

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/19/2011

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/19/2010

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201010-0648-003
AGENCY ICR TRACKING NUMBER:
TITLE: Highly Migratory Species Dealer Reporting Family of Forms
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0040

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 01/31/2014

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	37,435	6,152	8,258
New	29,984	6,735	11,785
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-7,451	583	3,527
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Application for authorization for non-government validation			50 CFR 300 Subpart M
HMS Dealer and Landings Biweekly Reports (Bluefin Tuna has separate IC)	NA, NA	HMS Biweekly Report (International Trade), Dealer reporting for HMS	
Atlantic Bluefin Tuna Daily Landing Report and Tag	88-144	Dealer report form for large, medium and giant Atlantic bluefin tuna	
Statistical Documents, Catch Documents and Re-export Certificates with validation burden included where applicable	NA, NA, NA, NA, NA, NA, NA	U.S. Bluefin Tuna Catch Document, ICCAT Swordfish Statistical Document, CCSBT Southern Bluefin Tuna Statistical document, ICCAT Bigeye tuna statistical document, CCSBT Southern BFT re-export certificate, IATCC Bigeye Tuna Re-export certificate, ICCAT Bluefin tuna re-export certificate	
Bluefin tuna domestic landing biweekly report	NA	Bi-weekly Atlantic Bluefin Tuna Dealer Report	

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

SUPPORTING STATEMENT
HIGHLY MIGRATORY SPECIES DEALER REPORTING FAMILY OF FORMS
OMB CONTROL NO. 0648-0040

A. JUSTIFICATION

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

This request is for renewal of previously approved information collections from seafood dealers regarding purchases or sales of Atlantic highly migratory species (HMS), including federally managed tunas, sharks, and swordfish. Transactions that are covered under this collection include purchases of Atlantic HMS from commercial fishermen and import/export of all bluefin tuna (BFT), frozen bigeye tuna (BET), southern bluefin tuna (SBT) or swordfish (SWO), regardless of geographic area of origin. The information collected is used to monitor the harvest of domestic fisheries, and/or track international trade of internationally managed species.

Domestic catch/landing data are necessary to effectively manage domestic fisheries. This information is used to monitor quotas, estimate fishing mortality, and identify the geographic and temporal distribution of fish and fisheries. Collection of this information for use in domestic fishery management is authorized under the [Magnuson-Stevens Fishery Management and Conservation Act](#) (16 U.S.C. 1801 *et seq.*) (MSA). Regulations at [50 CFR 635.5](#) implement domestic dealer reporting requirements. The domestic reporting covered by this collection includes domestic biweekly landings reports and negative reporting (i.e. reports of no activity, when applicable), and bluefin tuna daily landings, including tagging of individual fish.

International trade tracking programs are required by both the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Inter-American Tropical Tuna Commission (IATTC). An overall goal of these programs is to reduce illegal, unreported and unregulated fishing for the covered species, and improve management of associated fisheries. The programs are designed to account for all international trade of covered species by requiring that a statistical document (SD) or catch document (CD) accompany each export from and import into a member nation, and that a re-export certificate (RXC) accompany each re-export. In this way, markets will be closed to trade of covered species with non-participating nations. Collection of this information to implement certain international fishery management recommendations is authorized under the [Atlantic Tunas Convention Act](#) [ATCA; 16 U.S.C. 971(d)] and implemented in regulations at [50 CFR 300 Subpart M](#).

The United States (U.S.) is a member of ICCAT and authorized by ATCA to promulgate regulations as may be necessary and appropriate to implement recommendations adopted by ICCAT. ICCAT has adopted recommendations for the mandatory implementation of CD, SD and RXC trade tracking programs for BFT, frozen BET and SWO. U.S. regulations implementing ICCAT SD and CD programs require SDs and CDs for international transactions of the covered species from all ocean areas, so Pacific imports and exports must also be

accompanied by SDs and CDs. Since there are SD programs in place under other international conventions (e.g., the Indian Ocean Tuna Commission), an SD from another program may be used to satisfy the SD requirement for imports into the U.S.

The U.S. is also a member of the IATTC, and required under the Tunas Convention Act of 1950 (TCA; [16 U.S.C. 955](#)) to implement recommendations adopted by IATTC. IATTC has mandated a trade tracking program for frozen BET, which the National Marine Fisheries Service (NMFS) has implemented for shipments of frozen BET from the Pacific Ocean.

Dealers who internationally trade SBT are required to participate in a trade tracking program implemented by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). This facilitates enforcement of ICCAT's BFT CD program by ensuring that imported Atlantic and Pacific BFT will not be intentionally mislabeled as SBT in order to circumvent reporting requirements. This action is authorized under ATCA, which provides for the promulgation of regulations as may be necessary and appropriate to carry out ICCAT recommendations.

In addition to SD, CD and RXC requirements, this collection includes biweekly reports to complement trade tracking SDs by summarizing SD data and collecting additional economic information.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Atlantic BFT Daily Landing Reports and Tagging

NMFS uses the information collected in this portion of the reporting package to monitor U.S. landings of Atlantic BFT in relation to the assigned quota, thereby ensuring that the U.S. complies with its international obligations to ICCAT. In addition, provisions of domestic regulations such as time/area closures, fishing seasons, and subquotas by gear type and/or user group are monitored through these reporting instruments. The data collected is also used to assess the status of the BFT resources. Data reports are reviewed by ICCAT annually, and provide the basis for ICCAT management recommendations that become binding on member nations.

This portion of the package describes two reporting requirements. The Landing Report is used for daily, real-time quota monitoring. Dealers are required to FAX reports to NMFS within 24 hours of purchasing an Atlantic BFT. Second, uniquely numbered tail tags must be affixed to each Atlantic BFT purchased from a fisherman, after which the tag numbers are recorded on the Landing Report and Atlantic BFT Domestic Landing Biweekly (discussed below). (Domestic landings of Pacific BFT are not recorded under this collection, and use of tail tags is optional for Pacific BFT.)

The following information is collected on the Atlantic BFT Daily Landing Report:

1. Dealer name and permit number;
2. Date the fish was landed;
3. Gear type used to capture the BFT - used for estimating catch per unit effort as part of stock assessment;
4. Length and weight of fish & measurement method (curved or straight length / round or dressed weight) - used to determine age of fish and population structure; weight used for quota management;
5. Tail tag number - identifies fish and provides cross-reference with biweekly report, and is used in place of CD validation;
6. Area caught - provides information on temporal distribution of fish and fishing, and aids in enforcement of area closures;
7. Port landed - identifies principal ports for the fishery, temporal distribution of fish, and aids in enforcement;
8. Fisherman and vessel names, permit number and signature - provides vessel permit enforcement information.

Biweekly Landings Reports

NMFS uses biweekly reports to account for domestic landings of managed species, and collect and verify international trade data. For species managed by quotas, such as sharks, swordfish and BFT, this information is vital to ensure that landings do not exceed the established quota. For BFT, timely quota management requires that landings be accounted for on a daily basis (see above). Thus for BFT, biweekly reporting is used to verify daily landing report information and collect economic information needed to manage the fishery. For international related reporting, biweekly reports also are used to cross-reference and check information provided on SDs and collect important economic information needed for managing the fishery. Four types of biweekly reports used to monitor information on HMS are covered under this collection

The NMFS Southeast Region (SER) uses the Dealer Reporting form for HMS, collected on a biweekly basis, to monitor swordfish, shark, and tuna (bigeye, albacore, yellowfin, and skipjack or “BAYS”) landings as well as landings of coastal pelagics. Since dealers that purchase HMS also frequently purchase coastal pelagics, reporting for these species (dolphin, greater amberjack, king mackerel, escolar, and wahoo) is also included on this form, but the reporting burden is not included under this collection. The information on this form is used to track landings against quotas and collect landings data for use in stock assessments. If no HMS or coastal pelagics are landed during the biweekly reporting period, a report (i.e., a negative report) must still be filed. This requirement clarifies for NMFS whether or not a report is pending from the dealer for the reporting period. The following information is required on the SER Dealer Reporting for HMS form:

1. Dealer name;
2. SER Dealer number;
3. Northeast Region Dealer number (if applicable) - provides cross-reference and helps avoid any double reporting;
4. Begin & end date for reporting period;
5. Contact (optional);

6. Negative reporting option - (see above);
7. Dressed weight and price per pound for recorded species - provides economic data used in development of management measures and landings used for quota monitoring and stock assessment;
8. Date landed, vessel name, documentation number, port landed and state landed - provides information on temporal distribution of fish and fishery and provides enforcement data for permit checks.

The second biweekly report is used to monitor Atlantic BFT landings and can be used by dealers that land Atlantic BFT to track BFT trade (exports). Information on the sale and disposition of BFT is also collected. The following information is collected on the Biweekly Atlantic BFT Dealer Landings and Trade Report:

1. Biweekly reporting period;
2. Dealer name, Atlantic Tunas Dealer permit number, and name of person filling out report;
3. Date of landing;
4. Vessel permit I.D. number - used for enforcement purposes;
5. Tail tag number - used to identify the fish and cross-reference with daily landing report and BFT SD;
6. Weight of the fish (round or dressed) - used to cross-reference daily landing report information and collect economic information;
7. Nature of sale (dockside or consignment) - used in assessing the relative importance of the Japanese and U.S. domestic markets;
8. Price per pound - important for evaluating economic characteristics of the fishery;
9. Quality rating - assists in determining how regulations affect price of BFT; and
10. Destination of fish (domestic, import, export, or re-export) - used for assessing importance of foreign market and identifying variables that can affect all markets.

The third biweekly form monitors international trade of BFT, SBFT, BET, and SWO. This information is used to cross-check and verify SD data as well as obtain economic information that is essential for domestic management policy and rulemaking with respect to management impacts on prices. The following information is required on the HMS Trade Biweekly Dealer Report:

1. Dealer Name;
2. HMS International Trade Permit number;
3. Contact name and phone number;
4. Report time period;
5. For each shipment/fish:
 - a. Species
 - b. Statistical document and re-export certificate (if applicable) number - cross-checks trade documentation;
 - c. Entry number from US customs form 7501 (import only) - allows for cross-check of trade data with customs data;
 - d. Date of import or export;
 - e. Total weight of shipment (import only) - cross-check with trade data;

- f. Condition (fresh or frozen) and product form (round, headed, gutted, steaks, fillets, loins, dressed) - used to assess how regulations and other factors affect ex-vessel prices and gross revenues;
- g. Weight of each fish (if available) - used to estimate gross revenues and cross-check trade data;
- h. Price per kilogram - used to evaluate the status of the market and gross revenues;
- i. State/landing document number - cross-check used for non-government validation;
- j. Tag number (if applicable) - cross-checked with trade data for verification; and
- k. Destination of fish (import, domestic, export, re-export) - cross-checks with trade data and customs data.

The fourth type of biweekly reporting covered by this collection includes reports to the NMFS Northeast Region (NER) for shark, swordfish and BAYS tuna landings data by dealers who do not possess other NER permits. This reporting occurs on a biweekly basis in the form of dealer-generated forms that provide the landing weight and covered highly migratory species. Landings reports for these species by dealers who possess other NER permits are covered under the collection 0648-0229.

Catch Document and Statistical Documents and Re-export Certificates

Original CDs and SDs accompany each export from or import into the United States, and must stay with a shipment until it reaches its final destination. Covered species include Atlantic bluefin tuna, Pacific bluefin tuna, Southern bluefin tuna, swordfish, and frozen bigeye tuna. If the shipment is re-exported, then a RXC may also be required. NMFS collects the documents and forwards the information to ICCAT or IATTC, which can then compare the data collected from all participating nations to cross-reference and verify trade and landings data. The program is designed to account for all trade of the covered species. Trade data may be cross-referenced with each nation's landings quotas to help identify illegal or unreported landings.

A CD or SD is considered completed and approved for import, export, or re-export if it is identified by a number assigned by the issuing government and has all of the required information recorded, and, if applicable, is validated (see below). U.S. CDs and SDs will be available from NMFS to accompany exports from the United States. Imports to the United States must be accompanied by a CD or SD issued by the flag country of the harvesting vessel. If needed, foreign exporters may obtain unnumbered CDs or SDs from the appropriate website (www.iccat.int; www.iattc.org; www.ccsbt.org; www.iotc.org) to accompany exports to the United States; a document number must be assigned by the country issuing the CD or SD. U.S. importers are required to complete the import section of the foreign CD or SD. Sample CDs, SDs, and RXCs are included in this submission.

The following information is required on all SDs and is used for tracking the product unless otherwise noted:

- a) The document number assigned by the country issuing the document;
- b) The name of the country issuing the document, which must be the country whose flag vessel harvested the fish, regardless of where it is first landed;

- c) The name of the vessel that caught the fish, the vessel's length, the vessel's registration number, and ICCAT record number, if applicable;
- d) The point of export, which is the city, state or province, and country from which the fish is first exported;
- e) The product type (fresh or frozen), time of harvest (month/year), and product form (round, gilled and gutted, dressed, fillet, or other);
- f) The method of fishing used to harvest the fish (e.g., purse seine, trap, rod and reel) - used to gather socioeconomic data on fishery regarding catch per sector;
- g) The ocean area from which the fish was harvested (i.e., western Atlantic, eastern Atlantic, Mediterranean, or Pacific);
- h) The weight of each fish (in kilograms for the same product form previously specified) or the net weight of each product type, as applicable;
- i) The name and license number of, and signature of, the exporter and date in the exporter's certification block; and
- j) The name and title of, and signature and date in the validation block by, the responsible government official of the country whose flag vessel caught the fish (regardless of where the fish are first landed) or by an official of an institution accredited by said government, with official government or accredited institution seal affixed, thus validating the information on the statistical document. (NOTE: Validation of an imported SD by a government official is not required if NMFS waives the requirement following a recommendation of the ICCAT Secretariat.)
- k) If applicable, the name(s) and address(es), including the name of the city and state or province of import, and the name(s) of the intermediate country(ies) or the name of the country of final destination, and license number(s) of, and signature and date in the importer certification block by each intermediate dealer and final importer.

Bluefin Tuna Catch Documents. Bluefin tuna catch documents, to be deemed complete, in addition to the elements above must also state:

- (1) Whether the fish was farmed or captured.
- (2) Identifying information regarding the owner of the trap that caught the fish or the farm from which the fish was taken, if applicable.
- (3) The identifying tag number, if landed by vessels from countries with BSD tagging programs or tagged by a U.S. dealer under the Atlantic BFT tagging program.
- (4) Documents for tagged fish do not have to be validated.

Southern Bluefin Tuna Statistical Documents. Southern bluefin tuna statistical documents, to be deemed complete, in addition to the elements above, must also state:

- (1) The name and address of the processing establishment, if applicable.

Bigeye Tuna Statistical Documents. Bigeye tuna statistical documents, to be deemed complete, in addition to the elements above, must also state:

- (1) The name of the trap that caught the fish, if applicable.
- (2) The net weight of product for each product type (in kilograms for the same product form previously specified).

Swordfish Statistical Documents. Swordfish statistical documents, to be deemed complete, in addition to the elements above must state:

(1) Certification by the exporter that the individual Atlantic swordfish included in the shipment are greater than 15 kilograms (33 lbs.) or if pieces, that the pieces were derived from a swordfish weighing more than 15 kilograms (33 lbs).

