



Electronic Logbook Reporting in the Western Pacific Region

Timeline

October 2003- 120th Council meeting; Council takes initial action

June 2004- 123rd Council meeting; Council takes final action to:

Allow the optional use of electronic logbook forms, with data submitted on paper or on NMFS approved non-paper media or by over-the-air transmissions (e.g., satellite systems) - Under this measure, fishermen have the option of using NMFS approved electronic logbook forms. Fishermen are also be allowed to submit data on paper or on NMFS approved non-paper media (e.g, CD, DVD, memory stick, flash card, other approved media), or by transmission through email or satellite systems that are compatible with NMFS' communication systems as determined by the Regional Administrator. Paper logbook forms would be required to be kept on board and used as backup in lieu of a computer malfunction.

August 2006- NMFS issues Policy Directive "Use and Implementation of Electronic Signatures" however does not provide guidance on standards and procedures for electronic signatures.

April 17, 2007- NMFS issues Final Rule to implement options used of electronic logbooks in Western Pacific Region (72 FR 19123; attached)

May 2004- July 2009- Using Fishery Information System (FIS) funding and regional funds, PIFSC, PIRO, and Council staff work on Elog's Certification Project (74 FR 32109; attached) which established Standards and Protocols for electronic reporting applications.

At the time, this project was stated to be the first of its kind in the nation; however it 5 years to complete!

actually wished to fish for albacore tuna in Canada for any given year. The result was that NMFS was not able to provide the Canadian Government an updated vessel list of vessels owners who intended to fish for albacore tuna in Canada for a particular fishing season. With this final rule, NMFS would amend 50 CFR 300.172 to state explicitly that the vessel list is effective for only one calendar year and will be recompiled beginning on January 1 of each year. Additional vessels may be added to the list throughout the year in accordance with 50 CFR 300.172.

Comments and Responses

A proposed rule to implement this action was published on February 7, 2007, at 72 FR 5652 and comments were solicited through March 9, 2007. No comments or responses were received.

Classification

The Regional Administrator, NMFS Southwest Region, determined that this final rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

This final rule has been determined to be not significant for the purposes of Executive Order (E.O.) 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage (72 FR 5652) that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule for revising the methodology for developing the list of vessels eligible to fish for albacore tuna in Canadian waters under the U.S. Canada Albacore Tuna Treaty presents contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) that has been approved by OMB under control number 0648-0492. Public reporting burden for requesting to be placed on the list of vessels eligible to fish in Canadian waters is estimated to average 0.08 hours per vessel or about 5 minutes each, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data

collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 300

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

Dated: April 11, 2007.

Samuel D. Rauch III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

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

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart L—Pacific Albacore Tuna Fisheries

■ 1. The authority citation for part 300 subpart L continues to read as follows:

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

■ 2. Section 300.172 is revised to read as follows:

§ 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. 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 USCG 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. On the date that NMFS receives a request that includes all the required information, NMFS will place the vessel on the annual vessel list. NMFS will notify fishermen by a confirmation letter or email of the date the vessel was placed on the list. Because the vessel list will revert to zero vessels on December 31 of each year, the

required information must be provided in the manner specified on an annual basis.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 070207026-7079-02; I.D. 012207A]

RIN 0648-AS29

Fisheries in the Western Pacific; Optional Use of Electronic Logbook Forms

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

ACTION: Final rule.

SUMMARY: This final rule allows participants in U.S. domestic pelagics, crustaceans, bottomfish and seamount groundfish, precious corals, and coral reef ecosystems fisheries of the western Pacific region the optional use of NMFS-approved electronic logbook forms in lieu of paper logbooks. This action is intended to enhance the efficiency of fish catch and effort data reporting and recordkeeping by fishermen, reduce human error, and improve data accuracy.

DATES: This final rule is effective May 17, 2007.

ADDRESSES: Copies of the fishery management plans (FMPs) and the regulatory amendment may be obtained from Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council (Council), 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, or via the World Wide Web at www.wpcouncil.org. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to William L. Robinson, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd. Suite 1110, Honolulu, HI 96814, and by e-mail to David Rostker, David_Rostker@omb.eop.gov or fax to (202) 395-7285.

