date each sheet that is submitted.

PART II. FISHING INFORMATION (FORM LS). Complete one line of the daily catch section from the logbook for each day's fishing. Complete each column on the form by circling or entering the appropriate information. Seven days of fishing can be recorded on each log sheet. **INSERT THE FOLDED FLAP OF THE BACK COVER UNDER THE YELLOW COPY OF THE SHEET BEING WRITTEN ON.** This will prevent the entries from being transferred to the underlying sheets. Sign and date each sheet that is submitted.

TOP OF THE PAGE

Enter Vessel Name, Coast Guard Document Number or State Marine Board Number, Radio Call Sign, Captain's Name, Departure and Arrival Ports, Port(s) where catch was landed, Departure and Arrival Dates, Total Pounds Landed, and all transshipping information for the trip.

DAILY FISHING SECTIONS

1. DATE Enter the month and day of fishing.
2. GEAR CODE Circle the appropriate code number indicating the gear used.
3. FISHING CODE Circle the appropriate code number identifying the vessel's major activity during the day.
4. LOCATION (LAT/LONG) Enter the location (to the nearest minute) where most of the fish were caught.
5. ALBACORE CATCH
 - NUMBER KEPT: Enter the total number of albacore caught and retained for the day. Enter 0 if no albacore were caught and kept.
 - DISCARD NUMBERS: Enter the total number of albacore discarded (dead or alive) for the day.
 - AVERAGE WEIGHT: Enter the average weight (pounds) of albacore caught and retained during the day (your best estimate).
6. # JIG LINES Enter the average number of lines trolled during the day when fishing with jigs.
7. # BAIT POLES Enter the average number of bait poles used during the day when fishing with bait.
8. # HOURS FISHED Enter the total number of hours (to the nearest whole hour) that fishing occurred during the day.
9. # SKIFFS Enter the total number of skiffs used during the day.
10. SEA TEMPERATURE Record the surface temperature (nearest tenth of a degree Fahrenheit) at the time of best fishing.
11. SEA CONDITIONS Circle the appropriate code number that best represents sea conditions during the day.
12. BYCATCH Record the following information about any non-albacore catch (birds, turtles, sharks, other fish and marine mammals) that was kept or returned to the ocean.
 - SPECIES: Record the bycatch species (common or scientific) name.
 - NUMBER KEPT: Record the numbers of the bycatch species that were kept.
 - DISCARD NUMBER: Record the numbers of the bycatch species that were discarded dead or alive.
13. COMMENTS Record any observations related to fishing activities such as number of gill net vessels seen during the day, percentage or numbers of catch that had gill net scars, movement of fish, type of feed, water color, bird flocks, temperature "edges" or "fronts".

SUBMITTING LOGBOOKS

This logbook is mandatory for all U.S. vessels using troll gear to fish for albacore. Vessels are required to submit original (white copies) of form LS within 30 days after each unloading and form FP once a year to one of the following addresses:

National Marine Fisheries Service
8604 La Jolla Shores Dr.
La Jolla, CA 92037

National Marine Fisheries Service
P.O. Box 4150
Pago Pago, American Samoa 96799

ALL INFORMATION RECEIVED FROM YOU WILL BE KEPT CONFIDENTIAL

LENGTH-WEIGHT-AGE RELATIONSHIP FOR PACIFIC ALBACORE

FORK LENGTH					WEIGHT					AGE														
CM	INCHES	LB	KG	YRS	CM	INCHES	LB	KG	YRS	CM	INCHES	LB	KG	YRS	CM	INCHES	LB	KG	YRS					
40	16	2.9	1.3	1.7	62	24	10.8	4.9	3.3	84	33	26.7	12.1	5.3	106	42	53.6	24.3	8.2	128	50	94.2	42.7	13.5
41	16	3.1	1.4	1.8	63	25	11.3	5.1	3.4	85	33	27.7	12.6	5.4	107	42	55.1	25.0	8.4	129	51	96.4	43.7	13.8
42	17	3.4	1.5	1.9	64	25	11.9	5.4	3.4	86	34	28.7	13.0	5.5	108	43	56.7	25.7	8.6	130	51	98.6	44.7	14.2
43	17	3.6	1.6	1.9	65	26	12.4	5.6	3.5	87	34	29.7	13.5	5.6	109	43	58.2	26.4	8.7	131	52	100.9	45.8	14.7
44	17	3.9	1.8	2.0	66	26	13.0	5.9	3.6	88	35	30.7	13.9	5.8	110	43	59.9	27.2	8.9	132	52	103.3	46.8	15.1
45	18	4.1	1.9	2.1	67	26	13.6	6.2	3.7	89	35	31.8	14.4	5.9	111	44	61.5	27.9	9.1	133	52	105.6	47.9	15.6
46	18	4.4	2.0	2.1	68	27	14.2	6.4	3.8	90	35	32.9	14.9	6.0	112	44	63.2	28.7	9.3	134	53	108.0	49.0	16.1
47	19	4.7	2.1	2.2	69	27	14.8	6.7	3.9	91	36	34.0	15.4	6.1	113	44	64.9	29.4	9.5	135	53	110.4	50.1	17.3
48	19	5.0	2.3	2.3	70	28	15.5	7.0	4.0	92	36	35.1	15.9	6.2	114	45	66.6	30.2	9.7	136	54	112.9	51.2	
49	19	5.3	2.4	2.3	71	28	16.2	7.3	4.0	93	37	36.2	16.4	6.4	115	45	68.4	31.0	9.9	137	54	115.4	52.3	
50	20	5.7	2.6	2.4	72	28	16.9	7.6	4.1	94	37	37.4	17.0	6.5	116	46	70.2	31.8	10.1	138	54	117.9	53.5	
51	20	6.0	2.7	2.5	73	29	17.6	8.0	4.2	95	37	38.6	17.5	6.6	117	46	72.0	32.7	10.3	139	55	120.5	54.7	
52	20	6.4	2.9	2.5	74	29	18.3	8.3	4.3	96	38	39.8	18.1	6.7	118	46	73.8	33.5	10.6	140	55	123.1	55.8	
53	21	6.7	3.1	2.6	75	30	19.0	8.6	4.4	97	38	41.1	18.6	6.9	119	47	75.7	34.4	10.8	141	56	125.8	57.0	
54	21	7.1	3.2	2.7	76	30	19.8	9.0	4.5	98	39	42.4	19.2	7.0	120	47	77.6	35.2	11.1	142	56	128.4	58.3	
55	22	7.5	3.4	2.8	77	30	20.6	9.3	4.6	99	39	43.7	19.8	7.1	121	48	79.6	36.1	11.3	143	56	131.2	59.5	
56	22	8.0	3.6	2.8	78	31	21.4	9.7	4.7	100	39	45.0	20.4	7.3	122	48	81.6	37.0	11.6	144	57	133.9	60.8	
57	22	8.4	3.8	2.9	79	31	22.2	10.1	4.8	101	40	46.4	21.0	7.4	123	48	83.6	37.9	11.9	145	57	136.7	62.0	
58	23	8.8	4.0	3.0	80	31	23.1	10.5	4.9	102	40	47.8	21.7	7.6	124	49	85.6	38.8	12.2	146	57	139.6	63.3	
59	23	9.3	4.2	3.1	81	32	24.0	10.9	5.0	103	41	49.2	22.3	7.7	125	49	87.7	39.8	12.5	147	58	142.4	64.6	
60	24	9.8	4.4	3.1	82	32	24.9	11.3	5.1	104	41	50.6	23.0	7.9	126	50	89.8	40.8	12.8	148	58	145.4	65.9	
61	24	10.3	4.7	3.2	83	33	25.8	11.7	5.2	105	41	52.1	23.6	8.1	127	50	92.0	41.7	13.1	149	59	148.3	67.3	

Length-Weight relationship from Bartoo and Foreman, 1994. A review of the biology and fisheries for North Pacific Albacore (*Thunnus alalunga*).
 Length-Age relationship from Suda, et. al. 1966. Catch variations in the North Pacific albacore VI. The Speculation about influence of fisheries on the catch and abundance of the albacore in the north-west Pacific by use of some simplified mathematical models.