The following information is required on all RXCs and is used for tracking the product unless otherwise noted:

- 1) The document number assigned by the country issuing the document.
- 2) The name of the country issuing the document, which must be the country through which the product is being re-exported.
- 3) The point of re-export, which is the city, state, or province, and country from which the product was re-exported.
- 4) The description of the fish product as imported, including the product type (fresh or frozen), product form (round, gilled and gutted, dressed, fillet, or other), the net weight, flag country of the vessel that harvested the fish in the shipment, and the date of import to the country from which it is being re-exported, and the original SD or CD number.
- 5) The description of the fish product as re-exported, including the product type (fresh or frozen), product form (round, gilled and gutted, dressed, fillet, or other) and the net weight.
- 6) The name and license number (if applicable) of, and re-exporter's signature and date in the re-exporter's certification block.
- 7) If applicable, the name and title of, and be signed and dated in the validation block by, a responsible government official of the re-exporting country appearing on the certificate, or by an official of an institution accredited by said government, with official government or accredited institution seal affixed, thus validating the information on the re-export certificate.(NOTE: Validation of a RXC by a government official is not required if NMFS waives the requirement based on a recommendation from the ICCAT Secretariat.)
- 8) If applicable, the name(s) and address(es), including the name of the city and state or province of import, and the name(s) of the intermediate country(ies) or the name of the country of final destination, and license number(s) of, intermediate and final exporters, signed and dated in the importer's certification block.

Bluefin Tuna Re-Export Certificates. Bluefin tuna re-export certificates, to be deemed complete, in addition to the elements described above must also state whether the fish for re-export was farmed, and the name and address of the farm, if applicable.

Validation - NMFS has worked with ICCAT with the intent of minimizing the public reporting burden for the government validation requirement. ICCAT/IATTC require that CDs, SDs, and RXCs be validated by a government institution at export. For example, in the United States, Atlantic BFT are tagged when landed, and the numbered tag stays with the carcass. ICCAT and U.S. regulations exempt tagged fish from validation requirements since the BFT data associated with the tag number must be provided to NMFS and can be tracked. In addition, NMFS has instituted a validation service which is available on a 24 hour/7 day per week basis. NMFS may also authorize non-governmental industry partners to validate CDs, SDs, and RXCs once they have met the necessary requirements. The entity must apply for authorization in writing to

NMFS, and indicate the procedures to be used for verification of information to be validated, list the names, addresses, and phone/fax numbers of individuals to perform validation, and provide an example of the stamp or seal to be applied to the statistical document or re-export certificate. Upon approval, NMFS will issue a letter specifying the duration of effectiveness and conditions of authority for validation. Authorization must be renewed annually.

Although the information collected is not expected to be disseminated directly to the public, it may be used in the development or review of fishery management plans and associated regulatory documents, and is therefore subject to NOAA's Information Quality Guidelines. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Most reporting forms under this collection are electronically fillable. The statistical documents and re-export certificates must be original documents. Electronic submission for all forms is being investigated domestically. BFT daily landing reports are submitted and entered into the database via FAX, and some validation is provided via FAX. In addition, the U.S. is pursuing development of electronic trade monitoring programs among regional fishery management organizations. Future availability of electronic form submissions could reduce the overall cost and administrative burden to the public by providing an internet accessible web page where the forms can be filled out and submitted electronically.

Catch documents may be generated online and printed out, following directions on the NMFS website (http://www.nmfs.noaa.gov/sfa/hms/ITP/International_Trade_Permit.htm) These may be emailed or faxed to NMFS. NMFS is preparing to implement the International Trade Data System which will provide permit holders with the ability to submit all documents electronically. See also Question 4 below.

4. Describe efforts to identify duplication.

The impacts of the reporting requirements were analyzed prior to implementation through rulemaking processes including public review. In addition, a Federal Register Notice announced the renewal of this reporting package. No duplicative efforts were identified. The Highly Migratory Species Management Division of NMFS works closely with other NMFS offices on reporting and permitting issues, and ensures that reporting regulations are not duplicative. Although daily landing reports, biweekly report forms, and SDs may include some of the same data fields, this information is necessary to cross-reference and cross-check reports. NMFS has attempted to combine SDs with other reporting requirements into a single form in the past; however, ICCAT did not approve the use of forms other than those developed specifically by ICCAT. NMFS has been able to combine several non-ICCAT reporting requirements to reduce the number of forms dealers must fill out (i.e., HMS Trade Biweekly Dealer Report covers all affected species). In addition, the U.S. is participating in discussions among many regional fishery management organizations (most recently in a June 2010 meeting in Barcelona, Spain) to determine ways of using technology to reduce paperwork and improve the efficacy of trade monitoring programs.

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

Small businesses will be the respondents of this data collection and this collection will not have a significant impact on them. As described in Question 4, reporting requirements have been condensed as much as possible. In addition, electronic reporting will be implemented as soon as practicable, as discussed in Questions 3 and 4.

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

Atlantic BFT Landing Reports and Tagging - If reporting were conducted less frequently or not conducted at all, the United States could overharvest its internationally approved BFT quota, and would fall out of compliance with its international obligations under ICCAT, in violation of ATCA. In addition, the status of the resource would be indeterminable since approximately 55 percent of the western Atlantic BFT Total Allowable Catch is allocated for landing by U.S. fishermen, and the conservation and management objectives of ATCA and ICCAT would be jeopardized. Furthermore, it would be impossible for the United States to formulate domestic policy consistent with the Magnuson-Stevens Act, which is based on sound socioeconomic and biological data and analyses.

Biweekly Reports - A two-week time period has provided a reasonable reporting regime for dealers without significantly delaying quota monitoring for species such as sharks and swordfish. If reporting were less frequent (e.g., monthly), timely quota monitoring could be compromised. Inefficient quota monitoring or altogether loss of monitoring could result in over-harvest of the ICCAT-recommended U.S. swordfish or BFT quota, which would violate obligations under ICCAT and ATCA. Over-harvest of HMS quotas (including sharks) could negatively impact

stocks and the fishing industry, and violate the Magnuson-Stevens Act. Lastly, this information is necessary for the development of domestic policy, since it provides socioeconomic and biological data upon which policy decisions are based.

Catch Documents, Statistical Documents, and Re-export Certificates - If this information collection were not conducted, the U.S. would fall into a status of non-compliance with its international obligations under ICCAT and IATTC, in violation of ATCA and TCA, respectively.

Without the authorization of non-government validation, NMFS would be required to individually validate each export and re-export, which would impose a greater reporting burden on industry. If authorization were not renewed annually, in the same manner that dealer and vessel permits are annually renewed, NMFS would not be able to effectively monitor implementation of the trade program.

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

The frequency with which data are collected in this package is inconsistent with OMB guidelines that respondents should not be required to report information more often than quarterly. To accurately monitor the domestic quota allocation among a diverse group of users, BFT landings data must be collected on a real-time basis. Furthermore, biweekly reports are necessary to manage other quotas, including sharks, swordfish, and king mackerel. Failure to maintain the current reporting frequency could jeopardize the agency's ability to close fisheries prior to exceeding a quota. (See Question 6 also regarding reporting frequency).

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

A Federal Register Notice published on May 14, 2010 (75 FR 27296) solicited public comment on this collection. No public comments were received in response to this notice.

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

No payments or gifts are to be offered as part of this information collection.

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

Pursuant to Section 402(b) of the Magnuson-Stevens Act, as amended in 2007, and consistent with [NOAA Administrative Order 216-100](#) (Confidentiality of Fisheries Statistics), NMFS does not release confidential information submitted in compliance with provisions of the MSA, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, the Agency ensures that information on the financial business activity of a dealer is not identified.

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

No information of a sensitive nature is requested in this collection of information.

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

For this collection, there are 1,832 respondents, 29,984 responses and 6,735 hours (responses and totals added from Tables 3 and 4). Total labor costs are \$100,080.

Burden hours associated with each reporting instrument are given in Table 1 and estimation of burden hours is discussed below by reporting requirement. All reports covered by this collection are required to be kept by the dealer for a period of 2 years. The burden hour estimate for each report includes the time required for filing and storing reports.

Table 1. Burden estimates for each dealer reporting instrument employed by this collection.

Reporting Requirement	Burden
Biweekly Reports	0.25 hrs (15 mins)
Catch Document (CD) Statistical Document (SD) or Re-export Certificate (RXC) (includes all steps from export to import)	0.08 hrs (5 mins.)
CD/SD/RXC validation by govt. official	0.25 hrs (15 mins)
Authorization for non-government validation	2 hours (120 mins)
Daily Landing Report	0.03 hrs (2 mins.)
Tagging (for BFT domestic landing reporting)	0.02 hrs (1 min.)

The universe of respondents for this collection is identified in Table 2, and includes the following: all U.S. dealers importing or exporting BFT, frozen BET, SWO, or SBT, (HMS International Trade Permit holders), U.S. dealers located in the SER that land SWO, BAYS tuna, or sharks, and dealers that land these species located in the NER that do not have any other NER permits, all dealers landing BFT, and non-government institutions requesting validation

authorization. Finally, an estimated number of international dealers is given, since burden hours must be calculated for international respondents as well as domestic respondents. Foreign dealers impacted by this collection include exporters that must fill out statistical documents and obtain validation prior to exporting a shipment to the U.S. The number of foreign respondents was calculated by identifying the number of countries exporting BET (40), BFT, (20), SBT (4) or SWO (29) to the United States, and assuming that there were approximately 10 active exporters per country.

Table 2 Estimate of total number of respondents for this collection

Respondent Type	Number
HMS International Trade Permits	233
Shark or Swordfish Permits	283
Tuna Permits (BFT, BAYS or both), includes:	376
SER BAYS dealers	55
NER BAYS dealers w/o other NER permits	10
International Dealers	930
Non-government Institutions for Validation	10
TOTAL	1,832

Atlantic BFT Landing Reports and Tagging

Atlantic BFT daily landing reports are submitted to NMFS for each Atlantic BFT purchased by a dealer from a vessel, and each of these fish must be tagged. The burden associated with these reporting activities is based on the number of BFT landed during 2009 given by the Northeast Regional Office (NERO) and summarized in Table 3.

Table 3. Biweekly and other dealer reporting activities for this collection.

Instrument or Activity	Responses	Burden (hrs.) per response	Burden (hrs)
Domestic BFT Landings			
Atlantic BFT Daily Landing Report	2000	2 minutes	67
Atlantic BFT Landing tag (formerly OMB Control No.0648-0239)	2000	1 minute	33
Biweekly Reports			
Bluefin Tuna Domestic Landing Biweekly Report	8346	15 minutes	2087
HMS Trade Biweekly Dealer Report	6580	15 minutes	1645
HMS biweekly landings report for sharks, swordfish & BAYS tuna	865	15 minutes	216
HMS biweekly negative reporting	1854	5 minutes	155
Validation Authorization			
Non-governmental validation authorization	10	2 hours	20
TOTAL	21,655		4,223

Biweekly Reports and Non-governmental Validation

Estimation of biweekly reporting for Atlantic BFT dealers is based on reporting during a previous year of relatively high landings, and included in Table 3. Biweekly reporting for swordfish, sharks, and BAYS tuna as well as negative reporting that is required when permitted dealers do not receive landings of these species during a reporting period is estimated in Table 3. Numbers of biweekly reports were collected from the Southeast Fisheries Science Center during the calendar year 2009.

The international trade biweekly reporting requirements for this collection occur on the HMS Trade Biweekly Dealer Report. Estimation of burden hours associated with this form was calculated by multiplying the number of responses gathered from the NERO and multiplying the number by the estimated burden per response.

Non-government institutions may apply for authorization to validate statistical documents or re-export certificates by applying in writing, indicating the procedures to be used for verification of information to be validated, the names and contact information of individuals that will perform the validation, and an example of the stamp or seal applied to the statistical document or re-export certificate. Authorizations must be renewed on an annual basis. In the past, one

institution has been provided with validation authority for Pacific BFT. With the increase in need for validation based on the recent expansion of SD programs, it is estimated that approximately 9 other institutions may apply for this authority for a total of 10. Preparing the necessary application is expected to take approximately 2 hours. Total burden hours are given in Table 3.

Total reporting burden for Atlantic BFT domestic reporting, all biweeklies, and non-governmental authorization for statistical document validation is estimated at **4,222 hours** with an estimated opportunity cost of \$15/hour, this results in an approximate cost of **\$62,400**.

Statistical Documents and Re-export Certificates

Burden estimates for CDs, SDs, RxCs, and validation are calculated in Table 4. The annual number of shipments by species for frozen BET, SBT, and SWO for each trade activity (import/export/re-export) was provided by the National Seafood Inspection Lab, derived from customs data. U.S. Customs data tracks total imports, and provide the total annual weight and number of shipments for each species. This information was used to calculate the average weight of each shipment. BFT catch document program data from 2009 was used for calculating BFT burden estimates in Table 4.

ICCAT requires that exports (including some re-exports) associated with its SD programs are validated. This validation requirement is implemented by either tagging each fish in a shipment and maintaining the necessary records, or obtaining verification from a government official or their designee. The tagging option is currently available for Atlantic and Pacific BFT. (Atlantic BFT are tagged upon landing (see above)). A FAX-in system is available for all other validation, whereby a dealer faxes a complete document to a NMFS contractor, and the document is returned to the dealer with the necessary validation stamp in place and a document number.

The total burden associated with catch and statistical documents, re-export certificates and validation is **2,512 hours**. Using \$15/hour as the opportunity cost, the reporting cost is estimated at **\$37,680**.

Table 4. International dealer trade reporting burden estimates for bigeye tuna (BET), bluefin tuna (BFT), southern bluefin tuna (SBT) and swordfish (SWO) statistical documents (SD), re-export certificates (RXC), and shipment certification. Estimates are given by species for imports (I), exports (E) and re-exports (R)) and by coast (Atlantic - A, Pacific - P) for bluefin tuna.

Activity	# of CDs, SDs, or RXCs (based on # of shpmts for 2009)	CD/SD/RXC Response Hourly Burden 5 min per form (less than 1 hour total rounded up to 1 hour)	Validation Burden (15 min. per shipment)		TOTAL HOURS
			Domes tic	Foreign	
BET (frozen)					
I	95	8		24	32
E	10	1	3		4
R	6	1	2		3
BFT (Atlantic/Pacific)					
I (A)	968	81		242	323
E (A)	1073	89	N/A ¹		89
R (A)	181	15	45		60
I (P)	370	31		93	124
E (P)	0	0	0		0
R (P)	0	0	0		0
SBT					
I	201	17		50	67
E	7	1	2		3
R	26	2	7		9
SWO					
I	5,134	428		1,284	1,712
E	147	12	37		49
R	111	9	28		37
TOTALS	8,329	695	124	1,693	2,512

NOTE: Domestically landed BFT are required to be tagged, which is used for certification of exports. Burden hours are calculated under the domestic portion of this collection (Table 3).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Costs for the public as a result of this collection include the cost of submitting reports to NMFS via either U.S. mail or FAX. Forms and tags are provided free of charge. Mailing costs are

estimated in Table 5. In addition, non-government institutions approved for validating exports would spend approximately \$10 for a validation stamp and total costs are estimated in Table 5.

Table 5. Costs to the public as a result of this collection, not including those associated with burden hours.

Reporting Instrument	Number of Responses	Submission		Total Cost (\$)
		Method	Cost per Item (\$)	
Atlantic BFT Daily Landing Report	2,000	FAX	0.15	300
Atlantic BFT Landing Biweekly Report	8,346	mail	0.44	3,672
Atlantic BFT Landing Tag	2,000	N/A	N/A	N/A
HMS biweekly landings report	865	mail	N/A	N/A
HMS biweekly negative reporting	1,854	mail	N/A*	N/A*
HMS Trade Biweekly Dealer Report	6,580	mail	0.44	2,895
CDs, SDs, & RXCs	8,329	mail	0.44	3,665
Validation for CDs, SDs, & RXCs	Included in CDs etc.	FAX	0.15	1,249
Non-governmental validation auth. (Total cost includes \$10/dealer for valid. stamp)	10	mail	0.44	4
TOTAL	29,984			11,785

*Postage-paid envelopes are supplied.