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

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the World Wide Web at the Office of the **Federal Register**: www.gpoaccess.gov/fr/index.html.

Background

The NMFS Pacific Islands Region encompasses western Pacific Federal waters, i.e., the 200-nautical mile U.S. Exclusive Economic Zone (EEZ), around the Territories of Guam and American Samoa, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and other U.S. island possessions in the Pacific. Western Pacific fisheries are currently managed under five fishery management plans (FMPs)--Pelagics, Crustaceans, Bottomfish and Seamount Groundfish, Precious Corals, and Coral Reef Ecosystems.

Current regulations (50 CFR 665.14) require permit holders, who fish for western Pacific management unit species and who are subject to Federal reporting requirements, to record their catch and effort information on paper logbook forms and submit them to NMFS. Maintaining paper logbook forms, and the interpretation of such forms, is subject to potential errors due to illegible handwriting and missed data entry. The availability and capacity of personal computers offer benefits to fishery participants and NMFS data collection programs. The optional use of electronic logbook data collection systems would utilize existing and emerging technologies to enhance the efficiency of fish catch and effort data reporting and recordkeeping by fishermen, reduce human error, and improve data accuracy. Furthermore, if transmitted through a remote communication system such as electronic mail or vessel monitoring system, electronic reporting provides a near real-time catch reporting system.

At its 123rd meeting in June 2004, the Council took final action to recommend amending the western Pacific regulations to provide fishermen an alternative to the currently-required paper logbook forms. Specifically, fishermen would be allowed to submit logbook data to NMFS on removable non-paper media (such as diskette, CD-ROM, memory stick, etc.), and would also be allowed to transmit the data to NMFS via e-mail or other remote communication systems, where such remote transmission was appropriate and feasible. The option to use electronic logbook forms would be available to fishermen who are subject to Federal reporting requirements under all western Pacific FMPs, as well as

those participants in fisheries that may become subject to Federal reporting requirements.

This action does not establish the technical requirements or protocols for the electronic logbook program. It is, however, the initial step for program implementation. The technical and legal specifications and operational details for the electronic logbook software program and hardware requirements will be developed and published by NMFS subsequent to this final rule.

Additional background information on this final rule may be found in the preamble to the proposed rule (72 FR 7853) published on February 21, 2007, and is not repeated here.

Comments and Responses

On February 21, 2007, NMFS published in the **Federal Register** a proposed rule (72 FR 7853). The comment public comment period ended on March 23, 2007. NMFS received two comments on the proposed rule as follows:

Comment 1: Electronic logbooks offer a means of achieving greater efficiency and effectiveness in reporting fishery information.

Response: NMFS notes further that electronic data reporting has the potential to greatly reduce errors and costs.

Comment 2: Computer systems aboard fishing vessels are typically not designed for the rigors of use at sea. The effectiveness of an electronic logbook reporting program, therefore, is conditional to frequent power disruptions and unreliability of at-sea computer systems.

Response: NMFS recognizes the problems associated with using computers at sea, and will consider reliability, operational conditions, and associated issues when developing the technical specifications for approved electronic reporting systems. The difficulties of employing computers for fisheries data reporting is a reason that NMFS is implementing this final rule as an optional alternative to paper logbooks, and paper logbooks will continue to be accepted.

Changes to the Proposed Rule

No changes to the proposed rule were made in this final rule.

Classification

The Regional Administrator, NMFS PIR, has determined that this regulatory amendment is necessary for the conservation and management of the affected fisheries and that it is consistent with the Magnuson-Stevens

Fishery Conservation and Management Act and other applicable laws.

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

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

This final rule contains amendments to collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which has been approved by the Office of Management and Budget (OMB) under control number 0648-0214. The public reporting burden for this collection-of-information is estimated to average five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Send comments regarding this burden estimate, or any other aspects of this data collection, including suggestions for reducing the burden, to William L. Robinson (see **ADDRESSES**), or by email to David_Rostker@omb.eop.gov or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 665

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

Dated: April 11, 2007.

