

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and Recordkeeping requirements, Transportation, Wildlife.

For the reasons set out in the preamble, the Service proposes to amend 50 CFR part 20 as set forth below.

PART 20—MIGRATORY BIRD HUNTING

1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a–j.

2. Amend § 20.20 by revising paragraphs (a), (b), and (e) to read as follows:

§ 20.20 Migratory Bird Harvest Information Program.

(a) Information collection requirements. The collections of information contained in § 20.20 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0015. The information will be used to provide a sampling frame for the national Migratory Bird Harvest Survey. Response is required from licensed hunters to obtain the benefit of hunting migratory game birds. Public reporting burden for this information is estimated to average 2 minutes per response for 3,300,000 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total annual reporting and record-keeping burden for this collection is estimated to be 112,000 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Officer, ms-224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018–0015, Washington, DC 20503. (b) General provisions. Each person hunting migratory game birds in any State except Hawaii must have identified himself or herself as a migratory bird hunter and given his or her name, address, and date of birth to the respective State hunting licensing authority and must have on his or her person evidence, provided by that State, of compliance with this requirement.

* * * * *

(e) State responsibilities. The State hunting licensing authority will ask

each licensed migratory bird hunter in the respective State to report approximately how many ducks, geese, doves, and woodcock he or she bagged the previous year, whether he or she hunted coots, snipe, rails, and/or gallinules the previous year, and, in States that have band-tailed pigeon hunting seasons, whether he or she intends to hunt band-tailed pigeons during the current year.

Dated: April 7, 1998.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 980414095–8095–01; I.D. 040798C]

RIN 0648–AJ37

Fisheries of the Northeastern United States; Dealer Reporting Requirements

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to amend the regulations which require dealers of summer flounder, scup, black sea bass, Atlantic sea scallops, Northeast (NE) multispecies, Atlantic mackerel, squid, and butterfish to report their fish purchases to NMFS. This action would improve weekly monitoring of landings, by species, by requiring dealers to use a call-in Interactive Voice Response (IVR) system to report their purchases to NMFS. The rule would also modify the schedule for the submission by federally permitted dealers of comprehensive written reports. Reporting requirements for party and charter vessels holding a federal summer flounder or scup permit, other than a moratorium permit, would be modified to make them consistent with reporting requirements in other fisheries.

DATES: Comments must be received on or before June 18, 1998.

ADDRESSES: Comments on the proposed rule or proposed IVR system should be sent to Andrew A. Rosenberg, Ph.D., Administrator, Northeast Region, NMFS, One Blackburn Drive,

Gloucester, MA 01930. Mark the outside of the envelope, “Comments on Proposed Rule for Dealer Reporting.”

Comments on the burden hour estimates for collection-of- information requirements contained in this proposed rule should be sent to Andrew A. Rosenberg, Ph.D., and to the Office of Information and Regulatory Affairs, Attention: NOAA Desk Officer, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Kelley McGrath, (978) 281-9307 or Gregory Power, (978) 281-9304.

SUPPLEMENTARY INFORMATION:

Regulations implementing the fishery management plans for the summer flounder, scup, black sea bass, Atlantic sea scallops, NE multispecies, and Atlantic mackerel, squid, and butterfish fisheries are found at 50 CFR part 648. These fishery management plans were prepared under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. All dealers of summer flounder, scup, black sea bass, Atlantic sea scallops, NE multispecies, Atlantic mackerel, *Illex* or *Loligo* squid or butterfish must have been issued and have in their possession a Federal dealer permit in order to purchase such species from fishing vessels. All dealers issued a Federal dealer permit are required to submit weekly reports of all fish purchases to the Administrator, Northeast Region, NMFS (Regional Administrator). To make it easier for federally permitted dealers to comply with weekly reporting requirements and to improve the monitoring of commercial landings, NMFS proposes to modify the dealer reporting requirements.

Several species are now being managed using domestic annual harvest limits, such as annual or seasonal quotas and target or actual total allowable catch (TAC) limits. For example, summer flounder and scup are managed through annual commercial quotas, while the regulated NE multispecies are managed through annual target TACs. Regulated multispecies are defined as a subset of the NE multispecies that includes cod, haddock, pollock, redfish, white hake, yellowtail flounder, witch flounder, windowpane flounder, winter flounder, and American plaice. In order to manage these fisheries effectively, accurate and timely monitoring of landings is required. For the purposes of this proposed rule, species managed by quotas or TACs are referred to as “quota-managed species.”

Interactive Voice Response System

This proposed rule would require federally permitted fish dealers to use a NMFS-established IVR system to report weekly purchases of all quota-managed species, except those species deferred from IVR system coverage by the Regional Administrator. This would enable NMFS to determine more quickly when domestic harvest limits have been reached. Species whose purchases would have to be reported weekly through the IVR system include summer flounder, scup, black sea bass, regulated NE multispecies, Atlantic mackerel, *Illex* and *Loligo* squid, and butterfish.