ALBACORE FISHING OPERATION INFORMATION

VESSEL NAME LAURA MARIE RADIO CALL SIGN WXY1234 HOME STATE CALIFORNIA

COAST GUARD DOCUMENT NO. 1234567 CALIFORNIA REG. NO. 12345

OR STATE MARINE BOARD NO. (e.g. WN1234AB) OREGON REG. NO. 12345 WASHINGTON REG. NO. 12345

LENGTH (ft.) 57 HORSEPOWER 325 AVG. CRUISING SPEED (knots) 8 HOLD CAPACITY (Short Tons) 29

NAVIGATIONAL EQUIPMENT (CIRCLE ALL THAT APPLY) 1. RDF 2. LORAN 3. RADAR 4. OMEGA 5. OTHER 6. GPS

RADIO EQUIPMENT (CIRCLE ALL THAT APPLY) 1. AM 2. CB 3. VHF 4. SSB 5. OTHER 6. CELLULAR TELEPHONE 7. INMARSAT

REFRIGERATION TYPE (CIRCLE ALL THAT APPLY) 1. ICE 2. BRINE 3. SPRAY BRINE 4. BLOWER / BLAST 5. OTHER

SPECIAL EQUIPMENT (CIRCLE ALL THAT APPLY) 1. HYDRAULIC POWER GURDY 2. LINE PULLER 3. XBT 4. SOUNDER 5. SOUNDER W/ WHITE LINE 6. SEA-SURFACE TEMP. SENSOR 7. OTHER 8. SONAR

CREW SIZE (including captain) 3 CREW ALBACORE FISHING EXPERIENCE FISHING EXPERIENCE NUMBER WITH FIRST SEASON 0 NUMBER WITH 1-3 SEASONS 1 NUMBER WITH 4-10 SEASONS 1 NUMBER WITH >10 SEASONS 0 1. FIRST SEASON 2. 1-3 SEASONS 3. 4-10 SEASONS 4. >10 SEASONS

GEAR 1. BAIT 2. JIG 3. BOTH OTHER

SKIFFS NO. 0 AVG. LENGTH AVG. HP AVG. NO. LINES TROLLED

I certify that the above information is complete and accurate to the best of my knowledge

DATE 7/4/1999 CAPTAIN'S NAME DOE, J John Doe (month/ day/ year) (PRINT) (Last name, First initial) (SIGNATURE)

ALBACORE FISHING OPERATION INFORMATION

VESSEL NAME _____ RADIO CALL SIGN _____ HOME STATE _____

COAST GUARD DOCUMENT NO. _____ CALIFORNIA REG. NO. _____
 OR
 STATE MARINE BOARD NO. _____ OREGON REG. NO. _____
 (e.g. WN1234AB) _____ WASHINGTON REG. NO. _____

LENGTH (ft.) _____ HORSEPOWER _____ AVG. CRUISING SPEED (knots) _____ HOLD CAPACITY (Short Tons) _____

NAVIGATIONAL EQUIPMENT <small>(CIRCLE ALL THAT APPLY)</small>
1. RDF _____
2. LORAN _____
3. RADAR _____
4. OMEGA _____
5. OTHER _____
6. GPS _____

RADIO EQUIPMENT <small>(CIRCLE ALL THAT APPLY)</small>
1. AM _____
2. CB _____
3. VHF _____
4. SSB _____
5. OTHER _____
6. CELLULAR TELEPHONE _____
7. INMARSAT _____

REFRIGERATION TYPE <small>(CIRCLE ALL THAT APPLY)</small>
1. ICE _____
2. BRINE _____
3. SPRAY BRINE _____
4. BLOWER / BLAST _____
5. OTHER _____

SPECIAL EQUIPMENT <small>(CIRCLE ALL THAT APPLY)</small>
1. HYDRAULIC POWER GURDY _____
2. LINE PULLER _____
3. XBT _____
4. SOUNDER _____
5. SOUNDER W/ WHITE LINE _____
6. SEA-SURFACE TEMP. SENSOR _____
7. OTHER _____
8. SONAR _____

CREW SIZE (including captain) _____	CAPTAIN'S ALBACORE
CREW ALBACORE FISHING EXPERIENCE	FISHING EXPERIENCE
NUMBER WITH FIRST SEASON _____	1. FIRST SEASON _____
NUMBER WITH 1-3 SEASONS _____	2. 1-3 SEASONS _____
NUMBER WITH 4-10 SEASONS _____	3. 4-10 SEASONS _____
NUMBER WITH >10 SEASONS _____	4. >10 SEASONS _____

GEAR	SKIFFS
1. BAIT _____	NO. _____
2. JIG _____	AVG. LENGTH _____
3. BOTH _____	AVG. HP _____
OTHER _____	AVG. NO. _____
	LINES TROLLED _____

I certify that the above information is complete and accurate to the best of my knowledge:

DATE _____ CAPTAIN'S NAME _____
(month/ day/ year) (PRINT) (Last name, First initial) (SIGNATURE)

U.S. PACIFIC ALBACORE FISHING INFORMATION

Form LS

VESSEL NAME LAURA MARIE COAST GUARD DOCUMENT NO. 1234567 RADIO CALL SIGN WXY1234
 CAPTAIN'S NAME JOHN DOE STATE MARINE BOARD NO. _____ (e.g. WN1234AB)
 DEPARTURE PORT NEWPORT ARRIVAL PORT ILWACO PORT(S) LANDED ILWACO
 DEPARTURE DATE 7 / 4 / 1999 ARRIVAL DATE 8 / 2 / 1999 POUNDS LANDED 43,057
(MM/DD/YYYY) (MM/DD/YYYY)

AT SEA TRANSSHIPPING		
DATE:	TRANSHIPPER	AMOUNT

DATE		GEAR CODE	FISHING CODE	LATITUDE			LONGITUDE			ALBACORE CATCH			# JIG LINES	# BAIT POLES	# HRS FISHED	# SKIFFS	SEA TEMP (°F)	SEA CONDITIONS	BYCATCH			COMMENTS (No. gill net vessels in area, % gill net marked fish, amount of bait and birds in area, transshipments, dumped albacore, etc.)
MONTH	DAY			DEG.	MIN	N/S	DEG.	MIN.	EW	NO. KEPT	DISCARD NO.	AVGWT (lbs)							SPECIES	NOKEPT	DISCARD NO.	
7	4	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	44	40	N	126	22	W	0	0	0	0	0	0	62	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE		0	0	LEFT AT 10:00AM	
7	5	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	44	52	N	138	15	W	0	0	-	20	0	15	0	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				RUNNING TO OFFSHORE AREA	
7	6	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	03	N	142	16	W	15	3	12	20	0	15	0	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				3 PEANUTS DUMPED	
7	7	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	12	N	146	08	W	33	2	14	20	0	15	0	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					
7	8	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	17	N	148	06	W	21	0	13	10	0	15	0	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					
7	9	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	03	N	148	12	W	42	0	13	20	0	15	0	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE	SKIPJACK	0	5	GOOD BIRD SIGNS	
7	10	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	01	N	148	50	W	68	0	14	20	0	15	0	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE	SKIPJACK	0	1	LOTS OF MARKS. NOT MANY BITERS	

I certify that the above information is complete and accurate to the best of my knowledge
 Signature: John Doe Date: 8 / 3 / 1999

INSERT FOLDED BACK COVER UNDER YELLOW COPY

U.S. PACIFIC ALBACORE FISHING INFORMATION

Form LS

VESSEL NAME _____ COAST GUARD DOCUMENT NO. _____ RADIO CALL SIGN _____
 CAPTAIN'S NAME _____ STATE MARINE BOARD NO. _____
 (e.g. WN1234AB) _____
 DEPARTURE PORT _____ ARRIVAL PORT _____ PORT(S) LANDED _____
 DEPARTURE DATE / / ARRIVAL DATE / / POUNDS LANDED _____
 (MM/DD/YYYY) (MM/DD/YYYY)

AT SEA TRANSSHIPPING		
DATE:	TRANSHIPPER	AMOUNT

DATE		GEAR CODE	FISHING CODE	LATITUDE			LONGITUDE			ALBACORE CATCH			# JIG LINES	# BAIT POLES	# HRS FISHED	# SKIFFS	SEA TEMP (°F)	SEA CONDITIONS	BYCATCH			COMMENTS (No. gill net vessels in area, % gill net marked fish, amount of bait and birds in area, transshipments, dumped albacore, etc.)
MONTH	DAY			DEG.	MIN	N/S	DEG.	MIN.	EW	NO. KEPT	DISCARD NO.	AVGWT (lbs)							SPECIES	NOKEPT	DISCARD NO.	
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING														1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING														1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING														1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING														1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING														1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING														1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING														1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE					

I certify that the above information is complete and accurate to the best of my knowledge Signature: _____ Date: _____

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The National Marine Fisheries Service (NMFS) is collecting this information in support of its implementation of the Magnuson-Stevens Fishery Management and Conservation Act, the High-Seas Fishing Compliance Act (HSFCA), and the Fisheries Management Plan for Highly Migratory Species. The information will be used by NMFS to assess the status of Pacific albacore stocks and monitor the fisheries. It will be also be used by U.S. negotiators in international and domestic forums to develop policy for the continued harvesting of Pacific albacore. Response is mandatory. The information submitted will be treated confidentially in accordance with NOAA Administrative Orders. The burden for completing a logbook for a fishing trip of 30 days is estimated at 1 hour above that of logbooks kept for normal business practice. This estimate includes the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. 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.