Samuel D. Rauch III,

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

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

PART 665—FISHERIES IN THE WESTERN PACIFIC

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

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

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

§ 665.14 Reporting and recordkeeping.

(a) *Fishing record forms.* The operator of any fishing vessel subject to the requirements of §§ 665.21, 665.41, 665.61(a)(4), 665.81, or 665.602 must maintain on board the vessel an accurate and complete record of catch, effort, and other data on paper report forms provided by the Regional Administrator, or electronically as specified and approved by the Regional Administrator. All information specified

by the Regional Administrator must be recorded on paper or electronically within 24 hours after the completion of each fishing day. The logbook information, reported on paper or electronically, for each day of the fishing trip must be signed and dated or otherwise authenticated by the vessel operator in the manner determined by the Regional Administrator, and be submitted or transmitted via an approved method as specified by the Regional Administrator, and as required by this paragraph (a). The operator of any vessel subject to the requirements of §§ 665.21, 665.41, 665.61(a)(4), or 665.81 must submit the original logbook information for each day of the fishing trip to the Regional Administrator within 72 hours of each landing of

management unit species, unless the fishing was authorized under a PRIA troll and handline permit, a PRIA crustaceans fishing permit, a PRIA bottomfish permit, or a PRIA precious corals fishing permit, in which case the original logbook form for each day of fishing within the PRIA EEZ waters must be submitted to the Regional Administrator within 30 days of each landing of management unit species. For fisheries managed under § 665.602, the original logbook information for each day of the fishing trip must be submitted to the Regional Administrator within 30 days of each landing of management unit species.

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for land use.

3. We adjusted Beekeeper 2's rent costs to reflect the market value for bartered honey.

For additional details, see Memorandum to Neal M. Halper, Director of Office of Accounting, "Cost of Production and Constructed Value Calculation Adjustments for the Final Results - Patagonik S.A.'s - Beekeeper Respondents / Collector of Honey," dated June 29, 2009. We note the changes identified above have an effect on the final margin, and in fact we find sales below cost.

We also reclassified Patagonik's reported third country warranty expense as post-sale price adjustments granted by Patagonik in order to maintain good customer relations. See the accompanying Issues and Decision Memorandum at Comment 4 and the Analysis Memorandum for the Final Results of the Antidumping Duty Review of Honey from Argentina (A-357-812) for Patagonik S.A. (Patagonik).

Final Results of Review

We determine that the following dumping margins exist for the period December 1, 2006 through November 30, 2007.

Exporter	Weighted Average Margin (percentage)
ACA	0.00
CIPSA	0.77 ²
Patagonik S.A.	0.77
Seylinco	0.00

²This rate is based on the average of the margins calculated in this review, other than those which were zero, *de minimis*, or based on total facts available.

Assessment

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated duty assessment rates which will be applied to all ACA, CIPSA,³ Patagonik, and Seylinco entries made during the POR. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of these final results of review.

The Department clarified its automatic assessment regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know their

³ The assessment rate for CIPSA will be the same as the cash deposit rate assigned to that company.

merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, consistent with section 751(a)(1) of the Act: (1) for the companies covered by this review, the cash deposit rate will be the rate listed above except for Seylinco, which is revoked from the order; (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less than fair value (LTFV) investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will continue to be 30.24 percent, which is the all-others rate established in the LTFV investigation. See *Notice of Antidumping Duty Order: Honey From Argentina*, 66 FR 63672 (December 10, 2001). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: June 29, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix – List of Comments in the Issues and Decision Memorandum

Comment 1: Revocation of the Order with Respect to Seylinco, S.A.