The Regional Administrator would have the authority to defer species from coverage by the IVR system weekly reporting requirements if landings are not expected to reach levels that would cause the applicable target exploitation rate corresponding to a given domestic annual harvest limit, target or actual TAC or annual or seasonal quota specified in the fishery management plan for that species to be achieved. This deferral determination would be based on the purchases reported, by species, in the comprehensive written reports submitted by dealers and other available information. If the Regional Administrator determines that a species should be deferred from the IVR system weekly reporting requirement, he/she would publish notification so stating in the **Federal Register**. If data indicate that landing levels subsequently increase to an extent that this determination ceases to be valid, the Regional Administrator would terminate the deferral by publishing notification in the **Federal Register**. Therefore, it is conceivable that a deferral from the IVR system weekly reporting requirement and a withdrawal of a given deferral could occur in any given fishing year for a given quota-managed species. NMFS anticipates that following a review of landing levels and other applicable information several of the quota-managed species will be deferred from the IVR system weekly reporting requirement at the time of implementation of any final rule.

Dealers would be required to report through the IVR system, on a weekly basis, purchases of those quota-managed species not deferred from coverage. The IVR system would use a toll-free number that federally permitted dealers would call to report weekly purchases of IVR monitored species. For each species requiring IVR monitoring, NMFS proposes to require federally permitted dealers to report the following information weekly through the IVR system: Dealer permit number; dealer

code; pounds purchased by species; week in which purchases were made; and state of landing for each species purchased. If no purchases of the IVR monitored species were made during the week, the dealer would be required to submit a report so stating through the IVR system.

Trip-by-Trip Dealer Reports

Currently, federally permitted dealers are required to submit comprehensive trip-by-trip written reports listing all species purchased within 3 days after the end of the reporting week. Because the IVR system would provide timely monitoring of dealer purchases by species, NMFS proposes to amend this requirement to allow dealers 16 days following the end of the reporting week in which to complete and submit the trip-by-trip written reports for all species. In addition to providing dealers with more time to complete these reports, this proposed change would also result in more accurate price information being collected on the written reports. Such pricing information is often unavailable to dealers within 3 days following the end of the reporting week, but is available within 16 days following the end of the reporting week.

Dealers would continue to report the following information, within 16 days following the end of the reporting week, on forms supplied by or approved by the Regional Administrator: Dealer name and mailing address; dealer number; name and permit number or hull number (United States Coast Guard (USCG) documentation number or state registration number, whichever is applicable) of vessels from which fish are landed or received; dates of purchases; trip identifier for fishing trip from which fish are purchased; pounds by species (by market category, if applicable); price per pound, by species (by market category, if applicable) or total value by species (by market category, if applicable); port landed; signature of dealer or other authorized individual; and any other information deemed necessary by the Regional Administrator. If no fish were purchased during the reporting month, the dealer would be required to report that on the required form, which would be submitted within 16 days following the end of the reporting month. Dealers would retain the option of submitting the required information electronically if authorized in writing to do so by the Regional Administrator.

Additional Dealer and Processor Reporting Changes

NMFS proposes to modify five requirements pertaining to dealer reporting. Dealers are currently required to report the Federal permit number of the vessel from which fish are purchased or landed. However, many of the species landed by dealers are not subject to Federal management and are caught by vessels that hold no Federal permits. This requirement would be modified to require dealers to report either the Federal permit number or the hull number (USCG documentation number or state registration number, as appropriate) of the vessels from which fish are purchased or landed.

The existing reporting form, NOAA Form 88-30, specifies market categories for several species. The regulations would be revised to make it clear to dealers that species must be reported by market category, when applicable.

The reporting period for negative written reports (reports stating that no fish were purchased) would be changed from weekly to monthly. Currently, federally permitted dealers are required to submit a weekly written negative report if no purchases of any fish were made during the reporting week. This proposed rule would instead require dealers to submit monthly a written negative report only if no purchases of any fish were made during a reporting month (defined as a calendar month).

NMFS also proposes adding language to amplify an existing prohibition to allow for the collection of biological data (fish lengths) and samples (scales and otoliths for aging) which are necessary to characterize the composition of the landed catch. While most dealers have historically and voluntarily allowed access to their premises for the collection of these vital data, NMFS proposes to revise the regulations so that it is explicit that federally permitted dealers are required to grant such access.

Under current regulations at § 648.7(a)(2)(ii), processors are required to notify the Regional Administrator if the plant processing capacities change by more than 10 percent during any year. NMFS proposes to require that the processor notify the Regional Administrator in writing within 10 days after this change.