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

Costs to the Federal government for this collection include the reproduction of documents and tags, and contracted validation services. For domestic reporting, daily landing reports, tags, and biweeklies must be reproduced. Landing report books cost approximately \$5.06/book and approximately 376 (number of dealers with Atlantic tuna permits) will be needed for a total of **\$1,903**. Tags cost approximately \$.075 per tag and approximately 2,000 will be needed for a total of **\$1,500**. Biweeklies cost approximately \$.05 per copy and approximately 2,719 will be needed for a total of **\$136**. SER provides postage-paid envelopes to dealers reporting on the HMS biweekly landings report, costing approximately \$1/response for a total of **\$2,719**.

For international reporting, SDs and RXCs must be reproduced. At a cost of approximately \$.13 per copy and a total number of approximately 7,959 the total cost would be approximately **\$1,035**. The average cost of validation services is \$300 per month or approximately **\$3,600** per year.

Total cost to the Federal government for the items listed above is **\$10,893**.

15. Explain the reasons for any program changes or adjustments.

Annual Adjustments accounted for all of the modified reporting and cost burden estimates, which are given in Table 6. Small changes occurred from the last renewal period due to increases in some of the response categories and thus increased burden hours, based on 2009 data. Landings and trade of species requiring CDs, SDs, and RXCs vary from year to year.

Table 6. Program adjustments

Adjustment Category	Previous	New Estimates	Adjustment
Number of Respondents	1,751	1,832	81
Number of Responses	37,435	29,984	-7,451
Number of Burden Hours	6,152	6,735	583
Total Annual Costs	\$8,258	\$11,785	\$3,527

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

Results from data collection using the forms in this family are not planned for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Consistent with the last renewal of OMB approval for the BFT CD forms (OMB Control No.0648-0040), it is requested that the burden statement, expiration date, and OMB Control Number not appear on the CD form, but be provided in a cover letter to U.S. tuna dealers and importers. An example cover letter (“0040 attachment permit holder letter”) is included in this submission. The reason for this request stems from concerns expressed by other ICCAT members that U.S. CDs not differ from the format agreed to at the conference of parties. Due to the confusion the PRA information presents to foreign dealers and customs officials, in the last renewal package for this collection, NMFS proposed to provide this information in a cover letter so that the form would match the generic form adopted by ICCAT. In addition, SDs and RXCs for SWO, BET and SBT are available to dealers either from NMFS or from the internet websites of the different international commissions (ICCAT, IATTC, CCSBT, IOTC). NMFS wants dealers to be able to access the forms directly from these websites. Since all U.S. dealers will be required to have an international trade permit in order to import and/or export species requiring CDs or SDs, NMFS will be able to ensure that each dealer receives the cover letter. This will meet NMFS obligations under the PRA while reducing the likelihood of delays/problems in clearing customs in countries that are contracting parties to ICCAT.

NMFS already has a process in place for BFT CDs whereby individually numbered CDs are allocated to each dealer. The OMB Control Number is printed on each form, and the rest of the PRA information is included in a cover letter.

The BFT daily landing report is part of an optical character recognition (OCR) system which reads data from a hard copy and puts it in electronic format. Any text in addition to that required for data fields would compromise the OCR system. However, these landing reports are distributed in a booklet form, and the booklet cover includes all the necessary PRA statements, including the OMB Control Number and expiration date.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.

Bi-Weekly Atlantic Bluefin Tuna Dealer Report Instruction Sheet

Pursuant to regulations governing recordkeeping and reporting for the Atlantic bluefin tuna (BFT) fishery [50 CFR §635.5 (b)(2)] and BFT international trade [50 CFR § 300.183], dealers are required to submit bi-weekly* reports to National Marine Fisheries Service (NMFS) on forms supplied by NMFS. Bi-weekly reports must be received by NMFS, at the dealer's expense, within 10 calendar days after the end of each 2-week reporting period in which BFT were purchased, received or imported. Instructions for completing this Bi-weekly Atlantic Bluefin Tuna Dealer Report follow. Enter the requested data in the appropriate column for each case in which BFT are purchased, received, or imported during a given two-week period.

(1) Two Week Reporting Period: Indicate the two week period of the month for which you are reporting purchase, receipt or import of BFT. The biweekly reporting periods are defined as the first day through the 15th day of each month and the 16th day through the last day of the month.

(2) Dealer: Indicate the name of the Atlantic Tunas dealer or HMS International Trade permit holder reporting.

(3) Permit Number: For U.S. landings, indicate the Atlantic Tunas dealer permit number, or for imports, enter the HMS International Trade permit number.

(4) Person Filling Out Report: Indicate the name of the individual completing the bi-weekly report.

(5) Date of Landing: Indicate the date the BFT was landed or imported.

(6) Atlantic Tunas Vessel Permit Number: For U.S. landed BFT, indicate the NMFS Atlantic Tunas Vessel Permit number of the vessel that landed the BFT.

(7) Tag Number: For U.S. landed BFT, indicate the serial number of the tail tag that was affixed to the BFT carcass. For imports, the tag number assigned by a foreign country must be listed for each BFT; if no tag number is present, the document number of the ICCAT Bluefin Tuna Catch Document (BCD) must be listed.

(8) Weight: Indicate the weight (check **KG** or **LB**) of the BFT, according to the form in which the carcass was purchased (**Round** or **Dressed**). *Enter the weight of only one BFT per row, using the appropriate sub-column.* For imports only, a copy of a packing list, invoice, or typed list that lists the weights of each fish fulfills this requirement when accompanied by the biweekly report form showing an average price per product. For BFT meat products (chunks, fillets, etc), list the shipment weight total for the product form, noting the product form with the weight.

(9) Nature of Sale: Indicate whether the sale was **Consignment** or **Dockside**. *Choose one only.* (This field is not required for imports.)

(10) Price Per Unit: Indicate the price per unit (check **KG** or **LB**) in the appropriate sub-column according to the form in which the BFT was purchased (**Round** or **Dressed**). The price should reflect the balance paid to the fisherman. For imports, the price indicates the amount paid to the foreign dealer, and may be an average.

(11) Quality Rating:** BFT should be graded by dealers in the following four categories: Freshness, Fat Content, Color, and Shape. The grade of "A" indicates high quality; "B" above average; or "C" average.

(12) Destination of Fish: Assign the code "U" for U.S. landings bound for the U.S. domestic market, "X" for exported U.S. landings, and "I" or "R" for import or re-export shipments, respectively.

(13) Page Number: Indicate the number of pages, if more than one page is used per reporting period. The page number and total pages should be noted, in sequence, at the bottom of the bi-weekly report.

Completed bi-weekly reporting forms should be mailed to the following address: DOC/NOAA/NMFS, HMS Division, 55 Great Republic Drive, Gloucester, MA 01930-2276.

* Copies of each bi-weekly report should be maintained, by the dealer, for a period of two years from the date on which each report was required to be submitted to NMFS.

** Quality rating is subjective and will vary from dealer to dealer. Though quality rating is optional, dealers are encouraged to complete these columns as price and quality information may be used by NMFS in assessing the impacts of management regulations.

Instructions for Completing the HMS Trade Bi-Weekly Dealer Report Form

Under Federal regulations, as specified in section 50 CFR 635.5, dealers that have been issued a Highly Migratory Species International Trade Permit by the National Marine Fisheries Service (NMFS) are required to report all imports, exports and reexports of Pacific bluefin tuna. The completed form should be submitted to NMFS not later than 10 days after the end of each period. The reporting periods are the 1st through the 15th and the 16th through the end of the month.

You must submit this form to the NMFS office indicated in the table below:

Reported Species	Submit form to this NMFS office:
Swordfish, Southern Bluefin Tuna, frozen Bigeye Tuna	NMFS National Seafood Inspection Laboratory 3209 Frederic Street Pascagoula, MS 39567 Phone 228/762-7402
Pacific Bluefin Tuna	NMFS/Northeast Regional Office 55 Great Republic Drive Gloucester, MA 01930 Phone 978/281-9140

This form is to be used to report the total quantity of swordfish, Southern bluefin tuna, frozen bigeye tuna and/or Pacific bluefin tuna (PBFT) that are imported, exported or re-exported during the two-week reporting period. You may photocopy this form for future use or submit multiple forms for each bi-weekly period if you need extra space to report multiple shipments.

The following are the instructions that apply to the completion of the form. Please attach the Statistical Documents (SD) and Re-Export Certificates that correspond to the shipments reported on this form, if they have not previously been provided. Ensure that the corresponding U.S. Customs Form 7501 Entry Number is written on each SD and Re-export Certificate.

For more information about these programs, contact National Marine Fisheries Service at the appropriate phone number (indicated above).

Dealer Name	Print the name of the company as it appears on the permit application. Please avoid abbreviations or aliases.
Dealer Permit #	Print the permit number that has been issued by the National Marine Fisheries Service.
Contact Person	Name of person who prepared the form
Phone #	Phone number of contact person
Report Period	Check appropriate box for reporting period.
Species	Indicate species: SWO, PBT, SBT, or BET
Statistical Doc #	Enter the Statistical Document number.
Re-Export #	Enter the Re-Export Certificate number if applicable.
Entry Number	Enter the U.S. Customs 11-digit entry number
Date	Enter the date of import/export/re-export.
Weight	Enter the shipment weight (kg) for the species indicated in previous column
Condition	Indicate whether the product is in fresh or frozen condition.
Product Form	Indicate the form of the product (e.g., H&G, loins, steaks, fillets, dressed, etc.)
Wt. of Individual Fish	For SWO that are being imported as a headed and gutted product, identify the weight of each individual fish in the shipment. For imports only, a copy of a packing list, invoice, or typed list that lists the weights of each fish fulfills this requirement when accompanied by the biweekly report form showing an average price per product.
Price per kg	Record the price per kg that was paid for purchases of imported fish.
State/State Landing Document Number	Enter the State Landing Document Number for PBFT
Tag Number	Enter the corresponding tail tag for PBFT if applicable.
Destination of Fish	Indicate the origination/destination of the fish, Import (I), US Market (U), Export (X), Re-export (RE).

NOAA 88-144

OMB Control No.: 0648-0040

Expiration Date: 10/31/2010



DOC/NOAA/NMFS
Highly Migratory Species
One Blackburn Drive
Gloucester, MA 01930-2298

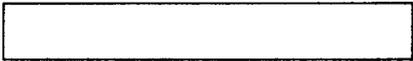
DEALER PERMIT NUMBER: _____

DEALER REPORT FORM FOR LARGE MEDIUM AND GIANT ATLANTIC BLUEFIN TUNA

Pursuant to 16 U.S.C. 971, 16 U.S.C. 1801, and 50 CFR Part 635

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in this logbook is mandatory for the purpose of managing the Atlantic bluefin tuna fishery. The data is used to monitor landings of Atlantic bluefin tuna. Reporting burden for the collection of information is estimated to average 3 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, tagging the fish, and completing and submitting the information. Pursuant to Section 402(b) of the Magnuson-Stevens Act, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), the Agency does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, the Agency ensures that information on the pecuniary business activity of a dealer is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Highly Migratory Species Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.





LARGE MEDIUM & GIANT ATLANTIC BLUEFIN TUNA LANDING REPORT

Complete this report form as soon as you or your agent purchase or receive a large medium or giant bluefin tuna. Fax and mail the completed white form within 24 hours of purchasing or receiving the large medium or giant Atlantic bluefin tuna.

Dealer No. Dealer Name _____

Date Landed / /
M M D D Y Y

Gear Used (check one)

Handline Harpoon Rod & Reel Longline
 Purse Seine Other _____

Fork Length (IN.) Curved or Straight
 Snout or Fin

Exact Weight (lbs.) Round and/or Dressed

Identification Tag No. BT90

Area Where Caught
1 2 3 4 5 6 7 8 9 10

Port Where Landed
CITY ST

Federal Fisheries Permit No.

Vessel Name (Print) _____

Name of vessel's Master (print) _____

Signature _____

Date of Signature _____

CERTIFICATION: I certify that the information provided by me on this form is true, complete, and correct to the best of my knowledge, and made in good faith. **FALSE STATEMENT ON THIS FORM IS PUNISHABLE BY LAW.**

[03-19]

**RECOMMENDATION BY ICCAT
CONCERNING THE AMENDMENT OF THE FORMS OF
THE ICCAT BLUEFIN/BIGEYE/SWORDFISH STATISTICAL DOCUMENTS**

NOTING that the *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessel Over 24 Meters Authorized to Operate in the Convention Area* [02-22] prescribes that both exporting and importing Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs) shall cooperate to ensure that the forgery of or misinformation in statistical documents is avoided;

RECOGNIZING that additional information such as vessel length and time of harvest is necessary for better implementation of Commission's conservation and management measures and for the smooth implementation of the Recommendation [02-22];

CONSIDERING that the Standing Committee on Research and Statistics (SCRS) and Ad Hoc Data Workshop are strongly concerned about the quality of the catch data including statistics related to bluefin farming;

FURTHER RECOGNIZING the necessity of better data collection on farming tuna through the Statistical Document Program;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. The sample forms of the statistical documents and the re-export certificate and instruction sheets in the following Recommendations and Resolution shall be replaced by the attached forms and instructions respectively.
 - a) *Resolution by ICCAT Concerning the Effective implementation of the ICCAT Bluefin Tuna Statistical Document Program* [94-5]
 - b) *Recommendation by ICCAT Concerning the Implementation of the ICCAT Bluefin Tuna Statistical Document Program on Re-export* [97-4]
 - c) *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [01-21]
 - d) *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [01-22]
2. Related to the *Recommendation by ICCAT on Bluefin Tuna Farming* [03-09], the Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities that export farmed bluefin tuna products shall ensure to mark the box "Farmed" in the first line of the ICCAT Bluefin Tuna Statistical Document or the box in item 5 of the ICCAT Bluefin Tuna Re-export Certificate.
3. The Commission shall communicate with other relevant regional fishery management bodies which established the statistical document programs and the authorized vessel records and request them to implement the similar reform.

**RECOMMENDATION BY ICCAT AMENDING
RECOMMENDATION 07-10 ON AN ICCAT BLUEFIN TUNA
CATCH DOCUMENTATION PROGRAM**

RECOGNIZING the situation of Atlantic bluefin tuna stocks and the impact that market factors have on the fishery;

TAKING INTO ACCOUNT the rebuilding plan for western Atlantic bluefin tuna and the recovery plan for eastern Atlantic and Mediterranean bluefin tuna that ICCAT has adopted, including the need for complementary market related measures;

RECOGNIZING the necessity to clarify and improve the implementation of the bluefin tuna catch documentation scheme, providing detailed instructions for the completion and the validation of the bluefin tuna catch document,

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

PART I GENERAL PROVISIONS

1. Each Contracting Party, Cooperating non-Contracting Party, Entity and Fishing Entity (hereafter referred to as CPCs) shall take the necessary steps to implement an ICCAT Bluefin Tuna Catch Documentation Scheme for the purpose of identifying the origin of any bluefin tuna in order to support the implementation of conservation and management measures.
2. For the purpose of this Programme:
 - a) "Domestic trade" means:
 - trade of bluefin tuna harvested in the ICCAT Convention area by a vessel or trap, which is landed in the territory of the CPC where the vessel is flagged or where the trap is established, and
 - trade of farmed bluefin tuna products originating from bluefin tuna harvested in the ICCAT Convention area by a vessel which is flagged to the same CPC where the farm is established, which is supplied to any entity in this CPC, and
 - trade between the Member States of the European Community of bluefin tuna harvested in the ICCAT Convention area by vessels flagged to one Member State or by a trap established in one Member State.
 - b) "Export" means:
Any movement of bluefin tuna in its harvested or processed form (including farmed) from the territory of the CPC where the fishing vessel is flagged or where the trap or farm is established to the territory of another CPC or non-Contracting Party, or from the fishing grounds to the territory of a CPC which is not the flag CPC of the fishing vessel or to the territory of a non-Contracting Party.
 - c) "Import" means:
Any introduction of bluefin tuna in its harvested or processed form (including farmed) into the territory of a CPC, which is not the CPC where the fishing vessel is flagged or where the trap or the farm is established.
 - d) "Re-export" means:
Any movement of bluefin tuna in its harvested or processed form (including farmed) from the territory of a CPC where it has been previously imported.
 - e) "flag State" means the State where the fishing vessel is flagged; "trap State" means the State where the trap is established; and "farm State" means the State where the farm is established.