(Seylinco)

Comment 2: Patagonik S.A.'s (Patagonik's) Proposed Change to Reported Honey Color

Comment 3: Use of Facts Available for Patagonik

Comment 4: Treatment of Patagonik's U.K. Warranty Expense

Comment 5: Treatment of Asociación de Cooperativas Argentinas' (ACA's) Testing Expenses

Comment 6: Appropriate Margin to Assign to Compañía Inversora Platense S.A. (CIPSA)

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XL07

Fisheries in the Western Pacific; Certification Requirements for Electronic Logbook Applications

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

ACTION: Notice; certification requirements for electronic logbook applications.

SUMMARY: This notice describes the certification process and requirements for vendors wishing to supply western

Pacific fishing vessel owners and operators with electronic logbook applications (e-log applications).

ADDRESSES: You may request copies of the NOAA Fishery Information System (FIS) Electronic Logbook Certification Guidelines (Certification Guidelines), and submit requests for certification of e-log applications to: Electronic Reporting System Manager, Pacific Islands Fisheries Science Center (PIFSC), NMFS, 2570 Dole Street, Honolulu, HI 96822-2396, tel 808-983-5326; fax 808-983-2902.

FOR FURTHER INFORMATION CONTACT: Kurt Kawamoto, PIFSC, tel. 808-983-5326.

SUPPLEMENTARY INFORMATION: This notice is also accessible at www.gpoaccess.gov/fr.

Background

NMFS encourages the use of e-log applications as an alternative to paper logbooks and data reports. This recognizes that many fishermen use electronic navigation and communications equipment aboard their vessels, as well as computers for recording and maintaining catch and effort information, business records, and other information in a coordinated system that facilitates more efficient fishing operations. Accordingly, many fishermen wish to file Federal catch and effort reports in electronic format. This approach makes data submission easier for fishermen and reduces data entry and processing time for NMFS staff.

Further, NMFS notes that if reports were to be submitted in connection with other at-sea communication means, electronic reports could be near real-time, which could facilitate monitoring and compliance efforts in circumstances that demand at-sea reporting. NMFS also must ensure that electronic data reports are in a standardized format that is compatible with the data management system for historical fishery records and for hard-copy processing. Otherwise, the benefits of electronic submissions are reduced.

Based on recommendations from the Western Pacific Fishery Management Council, NMFS published a final rule that modified the reporting and recordkeeping requirements for western Pacific fisheries, offering fishermen the option of submitting either paper or electronic logbook records (72 FR 19123, April 17, 2007). The objectives of allowing electronic reporting include reducing the amount of time spent by fishermen to complete and file paper reports, improving the accuracy of reports, and reducing the time spent by NMFS personnel to process the logbook data. That final rule did not establish

the technical requirements for electronic logbook programs.

To implement electronic reporting, PIFSC will specify an "open" program whereby fishery participants may select from a variety of e-log applications that have been certified as eligible to participate in the electronic logbook program. An e-log application includes the following functions: gathering and storing logbook data (data entry), generating (exporting) electronic logbooks, and viewing logbook data on the application database and the electronic logbook. The aim of the certification process is to encourage the use of electronic logbooks for the reporting of catch and effort data by promoting standard data exchange procedures, formats, and application validation tests. The certification process provides vendors with technical guidelines for minimally-prescribed performance elements and criteria to meet data management requirements. The goal of certification is to ensure that PIFSC-certified e-log applications will ensure, to the extent practicable, that submitted electronic logbooks are complete and accurate and that the electronic submission will be successfully integrated into the NMFS data system in a secure manner.

Fishermen must comply with Federal fishery reporting requirements, and are held accountable for data accuracy. Certification is necessary to provide a benchmark of performance standards and criteria for vendors to develop e-log applications that meet NMFS requirements. Certification enables vendor competition and potentially more product choices for fishermen. This is preferable to specifying a single supplier or e-log application. Certification does not guarantee that a product is free of defects; it means only that a product has passed validation tests aimed at complete, accurate, and successful reporting of logbook data. Certification does not protect the vendor from any product liability claims made by customers. The use of a certified e-log application does not exempt fisherman from any western Pacific recordkeeping requirements.