Attention: U.S. Albacore Vessel Owners
Instructions for Complying with Federal Regulations to Fish in
Canadian Waters for 2007

1. You must register for the 2007 Vessel Fishing List by:

- Contacting NMFS at: (562) 980-4024, FAX: (562) 980-4047, or email (albacore.fish@noaa.gov) at least 7 days prior to the first day you plan to fish in Canadian waters; and
- Providing: a) vessel and owner name, address, and phone number; b) USCG documentation number (or state registration if not documented); c) vessel operator (if different from the owner) and his or her address with phone number; d) vessel clearly marked with name and identification number (either U.S. Coast Guard Documentation number or state registration) followed by the letter "U"; e) vessel identification must be clearly visible both from the air and from a surface vessel.

2. You must report in 24 Hours Before Fishing

- You must report to ShipCom at least 24 hours before engaging in fishing in waters under the fisheries jurisdiction of Canada and within 24 hours after leaving Canadian waters;
Ways to contact Shipcom: (you must set up an account with ShipCom before you can use their services at (800) 633-1312
Station KLB (Seattle, WA) ITU channels 417, 805, 1209, 1624;
Station WLO (Mobile, AL) ITU channels 405, 824, 1212, 1641, 1807, 2237;
<http://www.shipcom.com> email: albacore@shipcom.com
- You must report to the Canadian Coast Guard at Tofino at least 24 hours prior to entering Canadian waters and 72 hours before leaving Canadian waters (phone: (250) 726-7716)).
Ways to contact Tofino:
VHF channel 26 (within a 60 mile range);
MF channel 2054 (within a 200 mile range);
HF channel 4125 (within a 400 mile range)

3. You must submit Logbooks

- Submit logbooks to the Southwest Fisheries Science Center within 15 days of the end of a trip to Mr. John Childers, Southwest Fisheries Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037-1508, phone, (858) 546-7192, e-mail: john.childers@noaa.gov.
- Need a logbook? Call (562) 980-4024 or check <http://swr.nmfs.noaa.gov/logbooks.htm>

4. You must have an HMS Permit from NMFS If You Also Fish in US Waters!

- Permit applications can be obtained at: <http://swr.nmfs.noaa.gov/hms/hmsapp.pdf>

5. Do Not Fish Inside of 12 NM from Canadian Shores

Need Further Information? Check out the "Guide for Complying with the Vessel Fishing Requirements of the U.S.-Canada Albacore Treaty" found at <http://swr.nmfs.noaa.gov/fmd/compguide.htm> and albacore treaty reporting requirements at <http://www.albacoretreaty.org/>

The information listed above is provided as a quick reference. Any discrepancies between this public notice and the regulations will be resolved in favor of Federal regulations at 50 CFR Part 300, subpart L.

SEC. 202. INTERNATIONAL FISHERY AGREEMENTS

16 U.S.C. 1822

- (a) NEGOTIATIONS.—The Secretary of State—
- (1) shall renegotiate treaties as provided for in subsection (b);
 - (2) shall negotiate governing international fishery agreements described in section 201(c);
 - (3) may negotiate boundary agreements as provided for in subsection (d);
 - (4) shall, upon the request of and in cooperation with the Secretary, initiate and conduct negotiations for the purpose of entering into international fishery agreements--
 - (A) which allow fishing vessels of the United States equitable access to fish over which foreign nations assert exclusive fishery management authority, and
 - (B) which provide for the conservation and management of anadromous species and highly migratory species; and
 - (5) may enter into such other negotiations, not prohibited by subsection (c), as may be necessary and appropriate to further the purposes, policy, and provisions of this Act.

99-659, 102-251

(b) TREATY RENEGOTIATION.—The Secretary of State, in cooperation with the Secretary, shall initiate, promptly after the date of enactment of this Act, the renegotiation of any treaty which pertains to fishing within the exclusive economic zone (or within the area that will constitute such zone after February 28, 1977) [or special areas]*, or for anadromous species or Continental Shelf fishery resources beyond such zone or area[s]*, and which is in any manner inconsistent with the purposes, policy, or provisions of this Act, in order to conform such treaty to such purposes, policy, and provisions. It is the sense of Congress that the United States shall withdraw from any such treaty, in accordance with its provisions, if such treaty is not so renegotiated within a reasonable period of time after such date of enactment.

99-659, 102-251, 104-297

(c) INTERNATIONAL FISHERY AGREEMENTS.—No international fishery agreement (other than a treaty) which pertains to foreign fishing within the exclusive economic zone (or within the area that will constitute such zone after February 28, 1977) [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone or area[s]*—

- (1) which is in effect on June 1, 1976, may thereafter be renewed, extended, or amended;
- or
- (2) may be entered into after May 31, 1976;
- by the United States unless it is in accordance with the provisions of section 201(c) or section 204(e).

99-659

(d) BOUNDARY NEGOTIATIONS.—The Secretary of State, in cooperation with the Secretary, may initiate and conduct negotiations with any adjacent or opposite foreign nation to establish the boundaries of the exclusive economic zone of the United States in relation to any such nation.

H.R. 2584 - To provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship (*Faleomavaega*)

Order of Business: The bill is scheduled to be considered on Monday, March 29th, under a motion to suspend the rules and pass the bill. This bill first passed the House (by voice vote) on November 21, 2003. On March 24, 2004, the Senate passed the bill with amendments and sent it back to the House.

Summary (Senate amendments in blue-bold below): H.R. 2584 would authorize the Secretary of Commerce to convey to the Utrok Atoll local government (in the Republic of the Marshall Islands), without consideration, a decommissioned National Oceanic and Atmospheric Administration ship in operable condition (presumably the *McArthur*, which was decommissioned on May 20, 2003). The ship would be used to help transport the residents of the Utrok Atoll the 250-mile distance to the nearest radioactivity testing facility. [Nuclear testing used to be done in the area.] **Within four months of this bill's enactment, the Utrok Atoll local government, in consultation with the Government of the Republic of the Marshall Islands, would have to submit to Congress a plan for the use of the conveyed vessel.**

H.R. 2584, as amended, would also repeal the following section of the Consolidated Appropriations Act for Fiscal Year 2004 (H.R. 2673, Public Law 108-199):

Division H, SEC. 105. (a) None of the funds made available under this Act may be obligated or expended to implement any measures to reduce overfishing and promote rebuilding of fish stocks managed under the Management Plan other than such measures set out in the final rule. (b) In this section:

- (1) The term 'final rule' means the final rule of the National Oceanic and Atmospheric Administration relating to the Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery that was published on June 27, 2003 (68 Fed. Reg. 38234).
- (2) The term 'Management Plan' means the Northeast Multispecies Fishery Management Plan prepared pursuant to section 303 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853).

Additionally, the Senate-amended bill would implement the Pacific Albacore Tuna Treaty between the U.S. Government and the Canadian Government regarding Pacific Coast albacore tuna vessels and port privileges, notwithstanding any contrary provisions in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1821, 1824, and 1857(2)).

Lastly, the bill would widen the applicability of the South Pacific Tuna Treaty Act of 1988 (16 U.S.C. 973d(a)).

Committee Action: On October 29, 2003, the House Resources Committee marked up and reported the bill by unanimous consent. The Senate-amended bill was not re-considered in the House Resources Committee.