3. CPCs shall require a completed Bluefin Tuna Catch Document (BCD) for each bluefin tuna:
 - a) landed at its ports,
 - b) delivered to its farms, and
 - c) harvested from its farms.

Each consignment of bluefin tuna domestically traded, imported into or exported or re-exported from its territories shall be accompanied by a validated BCD, except in cases where paragraph 9(c) applies and, as applicable, an ICCAT transfer declaration or a validated Bluefin Tuna Re-export Certificate (BFTRC). Any such landing, transfer, delivery, harvest, domestic trade, import, export or re-export of bluefin tuna without a completed and validated BCD or a BFTRC shall be prohibited.

4. In order to support an effective BCD, CPCs shall:
 - a) not place bluefin tuna into a farm not authorized by the CPC or listed in the ICCAT record,
 - b) not place bluefin tuna from different years or CPCs in the same cages unless effective measures are in place to determine the CPC of origin and catch year when the bluefin tuna are ultimately harvested from the farm
5. Each CPC shall provide BCD forms only to catching vessels and traps authorized to fish bluefin tuna in the Convention area, including as by-catch. Such forms are not transferable. Each BCD form shall have a unique document identification number. Document numbers shall be specific to the flag or trap State and assigned to the catching vessel or trap.
6. Domestic trade, export, import and re-export of fish parts other than the meat (i.e., heads, eyes, roes, guts and tails) shall be exempted from the requirements of this Recommendation.

PART II VALIDATION OF BCDs

7. The catching vessel master or trap operator, or its authorized representative, or the operator of farms, or the authorized representative of the flag, farm, or trap State, shall complete the BCD by providing the required information in appropriate sections and request validation in accordance with paragraph 9 for a BCD for catch landed, transferred to cages, harvested, transhipped, domestically traded or exported on each occasion that it lands, transfers, harvests, tranships, domestically trades or exports bluefin tuna.
8. A validated BCD shall include, as appropriate, the information identified in **Annex 1** attached. A BCD format is attached as **Annex 2**. In cases where a section of the BCD format does not provide enough room to completely track movement of BFT from catch to market, the needed information section of the BCD may be expanded as necessary and attached as an annex using the original BCD format and number. The authorized representative of the CPC shall validate the annex as soon as possible but not later than the next movement of BFT.
9.
 - a) The BCD must be validated by an authorized government official, or other authorized individual or institution, of the flag State of the catching vessel, the State of the seller/exporter, or the trap or farm State that caught, harvested, domestically traded or exported the bluefin tuna. If the catching vessel is operating under a charter arrangement, the BCD must be validated by an authorized governmental official or institution of the chartering entity's CPC.
 - b) The CPCs shall validate the BCD for all bluefin tuna products only when all the information contained in the BCD has been established to be accurate as a result of the verification of the consignment, and only when the accumulated validated amounts are within their quotas or catch limits of each management year, including, where appropriate, individual quotas allocated to catching vessels or traps, and when those products comply with other relevant ICCAT provisions of the conservation and management measures.
 - c) Validation under 9(a) shall not be required in the event that all bluefin tuna available for sale are tagged by the flag State of the catching vessel or the trap State that fished the bluefin tuna.

- d) Where the bluefin tuna quantities caught and landed are less than 1 metric ton or three fish, the logbook or the sales note may be used as a temporary BCD, pending the validation of the BCD within seven days and prior to export.

PART III VALIDATION OF BFTRCS

10. Each CPC shall ensure that each bluefin tuna consignment which is re-exported from its territory be accompanied by a validated Bluefin Tuna Re-export Certificate (BFTRC). In cases where bluefin tuna is imported live, the BFTRC shall not apply.
11. The operator who is responsible for the re-export shall complete the BFTRC by providing the required information in its appropriate sections and request its validation for the bluefin tuna consignment to be re-exported. The completed BFTRC shall be accompanied by a copy of the validated BCD(s) relating to the bluefin tuna products previously imported.
12. The BFTRC shall be validated by an authorized government official or authority.
13. The CPC shall validate the BFTRC for all bluefin tuna product only when
 - a) all the information contained in the BFTRC has been established to be accurate,
 - b) the validated BCD(s) submitted in support to the BFTRC had been accepted for the importation of the products declared on the BFTRC and
 - c) the products to be re-exported are wholly or partly the same products on the validated BCD(s).
 - d) a copy of the BCD(s) shall be attached to the validated BFTRC.
14. The validated BFTRC shall include the information identified in **Annex 3** and **Annex 4** attached.

PART IV VERIFICATION AND COMMUNICATION

15. Each CPC shall communicate a copy of all validated BCDs or BFTRCs, except in cases where paragraph 9(c) applies, within five working days following the date of validation, or without delay where the expected duration of the transportation should not take more than five working days, to the following:
 - a) the competent authorities of the country where the bluefin tuna will be domestically traded, or transferred into a cage or imported, and
 - b) the ICCAT Secretariat.
16. The ICCAT Secretariat shall extract from the validated BCDs or BFTRCs communicated under paragraph 15 above the information marked with an asterisk (*) in **Annex 1** or **Annex 3** and enter this information in a database on a password protected section of its website, as soon as practicable.

At its request, the SCRS shall have access to the catch information contained in the database, except the vessel or trap names.

PART V TAGGING

17. CPCs may require their catching vessels or traps to affix a tag to each bluefin tuna preferably at the time of kill, but no later than the time of landing. Tags shall have unique country specific numbers and be tamper proof. The tag numbers shall be linked to the BCD and a summary of the implementation of the tagging program shall be submitted to the ICCAT Secretariat by the CPC. The use of such tags shall only be authorized when the accumulated catch amounts are within their quotas or catch limits of each management year, including, where appropriate, individual quotas allocated to vessels or traps.

PART VI VERIFICATION

18. Each CPC shall ensure that its competent authorities, or other authorized individual or institution, take steps to identify each consignment of bluefin tuna landed in, domestically traded in, imported into or exported or re-exported from its territory and request and examine the validated BCD(s) and related documentation of

each consignment of bluefin tuna. These competent authorities, or authorized individuals or institutions, may also examine the content of the consignment to verify the information contained in the BCD and in related documents and, where necessary, shall carry out verifications with the operators concerned.

19. If, as a result of examinations or verifications carried out pursuant to paragraph 18 above, a doubt arises regarding the information contained in a BCD, the final importing State and the CPC whose competent authorities validated the BCD(s) or BFTRCs shall cooperate to resolve such doubts.
20. If a CPC involved in trade of bluefin tuna identifies a consignment with no BCD, it shall notify the findings to the exporting State and, where known, the flag State.
21. Pending the examinations or verifications under paragraph 18 to confirm compliance of the bluefin tuna consignment with the requirements in the present Recommendation and any other relevant Recommendations, the CPCs shall not grant its release for domestic trade, import or export, nor, in the case of live bluefin tuna destined to farms, accept the transfer declaration.
22. Where a CPC, as a result of examination or verifications under paragraph 18 above and in cooperation with the validating authorities concerned, determines that a BCD or BFTRC is invalid, the domestic trade, import, export or re-export of the bluefin tuna concerned shall be prohibited.
23. The Commission shall request the non-Contracting Parties that are involved in domestic trade, import, export or re-export of bluefin tuna to cooperate with the implementation of the Program and to provide to the Commission data obtained from such implementation.

PART VII NOTIFICATION AND COMMUNICATION

24. Each CPC that validates BCDs in respect of its flag catching vessels, traps or farms in accordance with paragraph 9(a), shall notify the ICCAT Secretariat of the government authorities, or other authorized individuals or institutions (name and full address of the organization(s) and, where appropriate, name and title of the validating officials who are individually empowered, sample form of document, sample impression of stamp or seal, and as appropriate tag samples) responsible for validating and verifying BCDs or BFTRCs. This notification shall indicate the date at which this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the bluefin tuna catch documentation program shall be communicated with the initial notification, including procedures to authorize non-governmental individuals or institutions. Updated details on validating authorities and national provisions shall be communicated to the ICCAT Secretariat in a timely fashion.
25. The information on validating authorities transmitted by notifications to the ICCAT Secretariat shall be placed on the password protected page of the database on validation held by the ICCAT Secretariat. The list of the CPCs having notified their validating authorities and the notified dates of entry into force of the validations shall be placed on a publicly accessible website held by the ICCAT Secretariat. CPCs are encouraged to access this information to help verify the validation of BCDs and BFTRCs.
26. Each CPC shall notify to the ICCAT Secretariat the points of contact (name and full address of the organization(s)) that should be notified when there are questions related to BCDs or BFTRCs.
27. Copies of validated BCDs and notification pursuant to paragraphs 24, 25 and 26 shall be sent by CPCs to the ICCAT Secretariat, by electronic means, whenever possible.
28. The Commission shall consider the introduction of an electronic system as informed by results reported to the Commission from the electronic statistical document pilot programs conducted by CPCs in accordance with *Recommendation by ICCAT on an Electronic Statistical Document Pilot Program* [Rec. 06-16]. Those CPCs which implement an electronic system in advance of the Commission shall ensure the electronic system meets the requirements of this measure and has the ability to produce paper copies upon request of national authorities from the exporting and importing Parties.
29. Copies of BCDs shall follow each part of split shipments or processed product, using the unique document number of the BCD to link them.
30. CPCs shall keep copies of documents issued or received for at least two years.

31. CPCs shall provide to the ICCAT Secretariat a report each year by October 1 for the period from July 1 of the preceding year to June 30 of the current year to provide the information described in **Annex 5**.

The ICCAT Secretariat shall post these reports on the password protected section of the ICCAT website, as soon as practicable.

At its request, the SCRS shall have access to the reports received by the ICCAT Secretariat.

32. The *Recommendation by ICCAT on an ICCAT Bluefin Tuna Catch Document Program* [Rec. 07-10] is repealed and replaced by this Recommendation.

UNITED STATES BLUEFIN TUNA CATCH DOCUMENT

Document No. _____

1. CATCH INFORMATION

A. VESSEL

	ATVP NO:			
	NAME:		FLAG: US	ICCAT RECORD NO.:

B. CATCH DESCRIPTION

	LANDING DATE (ddmmyy):		AREA: West Atlantic
	NO. FISH:		AVG WT (KG):
	TOTAL WT (KG):		GEAR:

C. GOVT. VALIDATION

	NAME OF AUTHORITY:		TITLE:		SEAL
	SIGNATURE:		DATE:		

2. TAG INFORMATION & PRODUCT DESCRIPTION

TAG #:	WT (KG):	Product Type		Product Type Descriptions
		F/FR	RD/GG/DR/FL/OT	
ABT - - - - -				F = Fresh
ABT - - - - -				FR = Frozen
ABT - - - - -				
ABT - - - - -				RD = Round
ABT - - - - -				GG = Gilled&Gutted
ABT - - - - -				DR = Dressed
ABT - - - - -				FL = Fillet
ABT - - - - -				OT = Other
ABT - - - - -				
ABT - - - - -				

3. TRADE INFORMATION

A. EXPORTER/SELLER

	COMPANY:		LICENSE NO:	
	ADDRESS:		STREET	CITY STATE OR PROVINCE
	NET WT (kg):		SIGNATURE:	

B. POINT OF EXPORT/DEPARTURE:

	CITY:		STATE:		DESTINATION COUNTRY:
	COUNTRY: USA		DATE:		

C. TRANSPORTATION DESCRIPTION (ensure documents are available at import)

D. GOVT VALIDATION

	NAME OF AUTHORITY:		TITLE:		SEAL
	SIGNATURE:		DATE:		

E. IMPORTER/BUYER

	COMPANY:		LICENSE NO:	
	ADDRESS:		STREET	CITY STATE OR PROVINCE
	SIGNATURE:			

F. POINT OF IMPORT

	CITY:		STATE OR PROVINCE:	
	COUNTRY:		DATE:	

United States Bluefin Tuna Catch Document

Reporting Instructions for Bluefin Tuna Exports

Bluefin tuna exporters must fill out this form for each vessel's exported catch. Complete the document on the reverse side by entering the requested data in the appropriate data fields following the instructions below. (*See the bottom of this instruction sheet for Pacific bluefin tuna*). The document must be filled out completely prior to exporting bluefin tuna in accordance with 50 C.F.R. 300.185. The completed original document must accompany the exported consignment.

Submit a copy of the completed document to the National Marine Fisheries Service (NMFS) at one of the following addresses: by email to: BFTreporting@noaa.gov; by FAX to: 978-281-9340; or by mail to: HMS Management Division, One Blackburn Drive, Gloucester, MA, 01930. NMFS must receive a copy of the document within 24 hours of export.

FORM INSTRUCTIONS

Document Number: Use the following formula to generate a document number: *USYear - International Trade Permit (ITP) number* (numerals only, do not include the "SE" prefix)- *sequential number*. For example, an exporter with the ITP number SE 10543 who is exporting the first bluefin for the year 2008 would use the following doc. number: US2008-10543-1.

1. Catch Information (*NOTE: It may be necessary to obtain this information from the Atlantic Tunas Dealer Permit holder who first purchased the bluefin tuna.*)

A. Vessel: Enter the name of the vessel that captured the bluefin tuna and the vessel's Atlantic Tuna Vessel Permit (ATVP) number. For vessels with a length greater than 24 m, enter the ICCAT record number (see website <http://www.iccat.int/vesselsrecord.asp>)

B. Catch Description: Enter the Landing Date (date bluefin tuna was brought to dock and sold to Atlantic Tunas Dealer Permit holder), Area of catch, Gear type (choose from table below), Number of Fish entered on this form, Total Weight in kilograms of fish product entered on this form, and calculate average weight = (total weight/number of fish).

GEAR TYPES					
HAND	–	handline	LL	–	longline
RR	–	rod and reel	PS	–	purse seine
HARP	–	harpoon	TRAP	–	trap

2. Tag Information and Product Description

Enter the tag number for each bluefin tuna in the space provided. Enter the product type (choose from list on front of form) for each tagged fish and its weight in kilograms. If product type is "other" enter "OT" and a one-word description (*e.g.*, OT-toro).

3. Trade Information

A. Exporter/Seller: Enter the exporting company's name and International Trade Permit number, address, the total weight of bluefin tuna listed on this form, and sign once the form is printed.

B. Point of Departure/Export: enter the point of departure including city, state, and date of export. ***Enter the destination (country) of the export.***

C. Transportation Description: Ensure that a copy of official transportation documentation (*e.g.*, airway bill) is received by the importer, along with this form.

D. Government Validation: If bluefin tuna are tagged, leave this section blank (government validation is waived for tagged U.S. Atlantic and Pacific bluefin tuna). For untagged Pacific bluefin tuna, government validation is required. For validation, FAX the completed form to the NMFS-authorized validation official at: 866/252-3751. Be sure to specify return fax number and phone number. If your validated form has not been returned within 2 hours, call the validation official at 843-724-6425.