Vessel Reporting Change

NMFS further proposes to revise the reporting requirements for any owner of a party or charter vessel issued a federal summer flounder or scup permit, other than a moratorium permit. Currently, owners of party or charter vessels issued

a summer flounder or scup permit, other than a moratorium permit, and carrying passengers for hire are required to submit an accurate daily fishing log report for each trip that lands summer flounder or scup, respectively. This proposed rule would amend the vessel reporting requirements to require these vessels to submit reports for each trip, regardless of the species fished for or retained. This change would make the requirements for party/charter vessels in the summer flounder and scup fisheries consistent with those in the black sea bass, NE multispecies, and Atlantic mackerel, squid, and butterfish fisheries.

Classification

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 (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This proposed rule contains collection-of-information requirements subject to the PRA, and clarifies or makes minor modifications to requirements previously approved under OMB control number 0648-0229 (2 minutes per response), OMB control number 0648-0212 (5 minutes per response), OMB Control No. 0648-0018 (6 minutes per response), and OMB Control No. 0648-0235 (5 minutes per response). The requirement to use an IVR system for weekly dealer reporting has been submitted to OMB for approval under OMB control number 0648-0229 and is estimated to take 4 minutes per response. The response estimates shown include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing, reviewing and submitting the collection of information. Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has 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 collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS and OMB (see ADDRESSES).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule, if adopted as proposed, would not have significant impact on a substantial number of small entities as follows:

The proposed rule would require dealers of summer flounder, scup, black sea bass, Atlantic mackerel, squid, butterfish, and NE multispecies to report their purchases to the National Marine Fisheries Service (NMFS) on a weekly basis through a NMFS-established Interactive Voice Response (IVR) system. The reporting schedule for federally permitted dealers would be modified to extend the submission deadline for comprehensive written reports. These proposed changes would enable NMFS to track landings of quota-managed species on a real time basis through the IVR system, while providing dealers with the convenience of additional time to submit the comprehensive written reports.

Reporting requirements for any owner of a party or charter vessel issued a summer flounder or scup permit, other than a moratorium permit, would be modified making the requirements consistent with those in other fisheries. Currently, owners of a party or charter vessel issued a summer flounder or scup permit, other than a moratorium permit, and carrying passengers for hire are required to submit a report for each trip that lands summer flounder or scup, respectively. This rule would require these vessels to submit reports for each trip, regardless of the species fished for or retained.

Because the information being collected from dealers and vessel owners is regularly compiled for their own business records, providing NMFS with the information is a minimal burden and will not result in a significant economic impact on the dealers or vessel owners.

This rule has been determined to be not significant for the purposes of E.O. 12866.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 14, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. Section 648.2 is amended by adding, in alphabetical order, definitions for "Dealer code", "IVR system", and "Quota-managed species" to read as follows:

§ 648.2 Definitions.

* * * * *

Dealer code means a confidential five-digit number assigned to each dealer required to submit purchases using the IVR system for the purpose of maintaining the integrity of the data reported through the IVR system.

* * * * *

IVR system means the Interactive Voice Response dealer reporting system established by the Regional Administrator for the purpose of monitoring dealer purchases.

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Quota-managed species means any species of finfish managed under this part by an annual or seasonal quota or by annual target or actual TAC.

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3. In § 648.7 paragraph (a)(2) is redesignated as paragraph (a)(3), new paragraphs (a)(2) and (g) are added, paragraph (b)(1)(iii) is removed, the first sentence of paragraph (a)(1) introductory text, and paragraphs (a)(1)(i), (a)(3)(i), (a)(3)(ii), (b)(1)(i) and (f)(1) are revised to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

(a) *Dealers*—(1) *Detailed weekly report.* Federally permitted dealers must submit to the Regional Administrator, or official designee, a detailed weekly report, within the time periods specified in paragraph (f) of this section, on forms supplied by or approved by the Regional Administrator, a report of all fish purchases, except surf clam and ocean quahog dealers or processors who are required to report only surf clam and ocean quahog purchases. * * *

(i) Summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, Atlantic mackerel, squid and butterfish dealers must provide: Dealer name and mailing address; dealer number; name and permit number or name and hull number (USCG documentation number or state registration number, whichever is applicable) of vessels from which fish are landed or received; trip identifier for trip from which fish are landed or received; dates of purchases; pounds by species (by market category, if applicable); price per pound by species (by market category, if applicable) or total value by species (by market category, if applicable); port landed; and any other information deemed necessary by the Regional Administrator. All report forms must be signed by the dealer or other authorized individual. If no fish are purchased during a reporting week, no written report is required to be submitted. If no fish are purchased

during an entire reporting month, a report so stating on the required form must be submitted.