Cost to Taxpayers: For the original House-passed bill, CBO confirmed that the bill would have no significant impact on the federal budget. Nothing in the Senate amendments would yield any federal cost.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-378, fails to cite a specific clause of constitutional authority. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

forth in section 4(a)(1) of the Act and regulations implementing the listing provisions of the Act (50 CFR part 424).

We will continue to monitor the status of the species, and to accept additional information and comments from all concerned governmental agencies, the scientific community, industry, or any other interested party concerning this finding.

References Cited

A complete list of all references cited in this finding is available on request from the Carlsbad Fish and Wildlife Office (see **ADDRESSES** above).

Author

The primary author of this finding is the staff of the Carlsbad Fish and Wildlife Office.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 28, 2004.

Marshall Jones,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 04-12659 Filed 6-3-04; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 300 and 600

[Docket No. 040423129-4165-02; I.D. 041404D]

RIN 0648-AQ22

International Fisheries Regulations; Pacific Tuna Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty) as authorized by recently passed legislation. This final rule establishes vessel marking, record keeping, and reporting requirements for U.S. albacore tuna fishing vessel operators and vessel marking and reporting requirements for Canadian albacore tuna fishing vessel operators fishing under the Treaty. The intended effect of this final rule is to allow the United States to carry out its obligations under the Treaty by limiting

fishing by both U.S. and Canadian vessels as provided for in the Treaty.

DATES: Effective June 1, 2004.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) are available from Svein Fougner at the NMFS address. Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted in writing to Svein Fougner, Assistant Administrator for Sustainable Fisheries, NMFS, Southwest Region and to David Rostker, OMB, by e-mail at *David_Rostker@omb.eop.gov*, or by facsimile (Fax) to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 562-980-4030; fax: 562-980-4047; and email: *svein.fougner@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Treaty, as amended in 2002, establishes a number of obligations of the Parties (the United States and Canada) to control reciprocal fishing in the waters of one Party by vessels of the other Party as well as reciprocal port privileges. The proposed rule (69 FR 23715, April 30, 2004) provided substantial information on the history of the Treaty and that information will not be repeated here. The Treaty permits fishing vessels of one Party to fish for albacore tuna in waters under the fisheries jurisdiction of the other Party seaward of 12 nautical miles from the baseline from which the territorial sea is measured (hereafter generally referred to as "waters"). The Treaty originally allowed for unlimited fishing for albacore tuna by vessels of each Party in waters of the other Party. In response to U.S. industry concerns about the increase in fishing effort by Canadian vessels in U.S. waters beginning in 1998, the Departments of State (DOS), supported by the National Marine Fisheries Service, initiated technical discussions which led to negotiations with Canada and ultimately agreement to amend the Treaty to establish controls over reciprocal fishing. Agreement to amend the Treaty was reached on April 24, 2002. The U.S. Senate has given its advice and consent to the Treaty amendments, and Congress enacted H.R. 2584 (Public Law 108-219) on March 29, 2004, to authorize the Secretary of Commerce to issue regulations to implement the amended Treaty. The President signed H.R. 2584 into law on April 13, 2004.

The amendment to Article 1 (b) of the Treaty allows for the United States and Canada to establish a mutually agreed upon fisheries limitation regime

applicable to each Party's vessels fishing for albacore in the other Party's waters. Pursuant to that provision, the United States and Canada agreed to an initial 3-year regime that reduces reciprocal fishing effort each year until a level is reached in year three that is slightly above the pre-1998 average. Annex C of the Treaty also provides for a further reduced level of fishing after the 3-year period if the Parties are not able to reach agreement on a subsequent regime.

The specific actions that are called for under the Treaty and being implemented through this final rule are:

Vessel Lists

As under the original Treaty, the United States and Canada will annually exchange lists of fishing vessels which may fish for albacore tuna in each other's waters under the Treaty.

Vessel Marking

U.S. and Canadian vessels must have their name and vessel identification marking prominently displayed where they will be clearly visible both from the air and from a surface vessel.

Hail-in and Hail-out

The operators of U.S. and Canadian albacore fishing vessels must report to designated reporting offices at least 24 hours prior to entering the waters of the other nation to fish under the Treaty.

Recordkeeping

Operators of U.S. and Canadian vessels must keep accurate logbook records of catch and effort while fishing under the Treaty and must submit those logbooks to their respective fishery agencies.

Information Exchange

The United States and Canada will annually monitor the amount of fishing and the weight of albacore tuna caught by their respective vessels in waters under the fisheries jurisdiction of the other Party, and will annually exchange this information.

Annual Treaty Consultations

The United States and Canada will consult annually to review the information exchanged on the albacore tuna fisheries; on their respective conservation and management measures for albacore tuna; and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under the Treaty.

Notification of Management Laws and Regulations

The United States and Canada will notify one another of the conservation and management laws and regulations applicable to vessels fishing in each other's waters.

Limitation of Fishing Effort

Annex C of the Treaty established a 3-year regime which limits the level of fishing that vessels of one Party can conduct in fishing for albacore tuna in the other Party's waters, beginning on June 1 of the first year of implementation of the limitation program. The limit can be exercised in terms of either the maximum number of vessels that can fish under the Treaty for up to 4 months each in a year; or the maximum number of fishing months that vessels can conduct in a year without a limit on the number of vessels that can participate in the year (i.e., vessel fishing months). The United States will administer the effort limit in terms of vessel fishing months. This is administratively the simplest approach and provides maximum flexibility to U.S. vessels to engage in fishing in Canadian waters if the fish are there. During the first year, the limit on fishing by U.S. vessels in Canadian waters will be 680 vessel fishing months; during the second year, the limit will be 560 vessel fishing months; and during the third year, the limit will be 500 vessel fishing months. There is provision for a "carry over" of unused fishing in a subsequent year.

The Treaty does not affect rights of U.S. vessels, including fishing vessels, to transit Canadian waters. However, Canadian hail-in requirements will continue to apply to transiting vessels, and with respect to albacore fishing vessels, fishing gear must be stowed in an unfishable condition to prevent the vessel from being considered to be "fishing" under the Treaty.

Extension or Adjustment of Fishing Limits

Prior to the expiration of this 3-year effort limitation program, the United States and Canada will consult to consider a new limitation program or extension of this program for 1 or more years.

The intent of this program is to ensure that neither Party receives disproportionate benefits from the fishing opportunities provided by the Treaty and that neither Party's fishermen will be disadvantaged relative to the other Party's fishermen under the Treaty.

To carry out this agreement, NMFS establishes the following requirements

for U.S. albacore fishing vessel owners and operators:

1. *Vessel List*. The owner of any albacore fishing vessel who wants that vessel to be on the list of U.S. vessels eligible to fish for albacore tuna in Canadian waters under the Treaty must provide to NMFS the vessel name, the vessel registration number (U.S. Coast Guard documentation number or, if not documented, the state registration number), the home port, and the captain or operator's name. A vessel is not eligible to fish for albacore tuna in Canadian waters if it is not on the U.S. vessel list for at least 7 days prior to engaging in fishing for albacore tuna in Canadian waters. Each list is only valid for a single calendar year.

2. *Vessel Marking*. A U.S. vessel eligible to fish for albacore tuna in Canadian waters must be marked with the name and vessel identification marking prominently displayed where they will be clearly visible both from the air and from a surface vessel. The letter "U" must be painted or otherwise securely affixed to the vessel and be positioned at the end of each appearance on the vessel of its U.S. Coast Guard Documentation number (or if not documented, the state registration number) in the same height and size as the numerals. Regulations at 50 CFR 660.704 implementing the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) establish vessel marking size requirements relative to the size of the vessel involved; the U would be the same size as the numerals for each vessel under those regulations.

3. *Logbook Reports*. The owner of a U.S. albacore fishing vessel is responsible for ensuring that a logbook of catch and effort covering fishing under the Treaty is maintained and submitted to the Southwest Region, NMFS, within 15 days of the end of the trip if the vessel re-enters U.S. waters or enters the Canadian territorial sea or other Canadian waters in which fishing is not permitted or a Canadian port having notified NMFS of its intent to stop fishing; or within 7 days of landing fish if the vessel entered the high seas after exiting the Canadian exclusive economic zone (EEZ). NMFS will provide the logbook form upon being advised of the owner's request to be placed on the list of eligible vessels as described above.