E. Importer/Buyer; and, F. Point of Import: leave blank – this section will be filled out by the foreign importer.

Pacific bluefin tuna exports: only the following fields are required: "Document Number," "Area" under "Catch Information," "Weight" and "Product Type" under "Tag Information and Product Description," and all "Trade Information" fields, including "Government Validation."

The following information is provided to you as required by the Paperwork Reduction Act (PRA) of 1995 (PL 104-13): Under the provisions of the PRA and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested on the United States bluefin tuna catch document is mandatory for the purpose of managing the bluefin tuna fishery. The data is used to monitor trade of Atlantic bluefin tuna. Reporting burden for the collection of information is estimated to average 5 minutes per completed form, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Pursuant to Section 402(b) of the Magnuson-Stevens Act, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), the Agency does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, the Agency ensures that information on the pecuniary business activity of a dealer is not identified. **Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Highly Migratory Species Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.**
OMB Control No. 0648-0040; Expiration Date: 10/31/2010

DOCUMENT NUMBER	ICCAT BLUEFIN TUNARE-EXPORT CERTIFICATE		
RE-EXPORT SECTION:			
1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY			
2. POINT OF RE-EXPORT			
3. FARMS (if applicable)			
4. DESCRIPTION OF IMPORTED FISH			
Product Type <i>F/FR RD/GG/DR/FL/OT</i>	Net Weight <i>(kg)</i>	Flag Country/ Entity/Fishing Entity	Date of import
5. DESCRIPTION OF FISH FOR RE-EXPORT			
Product Type <i>F/FR RD/GG/DR/FL/OT</i>	Net Weight <i>(kg)</i>		
		? Farmed	
		? Farmed	
		? Farmed	
F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Gutted, DR=Dressed, FL=Fillet, OT=Others (Describe the type of product: _____)			
6. EXPORTER CERTIFICATION:			
I certify that the above information is complete, true and correct to the best of my knowledge and belief.			
Name	Address	Signature	Date
License # (if applicable)			
7. GOVERNMENT VALIDATION:			
I validate that the above information is complete, true and correct to the best of my knowledge and belief.			
			Total weight of the shipment: _____ kg
Name & Title	Signature	Date	Government Seal
IMPORT SECTION			
8. IMPORTER CERTIFICATION:			
I certify that the above information is complete, true and correct to the best of my knowledge and belief.			
Importer Certification (Intermediate Country/Entity/Fishing Entity)			
Name	Address	Signature	Date
License # (if applicable)			
Importer Certification (Intermediate Country/Entity/Fishing Entity)			
Name	Address	Signature	Date
License # (if applicable)			
Importer Certification (Final Destination of Shipment)			
Name	Address	Signature	Date
License # (if applicable)			
Final Point of Import: City _____ State/Province _____ Country/Entity/Fishing Entity _____			

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE INSTRUCTION SHEET

Under the framework of the ICCAT Bluefin Tuna Statistical document Program, a request for the establishment of a system enabling re-export was growing recently. In 1997, a Recommendation was adopted to implement the ICCAT Bluefin Tuna statistical Document Program for Re-export. Pursuant to this Recommendation, bluefin tuna dealers who import re-exported*1 bluefin tuna to Japan will be required to submit an ICCAT Bluefin Tuna Re-export Certificate*2 to be validated by a government official of the intermediate country or area*3, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the intermediate country or area. A copy of the original Bluefin Tuna Statistical Document (BFTSD) accompanying the bluefin tuna at the time of importation must be attached to the Re-export Certificate. The copy of the original BFTSD so attached must be verified by a government official of the intermediate country or area, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the intermediate country or area. When re-exported bluefin tuna are again re-exported*4, all copies of documents, including a verified copy of a BFTSD and Re-export Certificate which accompanied that bluefin tuna must be attached to a new Re-export Certificate to be validated by a government official of the last intermediate country or area, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the last intermediate country or area. Only bluefin tuna accompanied by a complete and valid Re-export Certificate will be allowed to enter Japan. Shipments of re-exported bluefin tuna accompanied by an improperly documented*5 Re-export Certificate will be considered illegitimate shipments of re-exported bluefin that are contrary to ICCAT conservation efforts, and their entry into Japan will be suspended pending receipt of a properly documented Re-export Certificate.

NOTE:

*1 "Re-export" means that bluefin tuna passes through a country or an area (tax-exempted areas are excluded) after being exported from the flagship country or the area (tax-exempted areas are excluded) of the fishing vessel which has caught that bluefin tuna.

*2 Hereinafter called "Re-export Certificate".

*3 "An intermediate country or area" means a country or an area through which bluefin tuna pass after being exported from the flagship country or the area (tax-exempted areas are excluded) of the fishing vessel which has caught that bluefin tuna.

*4 Re-export of bluefin tuna from one Member State of the European Union to another is exempted.

*5 "Improperly documented" means that the Re-export Certificate is either missing from the shipment, incomplete, invalid, or falsified.

Please use this instruction sheet as a guideline to complete that section of the Bluefin Tuna Re-export Certificate that applies to Exporters, Importers, and Government Validation. If a language other than English is used in completing the form, please add the English translation on the Certificate. NOTE: IF A BLUEFIN TUNA PRODUCT IS RE-EXPORTED DIRECTLY TO JAPAN, WITHOUT FIRST GOING THROUGH AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY, ALL FISH CAN BE IDENTIFIED ON ONE CERTIFICATE. HOWEVER, IF THE BLUEFIN TUNA PRODUCT IS RE-EXPORTED THROUGH AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY (i.e. A COUNTRY/ENTITY/FISHING ENTITY OTHER THAN THE COUNTRY/ENTITY/FISHING ENTITY WHICH IS THE FINAL DESTINATION OF THE PRODUCT), A SEPARATE CERTIFICATE MUST BE PREPARED FOR DIFFERENT FINAL DESTINATIONS OR EACH FISH MAY BE ACCOMPANIED BY A SEPARATE CERTIFICATE TO IDENTIFY ANY POSSIBLE SEPARATION OF SHIPMENTS BY AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY. THE IMPORT OF FISH PARTS OTHER THAN THE MEAT, i.e. HEADS, EYES, ROE, GUTS, TAILS MAY BE ALLOWED WITHOUT THE CERTIFICATE.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity that re-exports the bluefin tuna in the shipment and issued this Certificate. According to the ICCAT Recommendation, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the bluefin tuna was re-exported.

(3) FARMS (if applicable)

Fill in the name and address of the farm that farmed the bluefin tuna in the shipment.

(4) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bluefin tuna in the shipment. (4) Date of import: Imported date.

(5) DESCRIPTION OF RE-EXPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Mark the box "Farmed" if the bluefin tuna in the shipment was farmed at the re-exporting country/entity/fishing entity.

(6) RE-EXPORTED CERTIFICATION

The person or company re-exporting the bluefin tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(7) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be in the employment of the competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate. This requirement may be waived according the ICCAT RESOLUTION CONCERNING VALIDATION BY AN GOVERNMENT OFFICIAL OF THE BLUEFIN STATISTICAL DOCUMENT.

(8) IMPORTER CERTIFICATION

The person or company that imports bluefin tuna must provide his/her name, address, signature, date the bluefin tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

DOCUMENT NUMBER	ICCAT BIGEYE TUNA STATISTICAL DOCUMENT
EXPORT SECTION:	
1. FLAG COUNTRY/ENTITY/FISHING ENTITY	
2. DESCRIPTION OF VESSEL (if applicable)	
Vessel Name	Registration Number
LOA (m)	ICCAT Record No. (if applicable)
3. TRAPS (if applicable)	
4. POINT OF EXPORT (City, State/Province, Country/Entity/Fishing Entity)	
5. AREA OF CATCH (Check one of the following)	
(a) Atlantic	(b) Pacific
(c) Indian	
* In case of (b) or (c) is checked, the items 6 and 7 below do not need to be filled out.	
6. DESCRIPTION OF FISH	
Product Type (*1)	Time of Harvest
Gear Code (*2)	Net Weight
<i>F/FR RD/GG/DR/FL/OT</i>	<i>(mm/yy)</i>
<i>(kg)</i>	
*1 F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Guttled, DR=Dressed, FL=Fillet, OT=Others (Describe the type of product: _____)	
*2 When the Gear Code is OT, describe the type of gear: _____	
6. EXPORTER CERTIFICATION:	
I certify that the above information is complete, true and correct to the best of my knowledge and belief.	
Name	Address
Signature	Date
License # (if applicable)	
7. GOVERNMENT VALIDATION:	
I validate that the above information is complete, true and correct to the best of my knowledge and belief.	
Total weight of the shipment: _____ kg	
Name & Title	Signature
Date	Government Seal
IMPORT SECTION	
8. IMPORTER CERTIFICATION:	
I certify that the above information is complete, true and correct to the best of my knowledge and belief.	
Importer Certification (Intermediate Country/Entity/Fishing Entity)	
Name	Address
Signature	Date
License # (if applicable)	
Importer Certification (Intermediate Country/Entity/Fishing Entity)	
Name	Address
Signature	Date
License # (if applicable)	
Importer Certification (Final Destination of Shipment)	
Name	Address
Signature	Date
License # (if applicable)	
Final Point of Import: City _____ State/Province _____ Country/Entity/Fishing Entity _____	

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

ICCAT BIGEYE TUNA STATISTICAL DOCUMENT INSTRUCTION SHEET

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a country/entity/fishing entity encoded Document Number.

(1) FLAG COUNTRY/ENTITY/FISHING ENTITY: Fill in the name of the country/entity/fishing entity of the vessel that harvested the bigeye tuna in the shipment and issued this Document. According to the ICCAT Recommendation, only the flag state of the vessel that harvested the bigeye tuna in the shipment or, if the vessel is operating under a charter arrangement, the exporting state, can issue this Document.

(2) DESCRIPTION OF VESSEL (if applicable): Fill in the name, registration number, length overall (LOA) and ICCAT Record number of the vessel that harvested the bigeye tuna in the shipment.

(3) TRAPS (if applicable): Fill in the name of the trap that harvested the bigeye tuna in the shipment.

(4) POINT OF EXPORT: Identify the City, State or Province, and Country/Entity/Fishing Entity from which the bigeye tuna was exported.

(5) AREA OF CATCH: Check the area of catch. (If (b) or (c) checked, items 6 and 7 below do not need to be filled out.)

(6) DESCRIPTION OF FISH: The exporter must provide, to the highest degree of accuracy, the following information. **NOTE:** One row should describe one product type.

(1) Product Type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.

(2) Time of Harvest: Fill in the time of harvest (in month and year) of the 0 tuna in the shipment.

(3) Gear Code: Identify the gear type which was used to harvest the bigeye tuna using the list below. For OTHER TYPE, describe the type of gear, including farming.

(4) Net product weight in kilograms.

(7) EXPORTER CERTIFICATION: The person or company exporting the bigeye tuna shipment must provide his/her name, company name, address, signature, date the shipment was exported, and dealer licensenumber (if applicable).

(8) GOVERNMENT VALIDATION: Fill in the name and full title of the official signing the Document. The official must be employed by a competent authority of the flag state government of the vessel that harvested the bigeye tuna appearing on the Document or other individual or institution authorized by the flag state. When appropriate, this requirement is waived according validation of the document by a government official, or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. The total weight of the shipment shall also be specified in this block. The substitutional measure described in paragraphs A-D of the *Resolution by ICCAT Concerning Validation by a Government Official of the Bluefin Tuna Statistical Document* [93-2], adopted by the Commission in 1993, may be applied to the above requirements for the validations in this Bigeye Tuna Statistical Document Program.

(9) IMPORTER CERTIFICATION: The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries, entities or fishing entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:

<i>GEAR CODE</i>	<i>GEAR TYPE</i>
BB	BAITBOAT
GILL	GILLNET
HAND	HANDLINE
HARP	HARPOON
LL	LONGLINE
MWT	MID-WATER TRAWL
PS	PURSE SEINE
RR	ROD AND REEL
SPHL	SPORT HANDLINE
SPOR	SPORT FISHERIES UNCLASSIFIED
SURF	SURFACE FISHERIES UNCLASSIFIED
TL	TENDED LINE
TRAP	TRAP
TROL	TROLL
UNCL	UNSPECIFIED METHODS
OT	OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

DOCUMENT NUMBER	ICCAT SWORDFISH STATISTICAL DOCUMENT
EXPORT SECTION:	
1. FLAG COUNTRY/ENTITY/FISHING ENTITY	
2. DESCRIPTION OF VESSEL (if applicable)	
Vessel Name	Registration Number
LOA (m)	ICCAT Record No. (if applicable)
3. POINT OF EXPORT:	
CITY, STATE OR PROVINCE	COUNTRY/ENTITY/FISHING ENTITY _____
4. AREA OF CATCH (Check one of the following)	
(a) North Atlantic	(b) South Atlantic
(c) Mediterranean	(d) Pacific
(e) Indian	
* In case of (d) or (e) is checked, the items 5 and 6 below do not need to be filled out.	
5. DESCRIPTION OF FISH	
Product Type ^a	Time of Harvest
F/FR RD/GG/DR/FL/OT	(mm/yy)
Gear Code ^b	
Net Weight	
(kg)	
^a F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Gutted, DR=Dressed, FL=Fillet, ST=Steak, OT=Others (Describe the type of product: _____)	
^a When the Gear Code is OT, describe the type of gear: _____	
6. EXPORTER CERTIFICATION: For export to countries that have adopted the ICCAT alternative minimum size for swordfish the exporter must certify that the listed Atlantic swordfish are greater than 15 kg(33lb.) or if pieces, the pieces were derived from a swordfish weighing >15kg.	
I certify that the above information is complete, true and correct to the best of my knowledge and belief.	
Name	Address
Signature	Date
License # (if applicable)	
7. GOVERNMENT VALIDATION:	
I validate that the above information is complete, true and correct to the best of my knowledge and belief.	
Total weight of the shipment: _____ kg	
Name & Title	Signature
Date	Government Seal
IMPORT SECTION	
8. IMPORTER CERTIFICATION:	
I certify that the above information is complete, true and correct to the best of my knowledge and belief.	
Importer Certification (Intermediate Country/Entity/Fishing Entity)	
Name	Address
Signature	Date
License # (if applicable)	
Importer Certification (Intermediate Country/Entity/Fishing Entity)	
Name	Address
Signature	Date
License # (if applicable)	
Importer Certification (Final Destination of Shipment)	
Name	Address
Signature	Date
License # (if applicable)	
Final Point of Import: City _____ State/Province _____ Country/Entity/Fishing Entity _____	

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

ICCAT SWORDFISH STATISTICAL DOCUMENT INSTRUCTION SHEET

Pursuant to the 2001 ICCAT recommendation, swordfish imported into the territory of a Contracting Party or upon first entry into a regional economic organization must be accompanied by an ICCAT Swordfish Statistical Document (SWD) beginning January 1, 2003. Swordfish dealers who export or import swordfish from all ocean areas will be required to complete the appropriate sections of the SWD. Only complete and valid documents will guarantee that shipments of swordfish will be allowed to enter the customs territory of Contracting Parties (e.g., Japan, Canada, U.S., Spain, etc.). Improperly documented swordfish shipments (i.e., the SWD is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate and contrary to ICCAT conservation efforts. Entry of improperly documented swordfish will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the customs territory of a Contracting Party or subject to administrative or other sanctions.