General Certification Process

Based on a request for a vendor certification, PIFSC will evaluate the submitted e-log application and issue a statement to accept or deny the vendor's request. The vendor must demonstrate that the submitted e-log application meets the standards set forth in this notice and in the Certification Guidelines for timely, accurate, and complete data submission in the proper format and structure for the fisheries

reports required by Federal regulations. Upon successful demonstration of compliance with the standards and the Certification Guidelines, PIFSC will issue a vendor certification for the e-log application. PIFSC will initially certify e-log applications only for Hawaii-based pelagic longline fisheries; other certifications may follow.

NMFS certification will not result in government endorsement or procurement of any related electronic hardware or software for use in NMFS data systems. PIFSC will request a fact sheet from the vendor to provide information to the fishing industry about the e-log application that was certified, the costs of the application, and possibly other value-added services that the vendor or application may provide. This will allow fishermen to make purchase decisions that are compatible with the data reporting and logbook requirements of Federal regulations and their personal needs.

Initiation

PIFSC will initiate the vendor certification process upon written request from the vendor (or distributor or reseller acting within the constraints of its agreement with the vendor), subject to the demonstration of compliance with this notice and the availability of test hardware and software. Consideration will be given to a vendor that has already successfully completed a comparable certification process in another U.S. fishery recordkeeping program. PIFSC will also consider certifying a vendor that resells, packages, or integrates e-log applications from a company that has been certified in a similar program for another U.S. fishery.

A vendor requesting certification shall describe in detail the manner in which the proposed e-log application would meet the specifications outlined in this notice and in the Certification Guidelines. The vendor must supply PIFSC, at no cost, with at least one set of the hardware and software components for which certification is desired so that the proposed application can be tested and evaluated. PIFSC intends to complete the testing and certification process within 90 days. The vendor must provide documentation, including such fact sheets, operator manuals, user handbooks, or other materials that would be provided to fishermen purchasing the application. PIFSC will review the submission against the standards and Certification Guidelines, will perform trials using test fishery data, and may conduct field trials aboard fishing vessels. These tests may

involve demonstrating every aspect of the e-log application, including troubleshooting procedures. In addition to the vendor providing everything the hardware and software needed to test and certify an e-log application, PIFSC must also receive any updates to the product(s) at no cost.

Certification Criteria

The ultimate goal of certification is to provide complete, accurate, and successful reporting of electronic logbook data. All data elements required for an electronic logbook must be supported. And, data values must be correctly transferred from the e-log application to electronic logbook in the correct file format and structure. Complete and accurate reporting means that all logbook information recorded by fishermen is reported in the electronic logbook, and that the information is stored and reported exactly as entered. Successful reporting means that each element of an electronic logbook submitted to PIFSC can be loaded into the NMFS data system automatically.

The criteria for certification are as follows:

1. *Creation of electronic logbook document or files.* The e-log application must be capable of creating electronic logbook documents on demand in the agreed file format using standard file naming conventions. The document file contents may vary by fishery, but initially must contain the contents of the NMFS Western Pacific Daily Longline Fishing Log, as follows:

- Fishery: Hawaii Pelagic Longline
- Electronic Logbook Document

Contents: One trip including all sets, catch and effort records, protected species interaction records, and e-log application information

2. *Inspection tool for use by authorized personnel.* The vendor must provide a companion e-log application "viewer program" and documentation for use by PIFSC and other authorized personnel to inspect e-log application data. The viewer program must run on Windows XP, and must provide read-only access to all elements of the electronic logbook database and electronic logbook files. The viewer program must not have the capability to alter the logbook data. The documentation must include installation instructions and user instructions for PIFSC and other authorized personnel.

3. *Electronic Logbook Test Support Requirements.* For test purposes, the e-log application must allow data entry of all electronic logbook data elements. (See Appendix 3 of the Certification

Guidelines for specific data elements that must be enterable.)

