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New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C.M. "Rip" Cunningham, *Chairman* | Paul J. Howard, *Executive Director*

October 25, 2011

Ms. Patricia Kurkul  
Regional Administrator  
NMFS, Northeast Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930

**RE: Comments on Rod and Reel Fishing in WGOM Closed Area EFP**

Dear Pat:

The New England Fishery Management Council has no objection to the experimental fishery proposal noted above published in the *Federal Register* on October 20, 2011.

If you have any question please contact me.

Sincerely,

Paul J. Howard  
Executive Director

**II. Method of Collection**

Paper submissions are used; however, applicants are encouraged to submit supporting documentation electronically when feasible.

**III. Data**

*OMB Control Number:* 0648-0145.

*Form Number:* None.

*Type of Review:* Regular submission (extension of a currently approved information collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 2.

*Estimated Time per Response:* Applications, 2,000-4,000 hours (no applications are expected); license renewals, 250 hours; reports, 20 hours.

*Estimated Total Annual Burden Hours:* 290.

*Estimated Total Annual Cost to Public:* \$200 in recordkeeping/reporting costs.

**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: October 14, 2011.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2011-27131 Filed 10-19-11; 8:45 am]

**BILLING CODE 3510-08-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XA703**

**Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits**

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that an exempted fishing permit application contains all of the required information and warrants further consideration. This permit would allow two commercial fishing vessels to test the economic viability of using electric rod and reel gear to target pollock in the Western Gulf of Maine Closure Area and to temporarily retain undersized catch for measurement and data collection. The study would be conducted by the School for Marine Science and Technology at the University of Massachusetts, Dartmouth.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed exempted fishing permits.

**DATES:** Comments must be received on or before November 4, 2011.

**ADDRESSES:** You may submit written comments by any of the following methods:

- *E-mail:* [nero.efp@noaa.gov](mailto:nero.efp@noaa.gov). Include in the subject line "Comments on Rod and Reel Fishing in WGOM Closed Area EFP."

- *Mail:* Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on SMAST EFP."

- *Fax:* (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Brett Alger, Fisheries Management Specialist, 978-675-2153, [brett.alger@noaa.gov](mailto:brett.alger@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The School for Marine Science and Technology at the University of Massachusetts, Dartmouth (SMAST) submitted a complete application for an

exempted fishing permit (EFP) on August 31, 2011, to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would authorize two vessels to use electric rod and reel gear in the Western Gulf of Maine (GOM) Closure Area and to temporarily retain undersized catch for measurement and data collection.

The project, titled "Utilization of Electric Rod and Reel to Target Pollock in WGOM Closed Area," is funded by NOAA's Northeast Cooperative Research Program through the network project GEARNET. In addition to testing the economic viability of using electric rod and reel gear to target pollock, and allow the vessels to temporarily retain undersized fish for data collection purposes, the project may also investigate if the gear could be used as an effective stock assessment tool within closed areas. The study would take place in the Western GOM Closure Area, during November and December 2011, with two vessels planning to fish 10 days each, for a total of 20 research days. The exemptions are necessary because groundfish vessels on commercial groundfish trips are prohibited from fishing in the Western GOM Closure Area and from retaining undersized fish. Each vessel would use four electric rod and reels each day and fish for approximately 8 hours, with an additional 4 hours of steaming, for a total trip of 12 hours. Fishing would primarily occur within the Western GOM Closure Area, with some effort being conducted outside the area. SMAST is requesting access to the Western GOM Closure Area based on its belief that pollock is concentrated in this area.

A technician would be on board the vessel to measure fish caught (retained and discarded), document fishing gear, bait, location, and fishing conditions to evaluate gear performance. Undersized fish would be discarded. All Northeast multispecies of legal size would be landed, with all catch being attributed to the sector vessel's annual catch entitlement. Proceeds from the sales would be retained by the vessels.

In order to ensure that catch does not exceed the amount of targeted and bycatch species estimated by SMAST, a trigger clause would be placed on the EFP. Based on reported landings and discards, the EFP would be rescinded should catch (landings and discards) exceed any of the following amounts (per vessel): Pollock: 6,000 lb (2,722 kg); cod: 1,000 lb (454 kg); haddock: 1,000 lb (454 kg); American plaice: 100 lb (45.4 kg); yellowtail flounder: 100 lb (45.4 kg); witch flounder: 100 lb (45.4 kg); winter flounder: 100 lb (45.4 kg);

spiny dogfish: 1,000 lb (454 kg); smooth dogfish: 200 lb (90.7 kg); thorny skate: 1,000 lb (454 kg); and winter skate: 1,000 lb (454 kg).