Please use the instructions below as a guide to complete the sections that apply to Exporters, Importers, and Government Validation. If a language other than English is used for description, please add an English translation either on the SWD or on a separate paper. Note: if a swordfish product is exported directly from the harvesting Country/Entity/Fishing Entity to a Contracting Party, without going through an intermediate Country/Entity/Fishing Entity, all fish can be identified on one document. However, if the swordfish product is exported through an intermediate Country/Entity/Fishing Entity (i.e., a Country/Entity/Fishing Entity other than the Country/Entity/Fishing Entity which is the final destination of the product), separate documents must be prepared for fish destined for different final destinations, or only one fish may be identified on a document to cope with any possible separation in an intermediate Country/Entity/Fishing Entity. Import of swordfish parts other than meat (i.e., heads, eyes, roe, guts, tails) may be allowed entry without an accompanying SWD.

DOCUMENT NUMBER: This block is for the issuing Country/Entity/Fishing Entity to designate a country coded Document Number.

(1) FLAG COUNTRY/ENTITY/FISHING ENTITY - Fill in the name of the Country/Entity/Fishing Entity of the vessel that harvested the swordfish in the shipment and issued this Document. According to the ICCAT Recommendation, only the flag state of the vessel that harvested the swordfish in the shipment, or, if the vessel is operating under a chartering arrangement, the exporting state, can issue this Document.

(2) DESCRIPTION OF VESSEL (if applicable): Fill in the name, registration number, length overall (LOA) and ICCAT Record number of the vessel that harvested the swordfish in the shipment.

(3) POINT OF EXPORT - Identify the City and State or Province, and country/entity/fishing entity from which the swordfish was exported.

(4) AREA OF CATCH - Check the area of catch. (In case of (d) or (e) checked, items 4 and 5 need not be completed).

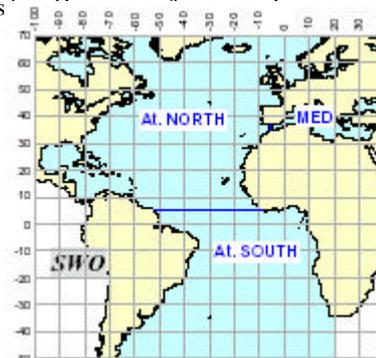
(5) DESCRIPTION OF FISH - The exporter must provide, to the highest degree of accuracy, the following information. (NOTE: One row should describe one product type.) (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment; (2) Time of Harvest: Fill in the time of harvest (month and year) of the swordfish in the shipment; (3) Gear Code: Identify the gear type which was used to harvest the swordfish using the listed codes; (5) Net weight: Net product weight in kilograms.

(6) EXPORTER CERTIFICATION - The person or company exporting the swordfish shipment must provide his/her name, signature, address, date the shipment was exported, and dealer license number (if applicable). For countries that have adopted the ICCAT alternative minimum size for swordfish the exporter must certify that the listed Atlantic swordfish are greater than 15 kg (33 lb.) or if pieces, the pieces were derived from a swordfish weighing >15 kg.

(7) GOVERNMENT VALIDATION - Fill in name and full title of the official signing the SWD. The official must be employed by a competent authority of the flag state government of the vessel that harvested the swordfish appearing on the SWD or other individual or institution authorized by the flag state or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. Net weight must also be certified and recorded. The substitutional measure described in paragraphs A-D of the *Resolution by ICCAT concerning Validation by a Government Official of the Bluefin Tuna Statistical Document* [93-2], adopted by the Commission in 1993, may be applied to the above requirements for the validations in this Swordfish Statistical Document Program.

(8) IMPORTER CERTIFICATION - The person or company that imports swordfish must provide their name, signature, address, date the swordfish was imported, license number (if applicable) and final point of import. This includes imports into intermediate countries, entities or fishing entities. For fresh and chilled products, signature of the importer may be substituted by the signature of the authority of the country of origin when the authority of signature is properly accredited to the company

GEAR CODE	GEAR TYPE
BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water trawl
PS	Purse seine
RR	Rod and reel
SPHL	Sport handline
SPOR	Sport fisheries, unclassified
SURF	Surface fisheries, unclassified
TL	Tended line
TRAP	Trap
TROL	Troll
UNCL	Unspecified methods
OT	Other type: Describe the type of gear



Original completed document must accompany exported shipment. Retain a copy for your records. The original (imports) or a copy (exports) must be postmarked and mailed, or faxed, within 24 hours of import or export to: XXXX

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL

RESOLUTION C-03-01

RESOLUTION ON IATTC BIGEYE TUNA STATISTICAL DOCUMENT
PROGRAM

Approved by correspondence, 24 June 2003

The Inter-American Tropical Tuna Commission (IATTC):

Recognizing the authority and responsibility of IATTC to manage bigeye tuna in the Eastern Pacific Ocean (EPO), at the international level,

Recognizing also the nature of the international market for bigeye tuna,

Recognizing also that there is uncertainty on the catch of bigeye tuna in EPO and that the availability of trade data would greatly assist in reducing such uncertainty,

Recognizing also that bigeye tuna is the main target species of “flag of convenience” fishing operations and that most of the bigeye harvested by such fishing vessels are exported to Contracting Parties, especially to Japan,

Recalling that the International Commission for the Conservation of Atlantic Tunas (ICCAT) has established its Bigeye Tuna Statistical Document Program, and that the Indian Ocean Tuna Commission (IOTC) has also established its Bigeye Tuna Statistical Document Program,

Recognizing that the Statistical Document Program is an effective tool to assist the Commission’s effort for the elimination of illegal, unregulated and unreported (IUU) fishing operations,

Recommends that,

1. Contracting Parties, **by March 1, 2003** or as soon as possible thereafter, require that all bigeye tuna, when imported into the territory of a Contracting Party, be accompanied by an IATTC Bigeye Tuna Statistical Document which meets the requirements described in **Annex 1** or an IATTC Bigeye Tuna Re-export Certificate which meets the requirements described in **Annex 2**. Bigeye tuna caught by purse seiners and baitboats and destined principally for canneries are not subject to this statistical document requirement. The Commission and the Contracting Parties importing bigeye tuna shall contact all the exporting countries to inform them of this Program in advance of the implementation of the Program.
2. (1) The IATTC Bigeye Tuna Statistical Document must be validated by a government official or other authorized individual or institution of the flag State of the vessel that harvested the tuna, or, if the vessel is operating under a charter arrangement, by a government official or other authorized individual of the exporting state, and;
(2) The IATTC Bigeye Tuna Re-export Certificate must be validated by a government official or other authorized individual or institution of the state that re-exported the tuna.
3. Each Contracting Party shall provide to the Director sample forms of its statistical document and re-export certificate required with bigeye tuna imports and information on validation in the format specified in **Annex 4**, and inform him of any change in a timely fashion.
4. The Contracting Parties which export or import bigeye tuna shall compile data from the Program.
5. The Contracting Parties which import bigeye tuna shall report the data collected by the Program to

the Director each year by April 1 for the period of July 1 - December 31 of the preceding year and October 1 for the period of January 1 - June 30 of the current year, which shall be circulated to all the Contracting Parties by the Director. The formats of the report are attached as **Annex 3**.

6. The Contracting Parties which export bigeye tuna shall examine export data upon receiving the import data mentioned in paragraph 5 above from the Director, and report the results to the Commission annually.
7. The Contracting Parties should exchange copies of statistical documents and re-export certificates to facilitate the examination mentioned in paragraph 6, consistent with domestic laws and regulations.
8. The Commission shall request cooperating non-contracting parties to take the measures described in the above paragraphs.
9. The Director shall request information on validation from all the non-Contracting Parties/Entities/Fishing Entities fishing and exporting bigeye tuna to Contracting Parties, and request them to inform him in a timely fashion of any changes to the information provided.
10. The Director shall maintain and update information specified in paragraphs 3 and 9 and provide it to all the Contracting Parties, and promptly circulate any changes.
11. The Commission shall request the non-Contracting Parties which import bigeye tuna to cooperate with implementation of the Program and to provide to the Commission data obtained from such implementation.
12. Implementation of this Program shall be in conformity with relevant international obligations.
13. At the initial stage of the Program, the statistical documents and the re-export certificates will be required for frozen bigeye products. Prior to implementing this Program for fresh products, several practical problems need to be solved, such as guidelines to ensure procedures to handle fresh products at customs.
14. The statistical documents for bigeye tuna caught by fishing vessels flying the flag of a Member State of the European Community may be validated by the competent authorities of the Member State whose flag the vessel flies or by those of a different Member State where the products are landed, provided the corresponding quantities of bigeye tuna are exported outside the Community from the territory of the Member State of landing.
15. Notwithstanding the provisions of paragraph 1, the Contracting Parties shall implement this resolution **by March 1, 2003** or as soon as possible thereafter in accordance with the regulatory procedures of each Contracting Party.

Requirements Concerning the IATTC Bigeye Tuna Statistical Document

- 1 The sample form of the IATTC Bigeye Tuna Statistical Document shall be as in the Appendix.
- 2 Customs or other appropriate government officials will request and inspect all import documentation including the IATTC Bigeye Tuna Statistical Document for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
- 3 Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
- 4 Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Statistical Documents (i.e., improperly documented means that the Bigeye Tuna Statistical Document is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IATTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
- 5 The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER	IATTC BIGEYE TUNA STATISTICAL DOCUMENT		
EXPORT SECTION			
1.FLAG OF COUNTRY/ENTITY/FISHING ENTITY			
2.NAME OF VESSEL AND REGISTRATION NUMBER (when available)			
3.TRAPS (if applicable)			
4.POINT OF EXPORT (City, State / Province, Country / Entity / Fishing Entity)			
5.AREA OF CATCH (check one of the following) (a) EPO(East of 150°W) (b) the rest of Pacific (c) Atlantic (d) Indian * In case of (b), (c) or (d) checked, the item 6 and 7 below do not need to be filled out.			
6.DESCRPTION OF FISH			
Product Type (*1) F/FR D/GG/DR/FL/OT		Gear Code(*2)	Net Weight (Kg)
*1= F=Fresh, FR=Frozen, RD=Round, GG=Gilled and Guttred, DR=Dressed, FL=Fillet OT=Other, describe the type of product *2= When the Gear Code is OT, describe the type of gear,_____.			
7.EXPORTER CERTIFICATION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>			
Name	Company name	Address	Signature Date License Number (if applicable)
8.GOVERNMENT VALIDATION <u>I validate that information listed above is complete, true, and correct to the best of my knowledge and belief.</u>			
Total weight of the shipment _____Kg		Name & Title	Signature Date Government Seal
IMPORT SECTION:			
IMPORTER CERTIFICATION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>			
Importer Certification (Intermediate Country / Entity / Fishing Entity)			
Name	Address	Signature	Date License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)			
Name	Address	Signature	Date License # (if applicable)
Final Point of Import			
City	State/Province	Country / Entity / Fishing Entity	

NOTE: If a language other than English is used in completing this form. Please add the English translation on this document.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country to designate a country coded Document Number.

(1) FLAG COUNTRY/ENTITIES/FISHING ENTITIES: Fill in the name of the country of the vessel that harvested the bigeye tuna in the shipment and issued this Document. According to the Resolution, only the flag state of the vessel that harvested the bigeye tuna in the shipment or, if the vessel is operating under a charter arrangement, the exporting state can issue this Document.

(2) NAME OF VESSEL AND REGISTRATION NUMBER (when available): Fill in the name and registration number of the vessel that harvested the bigeye tuna in the shipment.

(3) TRAPS (if applicable): Fill in the name of the trap that harvested the bigeye tuna in the shipment.

(4) POINT OF EXPORT: Identify the City, State or Province, and Country from which the bigeye tuna was exported.

(5) AREA OF CATCH: Check the area of catch. (If (b), (c) or (d) checked, items 6 and 7 below do not need to be filled out.)

(6) DESCRIPTION OF FISH: The exporter must provide, to the highest degree of accuracy, the following information. **NOTE:** One row should describe one product type

(1) Product Type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.

(2) Gear Code: Identify the gear type which was used to harvest the bigeye tuna using the list below. For OTHER TYPE, describe the type of gear, including farming.

(3) Net product weight in kilograms.

(7) EXPORTER CERTIFICATION: The person or company exporting the bigeye tuna shipment must provide his/her name, company name, address, signature, date the shipment was exported, and dealer license number (if applicable).

(8) GOVERNMENT VALIDATION: Fill in the name and full title of the official signing the Document. The official must be employed by a competent authority of the flag state government of the vessel that harvested the bigeye tuna appearing on the Document or other individual or institution authorized by the flag state. When appropriate, this requirement is waived according validation of the document by a government official, or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. The total weight of the shipment shall also be specified in this block.

(9) IMPORTER CERTIFICATION: The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:

GEAR CODE	GEAR TYPE,
BB	BAITBOAT
GILL	GILLNET
HAND	HANDLINE
HARP	HARPOON
LL	LOGLINE
MWT	MID-WATER TRAWL
PS	PURSE SEINE
RR	ROD AND REEL
SPHL	SPORT HANDLINE
SPOR	SPORT FISHERIES UNCLASSIFIED
SURF	SURFACE FISHERIES UNCLASSIFIED
TL	TENDED LINE
TRAP	TRAP
TROL	TROLL
UNCL	UNSPECIFIED METHODS
OT	OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

Requirements Concerning the IATTC Bigeye Tuna Re-export Certificate

- 1 The sample form of the IATTC Bigeye Tuna Re-export Certificate shall be as in the Appendix.
- 2 Customs or other appropriate government officials will request and inspect all import documentation including the IATTC Bigeye Tuna Re-export Certificate for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
- 3 Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
- 4 A Contracting Party shall be free to validate IATTC Bigeye Tuna Re-export Certificates for bigeye tuna imported by that Contracting Party, to which IATTC Bigeye Tuna Statistical Documents or IATTC Bigeye Tuna Re-export Certificates are attached. IATTC Bigeye Tuna Re-export Certificates shall be validated by government organizations or by recognized institutions which are accredited by a Contracting Party's government to validate the IATTC Bigeye Tuna Statistical Document. A copy of the original Bigeye Tuna Statistical Document accompanying the imported bigeye tuna must be attached to an IATTC Bigeye Tuna Re-export Certificate. The copy of the original Bigeye Tuna Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the IATTC Bigeye Tuna Statistical Document. When re-exported bigeye tuna is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that bigeye tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the IATTC Bigeye Tuna Statistical Document.
- 5 Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Re-export Certificate (i.e., improperly documented means that the Bigeye Tuna Re-export Certificate is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IATTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction
- 6 IATTC Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 4 shall require from the re-exporting bigeye dealer necessary documents (e.g. written sales contracts) which are to certify that the bigeye tuna to be re-exported corresponds to the imported bigeye tuna. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
- 7 The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER		IATTC BIGEYE TUNA RE-EXPORT CERTIFICATE		
RE-EXPORT SECTION:				
1.RE-EXPORTING COUNTRY / ENTITY / FISHING ENTITY				
2.POINT OF RE-EXPORT				
3.DESCRPTION OF IMPORTED FISH				
F/FR	Product Type(*) RD/GG/DR/FL/OT	Net Weight (Kg)	Flag country/ Entity/Fishing Entity	Date of Import
4.DESCRPTION OF FISH FOR RE-EXPORT				
F/FR	Product Type(*) RD/GG/DR/FL/OT	Net Weight (Kg)		
* F=FRESH, FR=Frozen, RD=Round, GG=Gilled and Guttred, DR=Dressed, FL=Fillet OT=Other(Describe the type of product)				
5.RE-EXPORTER CERTIFICATION: <u>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Name/Company Name Address Signature Date License Number (if applicable)				
6.GOVERNMENT VALIDATION: <u>I validate that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Name & Title Signature Date Government Seal				
IMPORT SECTION:				
7.IMPORTER CERTIFICATION: <u>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name Address Signature Date License # (if applicable)				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name Address Signature Date License # (if applicable)				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name Address Signature Date License # (if applicable)				
Final Point of Import				
City _____ State/Province _____ Country / Entity / Fishing Entity				

NOTE: If a language other than English is used in completing this form. Please add the English translation on this document.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity which re-exports the bigeye tuna in the shipment and issued this Certificate. According to the Resolution, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the bigeye tuna was re-exported.

