

November 20, 2012

Via Email and Fax

Mr. John Bullard
Regional Administrator
Northeast Region Office
55 Great Republic Drive
Gloucester, MA 01930

Re: PSP Paper Work Reduction Act Federal Register Notice

Dear Mr. Bullard:

Please accept these comments on behalf of the Truex Enterprise in regards to the Federal Register (FR) notice dated October 22, 2012 regarding the paper work associated with the PSP Protocol for surfclam and ocean quahog fishing on Georges Bank. Truex Enterprise operates a fleet of clam vessels and intends to have part of their fleet fish on Georges Bank for surfclams and ocean quahogs.

As stated in the FR notice, the Interstate Shellfish Sanitation Conference (ISSC) passed a resolution at their October 2011 Bi-Annual meeting to include the PSP Protocol into the National Shellfish Sanitation Program (NSSP) that is the operating requirement for shellfish safety in the U.S. The ISSC is a partnership of the participating states and three federal agencies, FDA, NOAA and EPA. The ISSC members collectively develop, implement and enforce the NSSP regulations.

The Georges Bank PSP Protocol was developed over years of negotiations between the states and federal agencies. The resulting Protocol was a combination of ideas by many members of the ISSC. During the negotiations, the reporting requirements became more restrictive based on demands by states as to what the industry would be required to report and when. To move the process forward, the federal agencies and industry agreed to the reporting requirements. It should be noted each state may impose more restrictive requirement on landing and processing in their state. The NSSP rules are the minimum requirement every state that allows landing or processing under the PSP Protocol must follow. States may impose additional requirements to land or process PSP Protocol clams on the industry if the state believes they are necessary.

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There were 47 vessels that fished for surfclams and ocean quahogs in 2011. Most are smaller vessels that fish in the Mid Atlantic region and do not have the carrying capacity to fish on Georges Bank. Most of these vessels will not fish on Georges Bank for safety reasons because of their small size and lack of carrying capacity. Most of the vessels also supply processors in the Mid-Atlantic region. These vessels cannot economically land their Georges Bank clams in the state where the processor is located. They must land in New England and truck the product to the southern processing plant. Trucking whole clams five hundred miles is not economical. The processors cannot afford the clams shipped from New England to their plants for most of the year.

It is estimated that there will be about ten large vessels that will qualify to fish on Georges Bank. No more than four or five will fish on a regular basis. Assuming that half of the surfclams needed to supply the current market will be taken from Georges Bank every year, or about 1.1 million bushels and assuming that each vessel will land about 130 cages per trip, the total is around 265 landings per year. Each large vessel fishing on Georges Bank could make about 70 trips per year; therefore, only four vessels will be needed to take the amount of clam required by the industry. Applying for the letter of authorization will only be done by vessel owners that plan to fish under the Protocol because they must have each vessel's crews trained and certified in the at sea testing process before applying for their George Bank PSP Protocol authorization. Training and certifying the crews is time consuming and expensive. No boat owner will go through the process unless they have the right vessel and a market for the clams.

The PSP testing requirements under the Protocol both at sea and the conformation Mouse Bio Assay (MBA) increases the cost. Vessel that do not land large amounts of clams have a higher cost per bushel because the testing requirements are fixed per boat load so the more that is landed in a trip the less the cost per unit.

The amount of additional paper work for the vessel is minimal per trip. It consist of a declaration to fish on Georges Bank, which is a single page, a copy of the at sea test results, when using the Abraxis PSP testing system the results requires two sheets for the five test. The other document required is third party dockside samples inspector that shows the number of samples collected and sent to the MBA laboratory. The reporting to all of the state, federal agencies and processing plant is made in a mass email mailing, most of the time, on the day of landing. The mass email goes to all that require the documentation. There are also hard copies of the documents for the vessel, processing plant, testing laboratory and the third party inspector. There are forty plus recipients that receive all of the information via email. The MBA test results are mass emailed to all of the recipients, typically the day after landing and once the test have been run.

It is estimated that only four states will be involved in landing or processing of surfclams and ocean quahogs from Georges Bank. They are Massachusetts, Rhode Island, New Jersey and Delaware. Massachusetts and Rhode Island, most likely, will have both landing and processing and New Jersey and Delaware will have some processing in the future. The other states that have clam operations will most likely not have any Georges Bank landing or processing.

NMFS, FDA and some states require an annual report documenting vessel name, date of each trip and number of bushels landed. This has been done via email with no objections from any of the recipients.

Paper work required, is as follows:

Assuming about 265 trips/year and 10 boat with authorization.

- One time writing request from owners for authorization, copy the next year. 10 boats 1 hr. each. After the first will only require 5 minutes per year.
- NMFS providing authorization to a qualified vessel. 10 vessels 1 hour first year and 10 minutes the following year. Postage may be required in this case.
- One time letter from the state to the vessel and or processor authorization landing and/or processing in the state a copy to NMFS, the next year is just a copy of the letter changing the dates, 10 boats 1 hour first year 10 minutes per year thereafter. All done by email.
- Report to state and federal governments annual landings per boat 10 boats 30 minutes.
- There is a one line email sent to the mass email list when the boat leaves the dock and another one liner when the vessel will land. 265 trips 5 minutes per trip.
- The boat crew fill out declaration and test results 265 trip 30 minutes per trip.
- Third party inspector dockside samples collected 265 trips 15 minutes per trip.
- The office making three hard copies, scanning documents and sends a mass email; 265 trips and 15 minutes. There is no paper work created in this operation except for the shipping document for samples to the testing laboratory via FedEx.
- MBA lab report 265 trips 15 minutes and mass emailing the results.

There is little to no postage required in this process and while there is a large distribution of information it is all done electrically except for the hard copies that stays on the catching vessel, the processing plant, a copy for the third part inspector and the dockside testing laboratory. The vessel's crew does their reports while at sea.

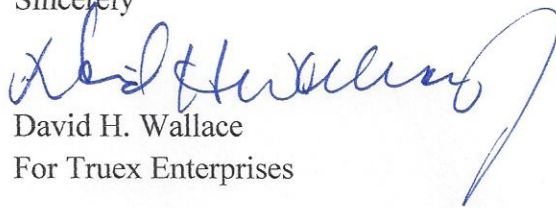
Estimated time for doing the paper work the first year is about 385 hours and less than 1,400 original pages per year. Most recipients store the email electrically and do not print them.

Estimated time for doing the paper work the second year and thereafter is about 357 hours and less than 1,400 original pages per year.

While the Protocol requires a small amount of additional paper work, it should be noted, that without the Georges Bank PSP Protocol the area would be closed to all shellfish harvest and hundreds of millions of dollars of shellfish would die of old age. The reporting requirements are mostly to protect public health and not a federal fisheries management regulatory requirement. Industry pays almost all of the cost and believes that it is well worth the small additional cost.

Thank you for considering these comments.

Sincerely

A handwritten signature in blue ink, appearing to read "David H. Wallace", with a long, sweeping flourish extending to the right.

David H. Wallace
For Truex Enterprises