4. *Hail-in/Hail-out Reports*. The operator of a U.S. vessel eligible to fish for albacore tuna in Canadian waters must report to an office designated by NMFS at least 24 hours prior to entering Canadian waters to fish under the Treaty and at least 24 hours prior to

returning to U.S. waters or exiting Canadian waters and entering the high seas. NMFS has contracted for a call-in system to support U.S. reporting requirements. Reports will be acceptable through single sideband radio, landline and cell telephone, fax, and email. NMFS will provide detailed information to U.S. vessel operators of the appropriate times for reporting and the contractor contact points (phone numbers, radio frequencies, and email addresses) to all owners or operators identified on the list of eligible vessels.

NMFS and the U.S. Coast Guard will use all available means to inform fishers of closures of the fishery in Canadian waters in a timely manner. This will include use of Notice to Mariners, a hotline on current information relative to fishing limits, fax notices, and internet and web page notices. A closure notice also will be published in the **Federal Register**. Other means may be developed with the industry in the future.

This final rule also adds a new § 600.530 to the foreign fishing regulations at 50 CFR part 600 subpart F. This will reinforce Canadian regulations to govern the activity of Canadian vessels and ensure adequate ability to enforce the regulations and prosecute violations. In this context, it should be noted that Public Law 108-219 authorizes fishing by vessels from Canada in waters under the fisheries jurisdiction of the United States more than 12 nautical miles from the baseline from which the territorial sea is measured, notwithstanding the prohibitions at 50 CFR part 600, subpart F.

The DOS has concurred with issuance of this final rule, as required by Public Law 108-219.

Changes From the Proposed Rule

Three changes were made from the proposed rule. In § 300.175, the language is clarified to require that U.S. vessels planning to fish in waters under Canadian jurisdiction must file a hail-in report to the Reporting Office at least 24 hours prior to engaging in fishing in such waters. Similarly, in § 600.530(e) and (f) Canadian vessels must file reports 24 hours prior to their entry and exit from the U.S. EEZ. These changes make this final rule consistent with the Canadian regulations. A time frame was not specified in the proposed rule.

This final rule adds a new § 600.525 to part 600, subpart F, to clarify that fishing by vessels of Canada is regulated only under §§ 600.525 and 600.530 and not by the other sections of subpart F. This makes clear that the reporting and recordkeeping requirements and other

provisions of subpart F do not apply to Canadian vessels fishing under the Treaty. The proposed rule had been unclear on this point.

Comments and Responses

Comment: NMFS received one set of comments on the proposed rule. Those comments criticized NMFS for allowing profiteering and rapacious fishermen to destroy U.S. fishery resources; and proposed that no Canadian fishing be allowed in U.S. waters nor U.S. fishing in Canadian waters; that the fisheries be reduced by 50 percent this year and 10 percent each year thereafter; that the allowed levels of fishing are far too high; that marine protected areas be established; and that the logbook requirement is a joke because there is no enforcement. No other comments were received.

Response: None of the comments specifically addressed the actions addressed by this rule, and no changes have been made in this final rule as a result of the comments. The United States is obliged to allow fishing by Canadian vessels consistent with the Treaty.

Classification

NMFS prepared a FRFA that describes the economic impact this final rule will have on small entities. The FRFA is available from NMFS (see **ADDRESSES**). A summary of the FRFA follows.

This final rule is not expected to have significant effects on U.S. vessels that are active in the troll albacore fishery off the West Coast and on the high seas, all of which are considered small entities. About 800 vessels made landings of albacore into U.S. ports or transshipped albacore to foreign ports in 2003, with a total estimated catch of just under 15,000 metric tons (mt). Average annual U.S. albacore catches have been about 12,000 mt for the past 10 years. The amount of fishing in Canadian waters has been quite low; NMFS estimates that between 1 and 2 percent of total U.S. fishing effort (estimated at about 25,000 days per year) has been conducted in Canadian waters the past 10 years. The Treaty limitations are not expected to affect either the amount of fishing by U.S. vessels or their albacore catches in future years off the West Coast, in Canadian waters, or on the high seas. There are no catch limits under the Treaty or these implementing regulations. If Canadian fishing in U.S. waters declines through the effort limitation regime, there maybe less competition on fishing grounds in U.S. waters, but it does not appear (though it is not certain) that there would be any effects on U.S. vessels' effort or catches

or on subsequent revenues and profits in the fishery.

The principal impacts of this final rule are reporting burdens (see following discussion of Paperwork Reduction Act burdens). Those owners who choose to have their vessels participate in fishing in Canadian waters under the Treaty would incur the costs associated with having the vessel name placed on the U.S. vessel list provided to Canada; reporting to NOAA Fisheries designated offices prior to entering Canadian waters to fish and prior to exiting Canadian waters; maintaining and submitting a logbook report on fishing in Canadian waters; and marking the vessels in accordance with the requirements. The total annual cost of these actions is estimated to be less than \$100 per vessel owner. In any year, it is likely that U.S. vessels' fishing in Canadian waters will be far below the U.S. limit (average of 580 vessel months per year for the first 3 years) as albacore migrate into Canadian waters in relatively few years and for only a short time (less than two months) in those years.

The effect of this final rule is distinguished from the likely impacts of the fishing limits under the Treaty. That is, under these limits, there will be lower risk of levels of Canadian fishing in U.S. waters at levels that would create problems for U.S. vessels, such as crowding on the grounds or preemption of catch. Thus, the Treaty limits may have beneficial impacts on U.S. vessels' catch per unit effort, total catch and total revenue in the future, all other things being equal. In turn, it is conceivable that failure to implement this final rule would result in further delay in implementing the Treaty fishing limits such that U.S. vessel owners would be disadvantaged by unlimited Canadian fishing in U.S. waters. Under those circumstances, however, there would likely be pressure to terminate the Treaty and foreclose the future option of U.S. fishing in Canadian waters to ensure that there would not be unlimited Canadian fishing in U.S. waters. This final rule is not expected to result in any increase or decrease in average fishing time, catch per unit effort, total catch and revenue, or costs other than the administrative costs identified above. Thus, there will be very little impact (if any) on profits of the vessel owners involved from this final rule.

NMFS considered a number of alternatives to the specific actions related to vessel lists, vessel identification and marking, hail-in and hail-out reports, and logbooks. The differences between those options were

relatively slight and the economic impacts were small. The requirements selected were felt to best balance between the need for good information to carry out U.S. obligations and the need to minimize the burden on U.S. and Canadian vessel operators and owners. With respect to the reciprocal fishing limit, however, there were substantially different choices and NMFS considered the following alternatives to the proposed approach: (a) to establish a U.S. limited entry program by which to carry out the U.S. effort limitation regime using "vessel years" as the operating limit; and (b) to establish monthly effort limits (i.e., one-fifth of the annual limit each month in the months of June through October each year) to implement the effort limitation regime on a vessel month basis.

The former would be administratively more complex than the proposed approach. It would require establishing either a lottery by which eligible vessels might be selected or criteria (e.g., prior participation) by which the requisite number of vessels would be identified as being eligible to fish in the year; issuing specific licenses or permits for fishing under the Treaty to those vessels; and then evaluating the effects and effectiveness of the program and possibly refining it the next year.

The latter would also be more complex and less flexible than the proposed approach. It could support enforcement of the program by ensuring that there would not be an excessive flood of vessels into Canadian waters in any one month. However, it also would increase the potential that the U.S. would not be able to carry out as much fishing as legally permitted under the Treaty, since unused vessel months in one month would not carry over to the following month (which is the practical effect of the proposed approach).

Thus the proposed action was chosen for administrative ease, maximum flexibility to the fleet, and ability to enforce and administer at relatively low cost.

Neither of the alternatives (nor this final rule) would be likely to substantially affect the fishing effort and catch and revenue of the U.S. albacore fishery. As noted above, U.S. vessels have not fished extensively in Canadian waters for many years, and the U.S. fleet is not expected to fish at levels permitted under the Treaty. Thus, the form of the limitation used should not result in changes in fishing effort, catches or revenue.

This final rule establishes reporting burdens subject to the Paperwork Reduction Act (PRA). The vessel

marking requirement consists of adding the letter "U" after the vessel marking number required under regulations at 50 CFR 660.704 if the vessel enters Canadian waters. This is estimated to take 5 minutes per vessel.