(3) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bigeye tuna in the shipment. (4) Date of import: Imported date.

(4) DESCRIPTION OF FISH FOR RE-EXPORT

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms.

(5) RE-EXPORTER CERTIFICATION

The person or company re-exporting the bigeye tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(6) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be employed by a competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate, or other individual or institution authorized to validate such certificates by the competent government authority.

(7) IMPORTER CERTIFICATION

The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

REPORT OF THE IATTC BIGEYE TUNA STATISTICAL DOCUMENT

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY
 Month Month Year

Flag Country/Ent ity/Fishing Entity	Area Code	Gear Code	Point of Export	Product Type		Product Wt.(Kg)
				F/FR	RD/GG/DR/FL/ OT	

Gear Code **Gear Type**

BB Baitboat
 GILL Gillnet
 HAND Handline
 HARP Harpoon
 LL Longline
 MWT Mid-water trawl
 PS Purse seine
 RR Rod & reel
 SPHL Sport Handline
 SPOR Sport fisheries unclassified
 SURF Surface fisheries unclassified
 TL Tended line
 TRAP Trap
 TROL Troll
 UNCL Unclassified methods
 OTH Other type (Indicate the type
 of gear):

Product type

F Fresh
 FR Frozen
 RD Round
 GG Gilled & gutted
 DR Dressed
 FL Fillet
 OT Other form, describe the type of
 products in the shipment

Area Code

EPO Eastern Pacific Ocean
 RPO Rest of Pacific Ocean
 AT Atlantic
 ID Indian Ocean

REPORT OF THE IATTC BIGEYE TUNA RE-EXPORT CERTIFICATE

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY
 Month Month Year

Flag Country/Entity/Fishing Entity	Re-export Country/Entity/Fishing Entity	Point of Re-export	Product Type		Product Wt.(Kg)
			F/FR	RD/GG/DR/FL/OT	

Product type

- F Fresh
- FR Frozen
- RD Round
- GG Gilled & gutted
- DR Dressed
- FL Fillet
- OT Other form, describe the type of products in the shipment

INFORMATION ON VALIDATION OF IATTC STATISTICAL DOCUMENTS

1 Flag

2 Government/Authority Organization(s) accredited to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

3 Other institutions accredited by the government/authority to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

Instructions

Contracting Parties, non-Contracting Parties, Entities, Fishing Entities having vessels that harvest species whose international trade must be accompanied by Statistical Documents are requested to submit the information on this sheet to the Director of the IATTC*, and to ensure that any changes to the above are also transmitted to the Secretary on a timely fashion.

*IATTC: 8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA

CCSBT
Southern Bluefin Tuna Statistical Document Program

1. Principle/General

- 1.1 For importation into the territory of a Member, all southern bluefin tuna shall be accompanied by a CCSBT Southern Bluefin Tuna Statistical Document. There is no waiver of this requirement.
- 1.2 Implementation of this Program shall be in conformity with relevant international obligations.
- 1.3 The Commission will review the implementation of this Program periodically in a timely manner to ensure the effectiveness and practicability of this Program.
- 1.4 The Commission requests the appropriate authorities of exporting countries/fishing entities to make the requirements under this Program known to their exporters.

2. Information Required

- 2.1 A standard CCSBT Southern Bluefin Tuna Statistical Document form along with its Instruction Sheet is at **Annex 1**. Countries/Fishing Entities are requested to use this form. While minimal modifications such as addition of translations may be made, the standard form should be adopted as far as possible and no information item may be omitted from the standard form.
- 2.2 The import of farmed tuna should be treated in the following way:
 - (a) The Southern Bluefin Tuna Statistical Document shall be validated by the authority of the country/fishing entity where the tuna was raised;
 - (b) In reporting import data collected by the Program under 5.2 to Members, the Executive Secretary shall record the amount of imported farmed fish separately from the rest of the imports for each country/fishing entity;
 - (c) When completing the CCSBT Southern Bluefin Tuna Statistical Document for farmed tuna, the name of the export country/fishing entity shall be indicated in item 1 of Export Section of each Document instead of “Flag Country/Fishing Entity of Capture Vessel”, and the name of the Tuna Farm shall be indicated in item 2 of Export Section of each Document instead of “Name of Vessel and Registration Number”; for item 6 (Description of Fish) of Export Section of each Document, “Gear Code” shall be “Farmed”, “Net Weight” shall be filled in with the raised products’ weight, and “Time of Harvest” and “Area of Catch” are not necessary to be filled in while other columns shall be filled in as in the case of the normal Document;

- (d) Members shall maintain aggregated information on their tuna farms which raise exported tuna. The following information will be recorded: the name of the fishing vessel which caught the tuna for farming, the flag country/fishing entity of that fishing vessel, the gear code, the amount of original catch, the area of catch, the date of reception of tuna, and growth rate and mortality rate of fish through farming.
- (e) Members shall submit such information to the Secretariat every six months on average. Urgent requests for information outside this framework should be substantiated to the Commission by the requesting Member in order to minimise the burden of such requests.

3. Validation

- 3.1 The CCSBT Southern Bluefin Tuna Statistical Document shall be validated, in principle, by an official of the flag country/fishing entity of the vessel that harvested the tuna.
- 3.2 The requirement for validation of the Southern Bluefin Tuna Statistical Document by an official under 3.1 with respect to any member of the Commission may be met by an entity duly delegated by the authority of the flag country/fishing entity. The Member which utilizes a delegated entity should submit a certified copy of such delegation to the Executive Secretary.

4. Exchange of Information

- 4.1 If a Member modifies the standard Southern Bluefin Tuna Statistical Document form for its use, it shall provide to the Executive Secretary a copy of such modified form. The Executive Secretary shall provide the modified form to other Members and non-Members fishing and exporting southern bluefin tuna to Members.
- 4.2 Each Member shall provide to the Executive Secretary information on validation (e.g. type of validation, name of the organization which validates the documents, title of officials who validate the documents, sample impression of stamp or seal) and inform him of any change in a timely fashion. The Executive Secretary shall request information on validation from all non-Members fishing and exporting southern bluefin tuna to Members, and request them to inform him in a timely fashion of any change in the information provided.
- 4.3 The Executive Secretary shall maintain and update information specified in 4.1 and 4.2, and provide it to all Members and promptly circulate any changes.

5. Record and Report

- 5.1 Members which import southern bluefin tuna shall retain all original Southern Bluefin Tuna Statistical Documents received by them. They shall forward to the Executive Secretary on a quarterly basis copies of all such Documents, but may omit the Import Section other than the final point of import and the date of import.

The Executive Secretary shall compile the raw data from those Documents into an electronic database.

- 5.2 The Executive Secretary shall ensure the confidentiality of the raw data in its database and release to any country/fishing entity only the raw data relating to the Statistical Documents it validated. If a country/fishing entity requests raw data relating to another country/fishing entity, the Executive Secretary may release those data only with the latter's agreement.
- 5.3 The Executive Secretary shall report to the Commission on and circulate to all Members the data collected by the Program each year by 1 June for the period of 1 July - 31 December of the preceding year and by 1 December for the period of 1 January - 30 June of the current year. The formats of the reports are attached as **Annex 2** and **Annex 2a**. The Executive Secretariat shall provide an electronic copy of the report to a designated authority of each Member.
- 5.4 On request by the Scientific Committee or another subsidiary body of the Commission, the Executive Secretary shall, with the approval of the Commission, provide to that body data collected by the Program more frequently or at a greater level of detail than specified in 5.3.
- 5.5 Upon receiving the import data mentioned in 5.3, Members that export SBT shall check their export statistics against them and report the results to the Commission. Where necessary, an exporting Member may obtain from the Secretariat a copy of any Statistical Document it validated, as forwarded to the Secretariat by the importing Member in accordance with 5.1.
- 5.6 The Commission instructs the Executive Secretary to request non-Members which are major importing countries/fishing entities of southern bluefin tuna to cooperate with implementation of the Program and to provide to the Commission data obtained from such implementation.
- 5.7 Subject to 5.9, exporting countries/fishing entities shall keep an electronic record of all SDP documents that they issue. For each SDP document issued, the electronic record will contain the:
 - Unique document number;
 - Whether the document was for captured or farmed SBT;
 - Date of export;
 - Total net weight of SBT exported;
 - Destination (import) country
 - It would also be useful to record the range of capture dates (e.g. Jan 2002 to Aug 2002) for captured SBT to provide more timely data for stock assessment purposes.
- 5.8 Subject to 5.9, exporting countries/fishing entities shall provide an electronic copy of the record from 5.7 to the Executive Secretary. The record shall be provided by 1 May for all exports for the period of 1 July to 31 December of the preceding year and by 1 October for all exports for the period of 1 January to 30 June of the current year.

- 5.9 Exporting countries/fishing entities shall be exempted from 5.7 and 5.8 if they fax copies of all SDP documents to the Executive Secretary. Faxed copies of SDP documents shall be sent within 30 days of the export.
- 5.10 The Executive Secretary shall compare data provided in 5.8 and 5.9 against SDP data received from importing members. The Executive Secretary shall notify the importing members of any missing documents and the importing Member shall attempt to locate and provide those documents. The Executive Secretary shall also notify the exporting country/fishing entity of any discrepancies identified during the comparison of data and the exporting country/fishing entity will attempt to resolve the discrepancies.

6. Re-export

- 6.1 A Member may validate a CCSBT Southern Bluefin Tuna Re-export Certificate (a standard form is attached as **Annex 3**) for southern bluefin tuna imported by that Member, to which a CCSBT Southern Bluefin Tuna Statistical Document or CCSBT Southern Bluefin Tuna Re-export Certificate is attached. The CCSBT Southern Bluefin Tuna Re-export Certificate shall be validated by an official or by an entity duly delegated by the authority of a Member to validate the CCSBT Southern Bluefin Tuna Statistical Document under 3.2. A copy of the original Southern Bluefin Tuna Statistical Document accompanying the imported southern bluefin tuna must be attached to CCSBT Southern Bluefin Tuna Re-export Certificate. The copy of original Southern Bluefin Tuna Statistical Document so attached must be verified by that official or by that entity duly delegated by the authority of a Member which validate the CCSBT Southern Bluefin Tuna Statistical Document. When re-exported southern bluefin tuna is again re-exported, all copies of documents, including verified copy of a Statistical Document and Re-export Certificate which accompanied that southern bluefin tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Member. All copies of the Documents to be attached to that new Re-export Certificate must also be verified by an official or an entity duly delegated by the authority of a Member which validated the CCSBT Southern Bluefin Tuna Statistical Document.
- 6.2 Members which import southern bluefin tuna shall accept the Re-export Certificate set forth in 6.1 with attachments of all verified copies as required in 6.1.
- 6.3 Members that validate a Re-export Certificate in accordance with the procedure set forth in 6.1 shall require from the re-exporting southern bluefin tuna dealer necessary documents (e.g. written sales contracts) which are to certify that the southern bluefin tuna to be re-exported corresponds to the imported southern bluefin tuna. Members which validate a Re-export Certificate shall provide the flag country/fishing entity and importing country with evidence of this correspondence upon their request.
- 6.4 The Executive Secretary shall report on and circulate to all Members the data obtained from Re-export Certificates each year by 1 April for the period of 1 July - 31 December of the preceding year and by 1 October for the period of 1 January

- 30 June of the current year. The format of the report is attached as **Annex 4**.

- 6.5 Members may accept a Re-export Certificate validated by a non-Member which has established a scheme substantially identical to the CCSBT Southern Bluefin Tuna Statistical Document Program and implements it in accordance with the requirements of the Program.
- 6.6 The provisions of 5.1 and 5.2 apply also to any Re-export Certificate required to be attached to a Southern Bluefin Tuna Statistical Document.

Annex 1

DOCUMENT NUMBER	CCSBT SOUTHERN BLUEFIN TUNA STATISTICAL DOCUMENT					
	? Captuer		? Farmed			
EXPORT SECTION:						
1. FLAG COUNTRY/FISHING ENTITY OF CAPTURE VESSEL						
2. NAME OF VESSEL AND REGISTRATION NUMBER (when available)						
3. INFORMATION ON OTHER FORMS OF CAPTURE (eg. Trap)						
4. PROCESSING ESTABLISHMENT (if applicable) NAME AND ADDRESS						
5. POINT OF EXPORT (CITY, STATE OR PROVINCE AND COUNTRY/FISHING ENTITY)						
6. DESCRIPTION OF FISH						
Product (a) F/FR	Type (b) RD/GG/DR/FL/OT	Time of Harvest (mm/yy)	Gear Code (c)	Area of catch (d)	Net Weight (kg)	No. of Fish (when RD, GG or DR)
(a): F=Fresh, FR=Frozen						
(b): RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____.)						
(c): If the Gear Code is OT, describe the type of gear; _____.						
(d): Statistical Area of SBT (1 to 10) or Other Areas (11 to 13)						
7. EXPORTER CERTIFICATION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.						
Name	Address		Signature	Date	Licence Number (if applicable)	
8. VALIDATION BY AUTHORITY I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.						
Name & Title			Signature	Date	Official Seal	
IMPORT SECTION:						
IMPORT SECTION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.						
Importer Certification (Intermediate Country) (if applicable)						
Name	Address		Signature	Date	Licence No (if applicable)	
Importer Certification (Intermediate Country) (if applicable)						
Name	Address		Signature	Date	Licence No (if applicable)	
Importer Certification (Final Destination of Shipment)						
Name	Address		Signature	Date	Licence No (if applicable)	
Final Point of Import: City _____ State or Province _____ Country/Fishing Entity _____						

NOTE1 : If a language other than English is used in completing this form, please add the English translation on this document.
 NOTE 2: In case of farmed fish, please refer to the italic part in the instruction sheet.

Southern Bluefin Tuna Statistical Document Instruction Sheet

If a language other than English is used in completing the form, please add the English translation on the Document.

Document Number

Fill in the document number allocated by the exporting country/fishing entity.

Title

Tick the appropriate box.

Export Section

1. Flag Country/Fishing Entity of Capture Vessel

Fill in the name of the country/fishing entity of the registration of the vessel that harvested the southern bluefin tuna in the shipment. This should be the same country/fishing entity as issued this Document. *In case of farmed fish, the name of exporting country/fishing entity should be filled in instead of the name of the country/fishing entity of the vessel.*

2. Name of Vessel and Registration Number (when available)

Fill in the name and registration number of the vessel that harvested the southern bluefin tuna in the shipment. *In case of farmed fish, the name of tuna farm should be filled in instead of the name and registration number of the vessel.*

3. Information of Other Forms of Capture (eg. Trap)

If the southern bluefin tuna in the shipment was caught by means other than the vessel (eg. Trap), fill in the means.

4. Processing Establishment

Fill in the name and address of the processing establishment which processed the southern bluefin tuna in the shipment (if applicable). If it is the same as the exporter, write "same as exporter".

5. Point of Export (City, State or Province and Country/Fishing Entity)

Identify the City, State or Province and Country/Fishing Entity from which the southern bluefin tuna was exported.

6. Description of Fish

The exporter must provide, to the highest degree of accuracy, the following information. NOTE: One row should describe one product type.