4. *Common Information Requirements.* The information requirements common to all e-log applications for all fisheries are contained in Appendix 2 of the Certification Guidelines: Common Information Requirements. It covers the following requirements:

- PIR Standard Codes: Reference codes for common information requirements. Example--Port code HNL for Honolulu, HI.
- Date/Time: Date and time formatting requirements.
- Calendar Date: Calendar date formatting requirements.
- Geographic Location: Geographic (latitude/longitude) formatting requirements.
- Source Keys: Requirements for reporting keys or identifiers used in the e-log application itself. Some source keys are required or recommended to allow cross-referencing between NMFS logbook records and the fisherman's e-log application.
- Unknown values: Requirements for reporting unknown (null) values.
- Electronic Logbook file names and extensions: File-naming conventions for electronic logbook files.

5. *Fishery Specific Electronic Logbook Requirements.* The e-log application must support the creation of the electronic logbook in a file format agreed upon by PIFSC and the vendor. The preferred file format for electronic logbook submission is XML. If PIFSC approves one or more electronic signature methods for use with electronic logbooks, the e-log application must also support at least one approved electronic signature method. Fishery specific information and file layout specifications are available in the Appendices to the Certification Guidelines, including the following:

- Fishery: Hawaii Pelagic Longline
- Reference: 50 CFR part 665, Subpart C, Western Pacific Pelagics
- Specifications: PIR-LB-1.1-1, Appendix 3

Requests for Certification

Requestors must submit a request for certification to PIFSC. Requestors should contact PIFSC for current application requirements which may include the items listed in sections 1 through 5 below:

1. Identifiers
 - a. Trade name of the service;
 - b. Company name;
 - c. Company headquarters address and phone number;
 - d. Principal company employee point of contact for this submission;

e. Principal business of the company;

f. Parent and subsidiary companies, if applicable;

g. Name(s) and location(s) of principal facilities; and

h. Name and address of Hawaii point of contact, if applicable.

2. E-log application components and supporting documents

a. Hardware requirements;

b. Software requirements;

c. Application description and documentation;

d. Handbooks, user manuals, and other supporting documents;

e. Sample electronic logbook document(s) produced by the e-log application, and instructions to guide testing staff to substantially reproduce the document(s);

f. Troubleshooting procedures; and

g. e-log application and viewer (Windows XP).

h. Requested certification(s)

3. Technical specifications of the e-log application

a. E-log application version numbers;

b. Data entry format (compatibility with paper logbook format);

c. Data formatting requirements; and

d. Electronic logbook data storage and submission media.

4. Customer service

a. Local point of contact information (name, phone number, email address, etc.);

b. Data security procedures and assurances;

c. Fishermen's privacy and confidentiality procedures and assurances;

d. Technical assistance procedures and contacts; and

e. Updates of PIR Standard Codes into the e-log application by fishermen.

5. Litigation support and vendor agreements

a. Vendor contact for litigation support;

b. Vendor technical expert on e-log application ;

c. Past experience in court documentation/appearances on e-log applications;

d. Non-disclosure agreement; and

e. Agreement to the certification guideline terms including an agreement to provide litigation support.

Litigation Support

Logbook information and other data reports may be used for law enforcement purposes, and all technical aspects of a vendor's submission are subject to being admitted as evidence in court, as needed. The reliability of all technologies utilized in the e-log application may be analyzed in court for, among other things, testing

procedures, error rates, peer review, and general industry acceptance. Further, the vendor may be required to provide technical and expert support for litigation to support the application's capabilities and to establish cases against violators. If the vendor's application has previously been subject to such scrutiny in a court of law, the vendor should describe the evidence and any court finding on the reliability of the application.

Additionally, to maintain the integrity of the e-log application for fisheries management, the vendor will be required to sign a non-disclosure agreement limiting the release of certain information that might compromise either the confidentiality of fishermen's personally identifying information or proprietary fishing data. The vendor shall include a statement confirming its agreement with these conditions. The scope of litigation support may include, but is not limited to, technical capabilities of the e-log application, e-log application support and training content, alterations to the e-log application, and data content and history.