It is expected that all of the U.S. vessels that would fish under the Treaty are subject to the HMS FMP and/or the High Seas Fishing Compliance Act, both of which require vessel marking, and the added cost (adding the letter U) under this final rule is minimal. Given the limits of the amended Treaty, the maximum number of times the added burden would occur in the 3-year period is 1,740 vessel crossings, or 580 per year, with a burden of 48.33 hours annualized.

This final rule requires that vessel owners or operators take action each year to be sure that their vessels are on the list of vessels eligible to fish in Canadian waters under the Treaty. This can be done with a 5 minute phone call. Although it is highly unlikely, it is assumed for estimating the reporting burden that 700 vessels will get on the list (this is about 90 percent of the number of vessels that actually landed albacore into a West Coast port in 2003); under this assumption, the total fleet burden is 58.33 hours. It should be noted that there is no cost to get on the list; therefore, it is expected that many will choose to get on the list just in case an opportunity to fish in Canadian waters arises during the year. This final rule also requires U.S. vessels to report border crossings to and from Canadian waters. Assuming a round trip for the maximum of 580 vessels (assuming that every vessel fishes only 1 month toward the U.S. limit), and with each call taking an average of 5 minutes, this imposes a burden of 96.67 hours. Finally, this final rule imposes a logbook reporting requirement for U.S. vessels fishing under the Treaty in Canadian waters. Under the limits of the Treaty, U.S. vessels will be limited to an average of no more than 580 vessel months per year (over 3 years).

Assuming full fishing each month (i.e., up to 30 days per month) and 1 logbook page per day (at 5 minutes per page), the reporting burden will be 2.5 hours per vessel per month or a fleet total of 1,450 hours per year. It is estimated that 50 percent of these vessels already participate in a voluntary albacore fishery logbook program, so the net new burden for which PRA approval has been requested is 725 hours.

Most years there will be much less fishing under the Treaty than the level on which this estimate is based. However, assuming full participation,

the total new reporting burden for the fleet is 928.33 hours per year for the first 3 year period of fishing limits. There are no significant capital or equipment costs associated with this reporting burden. NMFS is working with the albacore fishery to evaluate the potential of electronic recordkeeping and reporting for this fishery. This could reduce the collection burden in the future. An emergency PRA clearance request was approved by the Office of Management and Budget (OMB) so this final rule could be published by the target effective date.

Public comment is sought regarding whether these proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility, the accuracy of the burden estimate, ways to enhance the quality, utility, and clarity of the information to be collected, and ways to minimize the burden of the collection of information, including through the use of automated information technology. 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, Svein Fougner, Assistant Administrator for Sustainable Fisheries, NMFS, Southwest Region (SEE **ADDRESSES**) and by e-mail to David_Rostker@omb.eop.gov, or facsimile (fax) to 202-395-7285.

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 requirement of the PRA, unless that collection of information displays a currently valid OMB control number.

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

Administrative Procedure Act

The Assistant Administrator for Fisheries finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of this final rule. This final rule must be made effective by June 1, 2004 (the start of the Pacific albacore tuna fishing year), as the Parties to the Treaty agreed to implement the Amended Treaty by that date. The legislation (H.R. 2584) ratifying the Amended Treaty was signed into law on April 13, 2004. NMFS published a proposed rule to implement the Amended Treaty in the **Federal Register** on April 30, 2004. As the comment period for the rule ended on May 17, 2004, NMFS has insufficient time to provide 30 days to delay the

effectiveness of this rule prior to June 1, 2004. Failure to have the rule in effect that date would mean that the U.S. and Canada could not exchange diplomatic notes confirming that all administrative steps for Treaty implementation had been taken. Failure to do so would delay for another full fishing year (i.e., until 2005) the implementation of the reciprocal fishing limit regime that is very important to the U.S. albacore fishing fleet. The Parties agreed that the Treaty would not go into effect during the fishing year (i.e., after June 1). Without this limitation program, Canadian vessels could once again fish without limits in U.S. waters to the likely disadvantage of U.S. vessels. The limitation regime is intended to allow a fair opportunity for each nation's vessels to participate in fishing on the common stock, but Canadian fishing vessels have enjoyed much greater benefit under the Treaty than U.S. vessels in recent years. NOAA has prepared an information package for almost 1,100 U.S. vessel owners and operators about the new restrictions imposed by this final rule and the proposed rule was posted on the internet and sent to industry advisors for distribution to fishers. No U.S. vessel is expected to fish under the Treaty in the first several weeks after June 1, 2004, providing additional time to distribute this information to the industry. NOAA has been advised that Canadian vessel owners and operators have also been informed that the requirement to report prior to border crossings will be a condition of their licenses to fish in U.S. waters.

List of Subjects

50 CFR Part 300

Fisheries, High seas fishing, International agreements, Permits, Reporting and recordkeeping requirements.

50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: May 27, 2004.

Rebecca Lent,

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

■ For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

■ 1. A new Subpart L is added to read as follows:

Subpart L—Pacific Albacore Tuna Fisheries

Sec.	
300.170	Purpose and scope.
300.171	Definitions.
300.172	Vessel list.
300.173	Vessel identification.
300.174	Logbook reports.
300.175	Hail-in and hail-out reports.
300.176	Prohibitions.

Authority: Sec. 401, Pub. L. 108-219, 118 Stat. 616 (16 U.S.C. 1821 note).

Subpart L—Pacific Albacore Tuna Fisheries

§ 300.170 Purpose and scope.

The regulations in this subpart govern fishing by U.S. vessels in waters under the fisheries jurisdiction of Canada pursuant to the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002. Regulations governing fishing by Canadian vessels in waters under the fisheries jurisdiction of the United States pursuant to this Treaty as amended in 2002 are found at § 600.530 of chapter VI of this title.

§ 300.171 Definitions.

In addition to the definitions in the Magnuson-Stevens Fishery Conservation and Management Act and § 600.10 of Chapter VI of this title, the terms used in this subpart have the following meanings:

Fishing under the Treaty as amended in 2002 means to engage in fishing for albacore tuna in waters under the fisheries jurisdiction of Canada seaward of 12 nautical miles from the baseline from which the territorial sea is measured.

Regional Administrator means the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, or a designee.

Reporting Office means the office designated by the Regional Administrator to take hail-in and hail-out reports from U.S. and Canadian vessel operators.

Treaty means the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002.

§ 300.172 Vessel list.

The “vessel list” is the list of U.S. vessels that are authorized to fish under the Treaty as amended in 2002. Only a vessel on the list for at least 7 days may engage in fishing in Canadian waters under the Treaty as amended in 2002. At least 7 (seven) days prior to the first day on which any fishing in Canadian waters may begin, the owner of any U.S. vessel that wishes to be eligible to fish for albacore tuna under the Treaty as amended in 2002 must provide the Regional Administrator or his designee with the vessel name, the owner’s name and address, phone number where the owner can be reached, the U.S. Coast Guard documentation number (or state registration number if not documented), and vessel operator (if different from the owner) and his or her address and phone number. NMFS will then place the vessel on the vessel list.

§ 300.173 Vessel identification.

A U.S. vessel fishing under the Treaty as amended in 2002 must be marked with its name and vessel identification prominently displayed where they will be clearly visible both from the air and from a surface vessel. Vessel identification means the U.S. Coast Guard Documentation number (or if not documented, the state registration number) followed by the letter U in the same height and size as the numerals. Numerals and the letter U must meet these requirements of § 660.704 of chapter VI of this title.

§ 300.174 Logbook reports.

The owner of any U.S. vessel that fishes for albacore tuna in Canadian waters under the Treaty as amended in 2002 must maintain and submit to the Regional Administrator a logbook of catch and effort of such fishing. The logbook form will be provided to the vessel owner as soon as practicable after the request to be placed on the list of vessels. The logbook must be submitted to the Regional Administrator within 15 days of the end of a trip, regardless of whether the trip ends by reentry to U.S. waters or entry to Canada’s territorial sea, other Canadian waters in which fishing is not permitted, or a Canadian port. If the departure is due to exit to the high seas, the vessel operator must submit the logbook within 7 days of its next landing.

§ 300.175 Hail-in and hail-out reports.

(a) The operator of any U.S. vessel that wishes to engage in fishing in waters under the fisheries jurisdiction of Canada must file a hail-in report to the Reporting Office at least 24 hours prior to engaging in fishing in such waters.

(b) The operator of a U.S. vessel that has been fishing under the Treaty as amended in 2002 must file a hail-out report to the Reporting Office within 24 hours of departing waters under the fisheries jurisdiction of Canada.