* * * * *

(2) *Weekly IVR system reports.* (i) Federally permitted dealers purchasing quota-managed species not deferred from coverage by the Regional Administrator pursuant to paragraph (a)(2)(ii) of this section must submit, within the time period specified in paragraph (f) of this section, the following information, and any other information required by the Regional Administrator, to the Regional Administrator or to an official designee, via the IVR system established by the Regional Administrator: Dealer permit number; dealer code; pounds purchased, by species; week in which species were purchased; and state of landing for each species purchased. If no purchases of quota-managed species not deferred from coverage by the Regional Administrator pursuant to paragraph (a)(2)(ii) of this section were made during the week, a report so stating must be submitted through the IVR system in accordance with paragraph (f) of this section.

(ii) The Regional Administrator may defer any quota-managed species from the IVR system reporting requirements if landings are not expected to reach levels that would cause the applicable target exploitation rate corresponding to a given domestic annual harvest limit, target or actual TAC or annual or seasonal quota specified for that species to be achieved. The Regional Administrator shall base any such determination on the purchases reported, by species, in the comprehensive written reports submitted by dealers and other available information. If the Regional Administrator determines that any quota-managed species should be deferred from the weekly IVR system reporting requirements, the Regional Administrator shall publish notification so stating in the **Federal Register**. If data indicate that landing levels have increased to an extent that this determination ceases to be valid, the Regional Administrator shall terminate the deferral by publishing notification in the **Federal Register**.

(3) * * *

(i) Summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, Atlantic mackerel, squid, and butterfish dealers must complete the "Employment Data" section of the

Annual Processed Products Report; completion of the other sections of that form is voluntary. Reports must be submitted to the address supplied by the Regional Administrator.

(ii) Surf clam and ocean quahog processors and dealers must provide the average number of processing plant employees during each month of the year just ended; average number of employees engaged in production of processed surf clam and ocean quahog products, by species, during each month of the year just ended; plant capacity to process surf clam and ocean quahog shellstock, or to process surf clam and ocean quahog meats into finished products, by species; an estimate, for the next year, of such processing capacities; and total payroll for surf clam and ocean quahog processing, by month. If the plant processing capacities required to be reported in this paragraph (a)(3)(ii) change more than 10 percent during any year, the processor shall notify the Regional Administrator in writing within 10 days after the change.

(b) *Vessel owners*—(1) *Fishing Vessel Trip Reports*—(i) *Owners of vessels issued a summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, or Atlantic mackerel, squid, and butterfish permits.* The owner or operator of any vessel issued a permit for summer flounder, scup, black sea bass, Atlantic sea scallops, NE multispecies, Atlantic mackerel, squid or butterfish must maintain on board the vessel, and submit, an accurate daily fishing log report for all fishing trips, regardless of species fished for or taken, on forms supplied by or approved by the Regional Administrator. If authorized in writing by the Regional Administrator, vessel owners or operators may submit reports electronically, for example by using a VTS or other system. At least the following information, and any other information required by the Regional Administrator, must be provided: Vessel name; USCG documentation number (or state registration number, if undocumented); permit number; date/time sailed; date/time landed; trip type; number of crew; number of anglers (if a party or charter boat); gear fished; quantity and size of gear; mesh/ring size; chart area fished; average depth; latitude/longitude (or loran station and bearings); total hauls per area fished; average tow time duration; pounds (or count, if a party or charter vessel), by species, of all species landed or discarded; dealer permit number; dealer

name; date sold, port and state landed; and vessel operator's name, signature, and operator permit number (if applicable).

* * * * *

(f) *Submitting reports*—(1) *Dealer or processor reports.* (i) Detailed weekly trip reports, required by paragraph (a)(1) of this section, must be postmarked or received within 16 days after the end of each reporting week. If no fish are purchased during a reporting month, the report so stating required under paragraph (a)(1)(i) of this section must be postmarked or received within 16 days after the end of the reporting month.

(ii) Weekly IVR system reports required in paragraph (a)(2) of this section must be submitted via the IVR system by midnight, Eastern time, each Tuesday for the previous reporting week.

(iii) Annual reports for a calendar year must be postmarked or received by February 10 of the following year. Contact the Regional Administrator (see Table 1 to § 600.502 of this chapter) for the address of NMFS Statistics.

* * * * *

(g) *Additional data and sampling.* Federally permitted dealers must allow access to their premises and to make available to an official designee of the Regional Administrator any fish purchased from vessels for the collection of biological data. Such data include, but are not limited to, length measurements of fish and the collection of age structures such as otoliths or scales.

4. In § 648.14 paragraph (a)(8) is revised to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(8) Assault, resist, oppose, impede, harass, intimidate, or interfere with or bar by command, impediment, threat, or coercion any NMFS-approved observer or sea sampler aboard a vessel conducting his or her duties aboard a vessel, or any authorized officer conducting any search, inspection, investigation, or seizure in connection with enforcement of this part, or any official designee of the Regional Administrator conducting his or her duties, including those duties authorized in § 648.7(g).

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