A vendor may voluntarily retire a certification to terminate its obligation to provide litigation support for the product; such action must be in writing to PIFSC. The vendor's obligation to provide litigation support will end 180 calendar days after such notification is received. If a certification is retired, the e-log application is no longer available for use in the fishery.

Change Control

Once an e-log application is certified, it is the responsibility of the vendor to notify PIFSC of any change in its submission, such as a change affecting hardware or software components, performance characteristics, or customer support services or contacts. PIFSC reserves the right to reconsider and revoke the certification if, as a result of the change, the vendor's application is deemed to no longer satisfy PIFSC reporting and recordkeeping requirements. The vendor must report to the PIFSC e-log technical panel (as described in the Certification Guidelines) any changes to the certified product, along with updated copies of the new configuration prior to deploying the changes to customers. If the change affects the e-log application components used to meet the requirements, PIFSC may require re-evaluation and possible recertification. The technical panel will notify the vendor within 30 days with a recertification statement which will say whether a recertification is required and

if so, why and when the recertification would be completed. The vendor may report planned changes to the certified e-log application to PIFSC and request an advisory recertification statement within 30 days. The vendor is permitted to provide quick code upgrades for customers to handle critical defects; however, the vendor must report the code change to PIFSC prior to deploying the change to a customer.

Advertising Prohibition

Once a product is certified, the vendor may state that the product is "certified for electronic logbook submission for the Hawaii pelagic longline fishery." However, the vendor must not use in the vendor's name or the product name, or claim endorsement of the e-log application by, any of the following: NOAA, NMFS, PIFSC, or PIRO.

Expiration of Certification

The certification expiration date for a product is determined by changes to PIFSC reporting requirements and reporting activity by product users. Additionally, PIFSC may set an expiration date for a certification based on other requirements. PIFSC will notify the vendor at least 120 days prior to expiration. PIFSC will set an expiration date for a certification if the product has not been used to submit an electronic logbook for three years.

Revocation of Certification

PIFSC may revoke certification of a product if any of the following occurs:

1. PIFSC repeatedly receives inaccurate or incorrectly formatted electronic logbooks and the error is traced to a defect in the e-log application;
2. The vendor modifies a certified e-log application without reporting the modification to PIFSC; or
3. The vendor violates advertising prohibitions.

If a certification is revoked, the e-log application is no longer available for use in the fishery.

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

Dated: June 30, 2009.

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 20-2009 and 22-2009]

Foreign-Trade Zones 29 and 203 Applications for Subzone Authority Dow Corning Corporation and REC Silicon; Notice of Public Hearing and Extension of Comment Period

A public hearing will be held on the applications for subzone authority at the Dow Corning Corporation (Dow Corning) facilities in Carrollton, Elizabethtown and Shepherdsville, Kentucky (74 FR 21621-21622, 5/8/09) and at the REC Silicon facility in Moses Lake, Washington (74 FR 25488-25489, 5/28/09). The Commerce examiner will hold the public hearing on September 1, 2009 at 1 p.m., at the Department of Commerce, Room 4830, 1401 Constitution Ave., NW., Washington, DC 20230. Interested parties should indicate their intent to participate in the hearing and provide a summary of their remarks no later than August 28, 2009.

The comment period for the cases referenced above is being extended to September 16, 2009, to allow interested parties additional time in which to comment. Rebuttal comments may be submitted during the subsequent 15-day period, until October 1, 2009.

Submissions (original and one electronic copy) shall be addressed to the Board's Executive Secretary at: Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2111, 1401 Constitution Ave., NW., Washington, DC 20230.

For further information, contact Elizabeth Whiteman at Elizabeth_Whiteman@ita.doc.gov or (202) 482-0473.

Dated: June 30, 2009.

Andrew McGilvray,
Executive Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL SCIENCE FOUNDATION

[Docket No. 0906261096-91096-01]

RIN 0648-ZC08

Comparative Analysis of Marine Ecosystem Organization (CAMEO)

AGENCIES: Fisheries Headquarters Program Office (FHQ), National Marine Fisheries Service (NMFS), National