§ 300.176 Prohibitions.

It is prohibited for the owner or operator of a U.S. fishing vessel to:

(a) Engage in fishing in waters under the fisheries jurisdiction of Canada if:

(1) The vessel has not been on the list of fisheries pursuant to § 300.172 for at least 7 days;

(2) The vessel is not clearly marked as required under § 300.173;

(3) The vessel operator has not filed a hail-in report with the Reporting Office as required under § 300.175(a); or

(4) The Regional Administrator has announced that the U.S. limit on fishing under the Treaty as amended in 2002 has been reached.

(b) Fail to maintain and submit logbook records of catch and effort statistics as required under § 300.174;

(c) Fail to report an exit from waters under the fisheries jurisdiction of Canada as required by § 300.175(b).

■ For the reasons set out in the preamble, 50 CFR part 600 subpart F is amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 2. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C 561 and 16 U.S.C. 1801 *et seq.*

■ 3. A new § 600.525 is added to subpart F to read as follows:

§ 600.525 Applicability of Subpart F to Canadian Albacore Fishing Vessels off the West Coast.

Fishing by vessels of Canada under the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges is regulated only under this section and § 600.530 of this subpart F, and is exempt from any other requirements of this subpart F. Regulations governing fishing by U.S. vessels in waters under the fisheries jurisdiction of the Canada more than 12 nautical miles from the baseline from which the territorial sea is measured are found at §§ 300.170–300.176 of chapter II of this title.

■ 4. A new § 600.530 is added to subpart F to read as follows:

§ 600.530 Pacific albacore fishery.

(a) *Purpose and scope.* This section regulates fishing by Canadian vessels

under the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002. Notwithstanding any other provision of this subpart F, fishing vessels of Canada may be authorized to fish in waters under the fisheries jurisdiction of the United States more than 12 nautical miles from the baseline from which the territorial sea is measured in accordance with the Treaty and this section, pursuant to Public Law 108-219 (118 Stat. 616; 16 U.S.C. 1821 note).

(b) *Definitions.* In addition to the definitions in the Magnuson-Stevens Fishery Conservation and Management Act and § 600.10, the terms used in this subpart have the following meanings:

Fishing under the Treaty as amended in 2002 means to engage in fishing for albacore tuna in waters under the fisheries jurisdiction of the United States seaward of 12 nautical miles from the baseline from which the territorial sea is measured.

Regional Administrator means the Regional Administrator, Southwest

Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, or a designee.

Reporting Office means the office designated by the Regional Administrator to take hail-in and hail-out reports from U.S. and Canadian vessel operators.

Treaty means the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002.

(c) *Vessel list.* A Canadian vessel is not eligible to fish for albacore in U.S. waters under the Treaty as amended in 2002 unless the vessel is on the list provided to NMFS by the Government of Canada of vessels authorized by Canada to fish under the Treaty as amended in 2002.

(d) *Vessel identification.* A Canadian vessel fishing under the Treaty as amended in 2002 must clearly display its Canadian vessel registration number followed by the letter C in the same height and size as the numerals, consistent with Canadian vessel marking requirements.

(e) *Hail-in reports.* The operator of a Canadian Vessel eligible to fish for albacore in U.S. waters under the Treaty as amended in 2002 must file a hail-in report with the Reporting Office at least 24 hours prior to beginning any such fishing.

(f) *Hail-out Reports.* The operator of a Canadian vessel that has been fishing in U.S. waters under the Treaty as amended in 2002 must file a hail-out report with the Reporting Office at least 24 hours prior to exiting from U.S. waters.

(g) *Prohibitions.* It is prohibited for the operator of a Canadian vessel to engage in fishing in U.S. waters if the vessel:

(1) Is not on the vessel list in paragraph (c) of this section;

(2) Has not filed a hail-in report to advise of an intent to fish under the Treaty as amended in 2002 prior to engaging in such fishing; or

(3) Is not clearly marked in accordance with paragraph (d) of this section.

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similar document that accurately states the information required by paragraph (a)(1)(ii) of this section.

(3) In the case of subcontainers or packages within a larger packing container, only the outermost container must be marked in accordance with this section, provided, that for live fish or wildlife that are packed in subcontainers within a larger packing container, if the subcontainers are numbered or labeled, the packing list, invoice, bill of lading, or other similar document, must reflect that number or label.

(4) A conveyance (truck, plane, boat, etc.) is not considered a container for purposes of requiring specific marking of the conveyance itself, provided that:

(i) The fish or wildlife within the conveyance is carried loosely or is readily identifiable, and is accompanied by the document required by paragraph (a)(1)(ii) of this section; or

(ii) The fish or wildlife is otherwise packaged and marked in accordance with this subpart.

(b) The requirements of §300.160 of chapter III of this title do not apply to containers or packages containing—

(1) Fox, nutria, rabbit, mink, chinchilla, marten, fisher, muskrat, and karakul that have been bred and born in captivity, or their products, if a signed statement certifying that the animals were bred and born in captivity accompanies the shipping documents;

(2) Fish or shellfish contained in retail consumer packages labeled pursuant to the Food, Drug and Cosmetic Act, 21 U.S.C. 301 *et seq.*; or

(3) Fish or shellfish that are landed by, and offloaded from, a fishing vessel (whether or not the catch has been carried by the fishing vessel interstate), as long as the fish or shellfish remain at the place where first offloaded.

Subpart L—Pacific Albacore Tuna Fisheries

AUTHORITY: Sec. 401, Pub. L. 108-219, 118 Stat. 616 (16 U.S.C. 1821 note).

SOURCE: 69 FR 31535, June 4, 2004, unless otherwise noted.

§ 300.170 Purpose and scope.

The regulations in this subpart govern fishing by U.S. vessels in waters under the fisheries jurisdiction of Canada pursuant to the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002. Regulations governing fishing by Canadian vessels in waters under the fisheries jurisdiction of the United States pursuant to this Treaty as amended in 2002 are found at §600.530 of chapter VI of this title.

§ 300.171 Definitions.

In addition to the definitions in the Magnuson-Stevens Fishery Conservation and Management Act and §600.10 of Chapter VI of this title, the terms used in this subpart have the following meanings:

Fishing under the Treaty as amended in 2002 means to engage in fishing for albacore tuna in waters under the fisheries jurisdiction of Canada seaward of 12 nautical miles from the baseline from which the territorial sea is measured.

Regional Administrator means the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, or a designee.

Reporting Office means the office designated by the Regional Administrator to take hail-in and hail-out reports from U.S. and Canadian vessel operators.

Treaty means the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002.

§ 300.172 Vessel list.

The “vessel list” is the list of U.S. vessels that are authorized to fish under the Treaty as amended in 2002. Only a vessel on the list for at least 7 days may engage in fishing in Canadian waters under the Treaty as amended in 2002. At least 7 (seven) days prior to the first day on which any fishing in Canadian waters may begin, the owner of any U.S. vessel that wishes to be eligible to fish for albacore tuna under the

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Treaty as amended in 2002 must provide the Regional Administrator or his designee with the vessel name, the owner's name and address, phone number where the owner can be reached, the U.S. Coast Guard documentation number (or state registration number if not documented), and vessel operator (if different from the owner) and his or her address and phone number. NMFS will then place the vessel on the vessel list.

§ 300.173 Vessel identification.

A U.S. vessel fishing under the Treaty as amended in 2002 must be marked with its name and vessel identification prominently displayed where they will be clearly visible both from the air and from a surface vessel. Vessel identification means the U.S. Coast Guard Documentation number (or if not documented, the state registration number) followed by the letter U in the same height and size as the numerals. Numerals and the letter U must meet the size requirements of § 660.704 of chapter VI of this title.

§ 300.174 Logbook reports.

The owner of any U.S. vessel that fishes for albacore tuna in Canadian waters under the Treaty as amended in 2002 must maintain and submit to the Regional Administrator a logbook of catch and effort of such fishing. The logbook form will be provided to the vessel owner as soon as practicable after the request to be placed on the list of vessels. The logbook must be submitted to the Regional Administrator within 15 days of the end of a trip, regardless of whether the trip ends by reentry to U.S. waters or entry to Canada's territorial sea, other Canadian waters in which fishing is not permitted, or a Canadian port. If the departure is due to exit to the high seas, the vessel operator must submit the logbook within 7 days of its next landing.