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

The Assistant Regional Administrator has made an initial determination that, based on a preliminary review of the proposed subject research and the criteria provided in section 5.05a-c and section 6.03c.3(a) of NAO 216-6, a Categorical Exclusion (CE) appears to be justified for this EFP. In accordance with NOA 216-6, a CE, or other appropriate NEPA document, would be completed prior to the issuance of the EFP. Further review and consultation may be necessary before a final determination is made to issue the EFP.

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

**Dated:** October 17, 2011.

**Steven Thur,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2011-27211 Filed 10-19-11; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Indirect Cost Rates for the Damage Assessment, Remediation, and Restoration Program for Fiscal Years 2009 and 2010

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

**ACTION:** Notice.

**SUMMARY:** The National Oceanic and Atmospheric Administration's (NOAA's) Damage Assessment, Remediation, and Restoration Program (DARRP) is announcing new indirect cost rates on the recovery of indirect costs for its component organizations involved in natural resource damage assessment and restoration activities for fiscal years (FY) 2009 and 2010. The indirect cost rates for these fiscal years and dates of implementation are provided in this notice. More information on these rates and the

DARRP policy can be found at the DARRP web site at <http://www.darrp.noaa.gov>. This notice is a republication of the notice published October 3, 2011 (76 FR 61089) with corrections made to the table of indirect cost rates.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact LaTonya Burgess at 301-713-4248, ext. 211, by fax at 301-713-4389, or e-mail at [LaTonya.Burgess@noaa.gov](mailto:LaTonya.Burgess@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The mission of the DARRP is to restore natural resource injuries caused by releases of hazardous substances or oil under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 *et seq.*), the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), and support restoration of physical injuries to National Marine Sanctuary resources under the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*). The DARRP consists of three component organizations: the Office of Response and Restoration (ORR) within the National Ocean Service; the Restoration Center within the National Marine Fisheries Service; and the Office of the General Counsel for Natural Resources (GCNR). The DARRP conducts Natural Resource Damage Assessments (NRDAs) as a basis for recovering damages from responsible parties, and uses the funds recovered to restore injured natural resources.

Consistent with Federal accounting requirements, the DARRP is required to account for and report the full costs of its programs and activities. Further, the DARRP is authorized by law to recover reasonable costs of damage assessment and restoration activities under CERCLA, OPA, and the NMSA. Within the constraints of these legal provisions and their regulatory applications, the DARRP has the discretion to develop indirect cost rates for its component organizations and formulate policies on the recovery of indirect cost rates subject to its requirements.

#### The DARRP's Indirect Cost Effort

In December 1998, the DARRP hired the public accounting firm Rubino & McGeehin, Chartered (R&M) to: Evaluate the DARRP cost accounting system and allocation practices; recommend the appropriate indirect cost allocation methodology; and determine the indirect cost rates for the three organizations that comprise the DARRP. A **Federal Register** notice on R&M's effort, their assessment of the DARRP's cost accounting system and practice, and their determination regarding the

most appropriate indirect cost methodology and rates for FYs 1993 through 1999 was published on December 7, 2000 (65 FR 76611). The notice and report by R&M can also be found on the DARRP Web site at <http://www.darrp.noaa.gov>.

R&M continued its assessment of DARRP's indirect cost rate system and structure for FYs 2000 and 2001. A second federal notice specifying the DARRP indirect rates for FYs 2000 and 2001 was published on December 2, 2002 (67 FR 71537).