§ 300.175 Hail-in and hail-out reports.

(a) The operator of any U.S. vessel that wishes to engage in fishing in waters under the fisheries jurisdiction of Canada must file a hail-in report to the Reporting Office at least 24 hours prior to engaging in fishing in such waters.

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(b) The operator of a U.S. vessel that has been fishing under the Treaty as amended in 2002 must file a hail-out report to the Reporting Office within 24 hours of departing waters under the fisheries jurisdiction of Canada.

§ 300.176 Prohibitions.

It is prohibited for the owner or operator of a U.S. fishing vessel to:

(a) Engage in fishing in waters under the fisheries jurisdiction of Canada if:

(1) The vessel has not been on the list of fisheries pursuant to § 300.172 for at least 7 days;

(2) The vessel is not clearly marked as required under § 300.173;

(3) The vessel operator has not filed a hail-in report with the Reporting Office as required under § 300.175(a); or

(4) The Regional Administrator has announced that the U.S. limit on fishing under the Treaty as amended in 2002 has been reached.

(b) Fail to maintain and submit logbook records of catch and effort statistics as required under § 300.174;

(c) Fail to report an exit from waters under the fisheries jurisdiction of Canada as required by § 300.175(b).

Subpart M—International Trade Documentation and Tracking Programs for Highly Migratory Species

AUTHORITY: 16 U.S.C. 951-961 and 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

SOURCE: 69 FR 67277, Nov. 17, 2004, unless otherwise noted.

§ 300.180 Purpose and scope.

The regulations in this subpart are issued under the authority of the Atlantic Tunas Convention Act of 1975 (ATCA), Tuna Conventions Act of 1950, and Magnuson-Stevens Act. The regulations implement the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) for the conservation and management of tuna and tuna-like species in the Atlantic Ocean and of the Inter-American Tropical Tuna Commission (IATTC) for the conservation and management of highly migratory fish resources in the Eastern Tropical Pacific Ocean, so far as they affect vessels and

Fishery Conservation and Management

§ 600.530

§ 600.525 Applicability of Subpart F to Canadian Albacore Fishing Vessels off the West Coast.

Fishing by vessels of Canada under the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges is regulated only under this section and § 600.530 of this subpart F, and is exempt from any other requirements of this subpart F. Regulations governing fishing by U.S. vessels in waters under the fisheries jurisdiction of the Canada more than 12 nautical miles from the baseline from which the territorial sea is measured are found at §§ 300.170–300.176 of chapter II of this title.

[69 FR 31535, June 4, 2004]

§ 600.530 Pacific albacore fishery.

(a) *Purpose and scope.* This section regulates fishing by Canadian vessels under the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002. Notwithstanding any other provision of this subpart F, fishing vessels of Canada may be authorized to fish in waters under the fisheries jurisdiction of the United States more than 12 nautical miles from the baseline from which the territorial sea is measured in accordance with the Treaty and this section, pursuant to Public Law 108–219 (118 Stat. 616; 16 U.S.C. 1821 note).

(b) *Definitions.* In addition to the definitions in the Magnuson-Stevens Fishery Conservation and Management Act and § 600.10, the terms used in this subpart have the following meanings:

Fishing under the Treaty as amended in 2002 means to engage in fishing for albacore tuna in waters under the fisheries jurisdiction of the United States seaward of 12 nautical miles from the baseline from which the territorial sea is measured.

Regional Administrator means the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, or a designee.

Reporting Office means the office designated by the Regional Administrator

to take hail-in and hail-out reports from U.S. and Canadian vessel operators.

Treaty means the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002.

(c) *Vessel list.* A Canadian vessel is not eligible to fish for albacore in U.S. waters under the Treaty as amended in 2002 unless the vessel is on the list provided to NMFS by the Government of Canada of vessels authorized by Canada to fish under the Treaty as amended in 2002.

(d) *Vessel identification.* A Canadian vessel fishing under the Treaty as amended in 2002 must clearly display its Canadian vessel registration number followed by the letter C in the same height and size as the numerals, consistent with Canadian vessel marking requirements.

(e) *Hail-in reports.* The operator of a Canadian Vessel eligible to fish for albacore in U.S. waters under the Treaty as amended in 2002 must file a hail-in report with the Reporting Office at least 24 hours prior to beginning any such fishing.

(f) *Hail-out Reports.* The operator of a Canadian vessel that has been fishing in U.S. waters under the Treaty as amended in 2002 must file a hail-out report with the Reporting Office at least 24 hours prior to exiting from U.S. waters.

(g) *Prohibitions.* It is prohibited for the operator of a Canadian vessel to engage in fishing in U.S. waters if the vessel:

(1) Is not on the vessel list in paragraph (c) of this section;

(2) Has not filed a hail-in report to advise of an intent to fish under the Treaty as amended in 2002 prior to engaging in such fishing; or

(3) Is not clearly marked in accordance with paragraph (d) of this section.

[69 FR 31535, June 4, 2004]

Title 50: Wildlife and Fisheries

PART 660—FISHERIES OFF WEST COAST STATES

Subpart K—Highly Migratory Fisheries

§ 660.704 Vessel identification.

(a) *General* . This section only applies to commercial fishing vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington. This section does not apply to recreational charter vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington.

(b) *Official number* . Each fishing vessel subject to this section must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(c) *Numerals* . The official number must be affixed to each vessel subject to this section in block Arabic numerals at least 10 inches (25.40 cm) in height for vessels more than 25 ft (7.62 m) but equal to or less than 65 ft (19.81 m) in length; and 18 inches (45.72 cm) in height for vessels longer than 65 ft (19.81 m) in length. Markings must be legible and of a color that contrasts with the background.

[72 FR 43564, Aug. 6, 2007]

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. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

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

Dated: June 7, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-11373 Filed 6-12-07; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; U.S.-Canada Albacore Treaty Reporting System

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

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 August 13, 2007.

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 Chris Fanning, (562) 980-4198 or Chris.Fanning@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) Southwest Region (SWR) manages the U.S.-Canada Albacore Tuna Treaty of 1981 (Treaty). Owners of vessels that fish from U.S. West Coast ports for albacore tuna will be required to notify NMFS SWR of their desire to be on the list of vessels provided to Canada each year indicating vessels eligible to fish for albacore tuna in waters under the jurisdiction of Canada. Additionally, vessel operators are required to report in advance their intention to fish in Canadian waters prior to crossing the maritime border as well as to mark their fishing vessels to facilitate enforcement of the effort limits under the Treaty. The vessel operators are also required to maintain and submit a logbook of all catch and fishing effort. The regulations implementing the reporting and vessel marking requirements under the Treaty are at 50 CFR 300.172-300.176.

The estimated burden below includes hours to complete the logbook requirement, although it is assumed that most if not all of the respondents already fill out the required logbook under the mandatory West Coast Highly Migratory Species Fishery Management Plan (HMS FMP) (Form No.: 88-197, OMB Control No. 0648-0223, expires 05/31/2008). Duplicate reporting under the Treaty and HMS FMP is not required. Most years, there will be much less fishing (and thus less reporting) under the Treaty than the level on which the estimate is based.

II. Method of Collection

Requests to be placed on the vessel eligibility list may be made in writing via mail or fax, by e-mail, or by telephone. Communications to comply with 'hail in' and 'hail out' requirements are made via ship to shore radio or via telephone and are compiled in an electronic database accessible by NMFS via a web interface. Vessel marking requirements entail painting the letter 'U' immediately after the U.S. Coast Guard documentation identification number already on the vessel. Logbooks are maintained in pre-printed paper format and submitted via mail.

III. Data

OMB Number: 0648-0492.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Response: 5 minutes to make the request to be placed on the eligible list per year; 10 minutes for each set of two hail reports for border crossings per year; 5 minutes to make the required vessel markings per year; and an estimated 2 and one-half hours for logbook maintenance and submission.

Estimated Total Annual Burden Hours: 283.

Estimated Total Annual Cost to Public: \$3,955.

IV. Request for Comments

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

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

Dated: June 7, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-11375 Filed 6-12-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Correction to Proposed Information Collection; Comment Request; Omnibus Notice for Compliance of National Marine Fisheries Service Permits With the Debt Collection Improvement Act of 1996

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Correction.

This is to correct the notice of the same title published June 6, 2007, Volume 72, page 31289.

In addition to the information collections listed on June 6, 2007, this