In October 2002, DARRP hired the accounting firm of Cotton and Company LLP (Cotton) to review and certify DARRP costs incurred on cases for purposes of cost recovery and to develop indirect rates for FY 2002 and subsequent years. As in the prior years, Cotton concluded that the cost accounting system and allocation practices of the DARRP component organizations are consistent with Federal accounting requirements. Consistent with R&M's previous analyses, Cotton also determined that the most appropriate indirect allocation method continues to be the Direct Labor Cost Base for all three DARRP component organizations. The Direct Labor Cost Base is computed by allocating total indirect cost over the sum of direct labor dollars, plus the application of NOAA's leave surcharge and benefits rates to direct labor. Direct labor costs for contractors from I.M. Systems Group (IMSG) were included in the direct labor base because Cotton determined that these costs have the same relationship to the indirect cost pool as NOAA direct labor costs. IMSG provided on-site support to the DARRP in the areas of injury assessment, natural resource economics, restoration planning and implementation, and policy analysis. IMSG continues to provide on-site support to the DARRP. Starting in FY 2010, contractors from Genwest provide on-site support for cost documentation. A third federal notice specifying the DARRP indirect rates for FY 2002 was published on October 6, 2003 (68 FR 57672), a fourth notice for the FY 2003 indirect cost rates appeared on May 20, 2005 (70 FR 29280), and a fifth notice for the FY 2004 indirect cost rates was published on March 16, 2006 (71 FR 13356). The notice for the FY 2005 indirect cost rates was published on February 9, 2007 (72 FR 6221). The notice for the FY 2006 rates was published on June 3, 2008 (73 FR 31679). Finally, the notice for the FY 2007 and FY 2008 rates was published on November 16, 2009 (74 FR 58948). Cotton's reports on these indirect rates



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Paul J. Howard, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



Re: Experimental Fishing Permit Proposal

Dear Paul J. Howard,

The regulations on exempted fishing activities at 50 CFR 600.745(b)(3) require that we forward copies of experimental fishing permit (EFP) applications to the Regional Fishery Management Council(s), the U.S. Coast Guard, and the appropriate fishery management agencies of affected states, accompanied by the following information: (A) The effect of the proposed EFP on the target and incidental species, including the effect on any Total Allowable Catch; (B) a citation of the regulation or regulations that, without the EFP, would prohibit the proposed activity; and (C) biological information relevant to the proposal, including appropriate statements of environmental impacts, including impacts on marine mammals and threatened or endangered species. Therefore, we have attached the Federal Register notice that describes the activities proposed by the applicant.

The School for Marine Science and Technology at the University of Massachusetts Dartmouth (SMAST) submitted a complete application for an EFP on August 31, 2011, to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would authorize two commercial fishing vessels to investigate the economic viability of using electric rod and reel for pollock in the Western Gulf of Maine (GOM) Closure Area and to temporarily retain undersized catch for measurement and data collection. The principle investigator commented that access into the Western GOM Closure Area is needed due to the pollock concentrations in this area. The EFP would exempt the vessels from the following restriction of the Northeast (NE) Multispecies Fishery Management Plan (FMP): 50 CFR 648.81(e) and 648.83(a).

The project, titled "Utilization of Electric Rod and Reel to Target Pollock in the Western GOM Closure Area," is funded by NOAA's Northeast Cooperative Research Program through the network project GEARNET. In addition to using electric rod and reel gear to target pollock, the project may also investigate if this gear could be used as an effective pollock stock assessment tool within closed areas. The study would take place in the Western GOM Closure Area, during November and December 2011, with two vessels planning to fish 10 days each, for a total of 20 research days.

Each vessel is expected to use four electric rod and reels, and fish for approximately 8 hours per day, with an additional 4 hours of steaming, for a total trip of 12 hours. Fishing



would primarily occur within the Western GOM Closure Area, with some effort being conducted outside the area.

In order to ensure that catch does not exceed the amount of targeted and bycatch species estimated by, a trigger clause is being placed on the EFP. Based on reported landings and discards, the EFP will be rescinded should catch (landings and discards) exceed any of the following amounts (per vessel, lb):

- a) Pollock: 6,000
- b) Cod: 1,000
- c) Haddock: 1,000
- d) American plaice: 100
- e) Yellowtail flounder: 100
- f) Witch flounder: 100
- g) Winter flounder: 100
- h) Spiny dogfish: 1,000
- i) Smooth dogfish: 200
- j) Thorny skate: 1,000
- k) Winter skate: 1,000

Please respond to the following contact person with any comments you have on the EFP proposal within 15 days of your receipt of this letter.

CONTACT                      Travis Ford  
Sustainable Fisheries Division, Northeast Region, NMFS  
55 Great Republic Drive  
Gloucester, MA 01930  
Phone: (978) 281-9233  
FAX: (978) 281-9135

Thank you for your cooperation.

Sincerely,



George H. Darcy  
Assistant Regional Administrator  
for Sustainable Fisheries