- (1) product: Identify the type of product being shipped as either FRESH (F) or FROZEN (FR),
- (2) type: Identify the type of product being shipped as either ROUND (RD), GILLED AND GUTTED (GG), DRESSED (DR), FILLET (FL) or OTHER form (OT); for OTHER, describe the type of products in the shipment,
- (3) time of harvest: Fill in the time of harvest (in month and year) of the southern bluefin tuna in the shipment; *in case of farmed fish, it is not necessary to fill in this column,*

- (4) gear code: Identify the gear type which was used to harvest the southern bluefin tuna using the list below; for OTHER TYPE, describe the type of gear; *in case of farmed fish, write "Farmed"*,

<u>GEAR CODE</u>	<u>GEAR TYPE</u>
BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water Trawl
PS	Purse Seine
RR	Rod and Reel
SPHL	Sport Handline
SPOR	Sport Fisheries Unclassified
SURF	Surface Fisheries Unclassified
TL	Tended Line
TRAP	Trap
TROL	Troll
UNCL	Unspecified Method
OT	Other Type

- (5) area of catch: Identify the area in which the southern bluefin tuna was harvested using numbers from 1 to 13 (see the map attached); *in case of farmed fish, it is not necessary to fill in this column,*
- (6) net weight: Net product weight in kilograms; *in case of farmed fish, fill in the raised product's weight,*
- (7) no. of fish: If type is RD, GG or DR, fill in the number of fish.

7. Exporter Certification

The person or company exporting the southern bluefin tuna shipment must provide his/her/its name, address, signature, date the shipment was exported, and dealer licence number (if applicable).

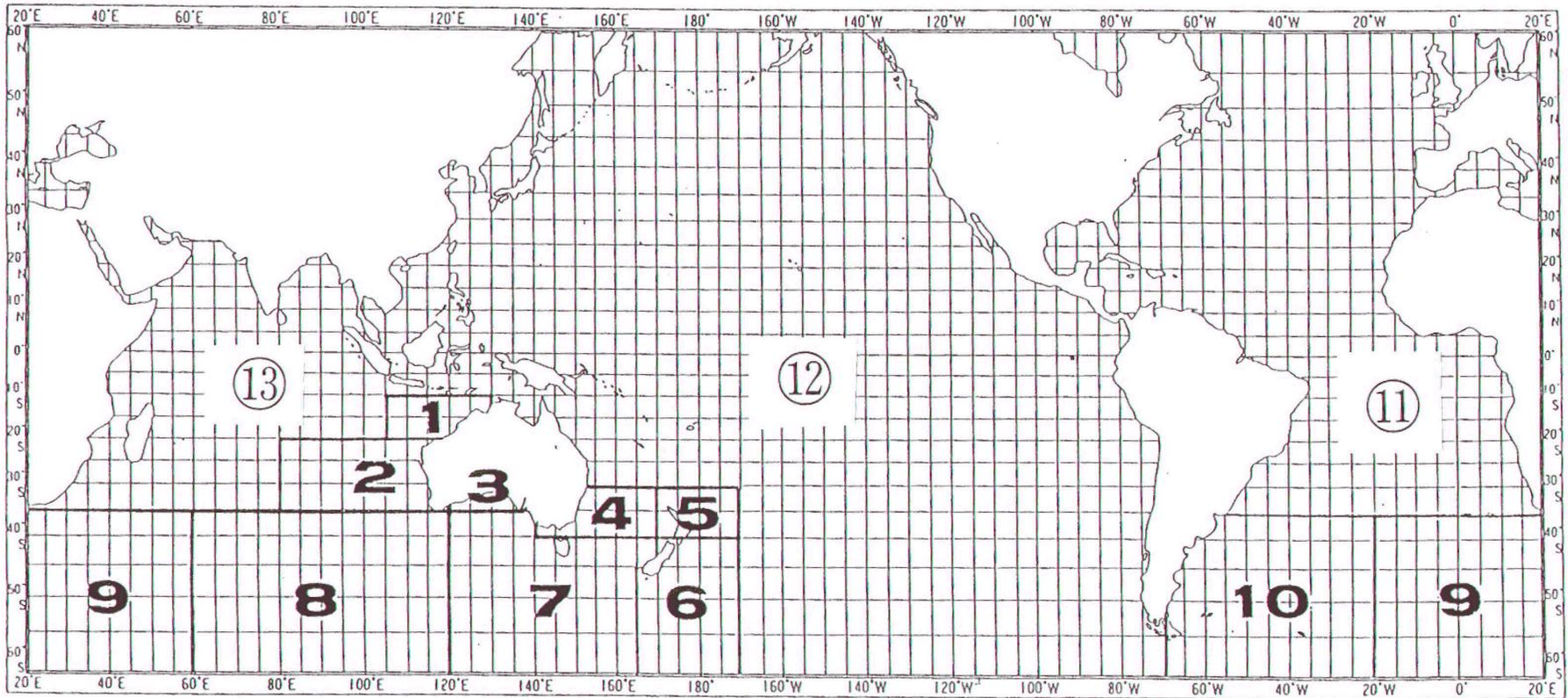
8. Validation by Authority

Fill in the name and full title of the official signing the Document. The official must be in the employment of the competent authority of the flag state/fishing entity of the vessel that harvested the southern bluefin tuna appearing on the Document. This requirement with respect to any Member of the Commission may be met by an entity duly delegated by the authority of the flag country/fishing entity. The Member which utilizes a delegated entity should submit a certified copy of such delegation to the Executive Secretary.

Import Section

The person or company that imports southern bluefin tuna must provide his/her/its name, address, signature, date on which the southern bluefin tuna was imported, licence number (if applicable) and final point of import. This includes imports into intermediate country (if applicable). For fresh and chilled product, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

Note: Instructions relating to farmed fish are written in italic letters.



Half-yearly Report of the CCSBT Southern Bluefin Tuna Statistical Document

Period ____ to ____, ____ Import Country _____
 month month year

Flag Country/ Fishing Entity	Area Code	Time of Harvest	Gear Code	Point of Export	Product F/FR	Type RD/GG/DR/FL/OT	Product Weight (kg)	No. of Fish

<u>GEAR CODE</u>	<u>GEAR TYPE</u>	<u>Product</u>	
BB	Baitboat	F	Fresh
GILL	Gillnet	FR	Frozen
HAND	Handline		
HARP	Harpoon		
LL	Longline	<u>Type</u>	
MWT	Mid-water Trawl	RD	Round
PS	Purse Seine	GG	Gilled and Guttled
RR	Rod and Reel	DR	Dressed
SPHL	Sport Handline	FL	Filet
SPOR	Sport Fisheries Unclassified	OT	Other
SURF	Surface Fisheries Unclassified		
TL	Tended Line	<u>Area Code</u>	
TRAP	Trap	1 to 10	SBT Statistical Areas
TROL	Troll	11 to 13	Other areas (the Atlantic, the Pacific and Indian Ocean, respectively)
UNCL	Unspecified Method		
OT	Other Type (indicate the type of gear): _____		

Supplimental half-yearly Report of the Southern Bluefin Tuna Statistical Document

Export Period: ____ to ____, ____
month month, year

Import Country: _____

Flag Country/ Fishing Entity	Captured or Farmed	Net Weight <i>as per SDP</i> <i>document from importers</i>	Net Weight <i>as per SDP</i> <i>records from exporters</i>	Estimated Net Weight <i>SDP documents from</i> <i>importers + weights from</i> <i>exporters where import</i> <i>documentation is not yet</i> <i>available</i>

DOCUMENT NUMBER		CCSBT SOUTHERN BLUEFIN TUNA RE-EXPORT CERTIFICATE		
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY/FISHING ENTITY				
2. POINT OF EXPORT (CITY, STATE OR PROVINCE AND COUNTRY/FISHING ENTITY)				
3. PROCESSING ESTABLISHMENT (if applicable)				
NAME AND ADDRESS				
4. DESCRIPTION OF IMPORTED FISH				
Product (a)	Type (b)	Weight	Flag Country/ Fishing Entity	Imported Date
F/FR	RD/GG/DR/FL/OT	(kg)		
(a) F=Fresh, FR=Frozen				
(b) RD=Round, GG=Gilled and Guttet, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____).				
5. DESCRIPTION OF RE-EXPORTING FISH				
Product (a)	Type (b)	Weight		
F/FR	RD/GG/DR/FL/OT	(kg)		
(a) F=Fresh, FR=Frozen				
(b) RD=Round, GG=Gilled and Guttet, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____).				
6. RE-EXPORTER CERTIFICATION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.				
Name	Address	Signature	Date	Licence Number (if applicable)
7. VALIDATION BY AUTHORITY I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.				
Name & Title	Signature	Date	Official Seal	
IMPORT SECTION:				
IMPORT SECTION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.				
Importer Certification (Intermediate Country) (if applicable)				
Name	Address	Signature	Date	Licence no (if applicable)
Importer Certification (Intermediate Country) (if applicable)				
Name	Address	Signature	Date	Licence No (if applicable)
Importer Certification (Final Destination of Shipment)				
Name	Address	Signature	Date	Licence No (if applicable)
Final Point of Import: City _____ State or Province _____ Country/Fishing Entity _____				

NOTE 1: The organization/person which validates the Re-export Certificate should verify the copy of original CCSBT Southern Bluefin Tuna Statistical Document. Such a verified copy of original Southern Bluefin Tuna Statistical Document must be attached to the Re-export Certificate. When southern bluefin tuna is re-exported more than twice, all verified copies of concerned Re-export Certificates must be also attached to a Re-export Certificate.

NOTE 2: If a language other than English is used in completing this form, please add the English translation on this Document.

Half-yearly Report of the CCSBT Southern Bluefin Tuna Re-export Certificate

Period ____ to ____, ____
month month year

Import Country _____

Flag Country/ Fishing Entity	Re-export Country	Point of Export	Product F/FR	Type RD/GG/DR/FL/OT	Product Weight (kg)

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

AN ACT

**To provide for the conservation and management of the fisheries,
and for other purposes.**

J.Feder version (12/19/96)

SEC. 2. FINDINGS, PURPOSES, AND POLICY 16 U.S.C. 1801

(a) FINDINGS.--The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species, which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species, which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

104-297

(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

104-297

(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

(7) A national program for the development of fisheries, which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

101-627

(8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.

104-297

(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

104-297

(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.

(b) PURPOSES.--It is therefore declared to be the purposes of the Congress in this Act--**99-659, 101-627, 102-251**

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources[, and fishery resources in the special areas] *;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

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(3) to promote domestic commercial and recreational fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

101-627

(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States;

95-354, 96-561, 104-297

(6) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development in a non-wasteful manner; and

(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.

(c) POLICY.--It is further declared to be the policy of the Congress in this Act--

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act;

101-627, 104-297

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this Act; **99-659, 101-627**

(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;

101-627

(6) to foster and maintain the diversity of fisheries in the United States; and **104-297**

(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.

SEC. 3. DEFINITIONS 16 U.S.C. 1802

As used in this Act, unless the context otherwise requires--

(1) The term "anadromous species" means species of fish, which spawn in fresh, or estuarine waters of the United States and which migrate to ocean waters.

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(2) The term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

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(3) The term "charter fishing" means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing.

(4) The term "commercial fishing" means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

(5) The term "conservation and management" refers to all of the rules, regulations, conditions, methods, and other measures (A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and (B) which are designed to assure that--

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources.

(6) The term "Continental Shelf" means the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, of the United States, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such areas.

99-659, 104-297

(7) The term "Continental Shelf fishery resources" means the following:

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shark, or swordfish vessel permit. Except as specified in the instructions for automated renewals, persons must submit a renewal application to NMFS, along with a copy of the applicable valid workshop certificate or certificates, if required pursuant to § 635.8, at an address designated by NMFS, at least 30 days before a permit's expiration to avoid a lapse of permitted status. NMFS will renew a permit if the specific requirements for the requested permit are met, including those described in paragraph (1)(2) of this section, all reports required under the Magnuson-Stevens Act and ATCA have been submitted, including those described in § 635.5 and § 300.185 of this title, the applicant is not subject to a permit sanction or denial under paragraph (a)(6) of this section, and the workshop requirements specified in § 635.8 are met.

(2) *Shark and swordfish LAPs.* The owner of a vessel of the U.S. that fishes for, possesses, lands or sells shark or swordfish from the management unit, or that takes or possesses such shark or swordfish as incidental catch, must have the applicable limited access permit(s) issued pursuant to the requirements in paragraphs (e) and (f) of this section. Only persons holding non-expired shark and swordfish limited access permit(s) in the preceding year are eligible to renew those limited access permit(s). Transferors may not renew limited access permits that have been transferred according to the procedures in paragraph (1) of this section.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37703, July 13, 1999; 65 FR 47238, Aug. 1, 2000; 66 FR 30652, June 7, 2001; 67 FR 77436, Dec. 18, 2002; 68 FR 56787, Oct. 2, 2003; 69 FR 67283, Nov. 17, 2004; 71 FR 45436, Aug. 9, 2006; 71 FR 58164, Oct. 2, 2006; 72 FR 31708, June 7, 2007; 72 FR 33407, June 18, 2007; 73 FR 40707, July 15, 2008; 73 FR 38153, July 3, 2008]

§ 635.5 Recordkeeping and reporting.

Information on HMS vessel and dealer reporting requirements may be obtained from the Division Chief or where otherwise stated in this part.

(a) *Vessels*—(1) *Logbooks.* If an owner of an HMS charter/headboat vessel, an Atlantic tunas vessel, a shark vessel, or a swordfish vessel, for which a permit has been issued under § 635.4(b), (d),

(e), or (f), is selected for logbook reporting in writing by NMFS, he or she must maintain and submit a fishing record on a logbook form specified by NMFS. Entries are required regarding the vessel's fishing effort and the number of fish landed and discarded. Entries on a day's fishing activities must be entered on the logbook form within 48 hours of completing that day's activities or before offloading, whichever is sooner. The owner or operator of the vessel must submit the logbook form(s) postmarked within 7 days of offloading all Atlantic HMS. If no fishing occurred during a calendar month, a no-fishing form so stating must be submitted postmarked no later than 7 days after the end of that month. If an owner of an HMS charter/headboat vessel, Atlantic tunas vessel, shark vessel, or swordfish vessel, permitted under § 635.4(b), (d), (e), or (f), is selected in writing by NMFS to complete the cost-earnings portion of the logbook(s), the owner or operator must maintain and submit the cost-earnings portion of the logbook postmarked no later than 30 days after completing the offloading for each trip fishing for Atlantic HMS during that calendar year, and submit the Atlantic Highly Migratory Species Annual Expenditures form(s) postmarked no later than the date specified on the form of the following year.

(2) *Weighout slips.* If an owner of a permitted vessel is required to maintain and submit logbooks under paragraph (a)(1) of this section, and Atlantic HMS harvested on a trip are sold, the owner or operator must obtain and submit copies of weighout slips for those fish. Each weighout slip must show the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category. A weighout slip for sharks prior to or as part of a commercial transaction involving shark carcasses or fins must record the weights of carcasses and any detached fins. The owner or operator must also submit copies of weighout slips with

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the logbook forms required to be submitted under paragraph (a)(1) of this section.

(3) *BFT not sold.* If a person who catches and lands a large medium or giant BFT from a vessel issued a permit in any of the commercial categories for Atlantic tunas does not sell or otherwise transfer the BFT to a dealer who has a dealer permit for Atlantic tunas, the person must contact a NMFS enforcement agent, at a number designated by NMFS, immediately upon landing such BFT, provide the information needed for the reports required under paragraph (b)(2)(i) of this section, and, if requested, make the tuna available so that a NMFS enforcement agent or authorized officer may inspect the fish and attach a tag to it. Alternatively, such reporting requirement may be fulfilled if a dealer who has a dealer permit for Atlantic tunas affixes a dealer tag as required under paragraph (b)(2)(ii) of this section and reports the BFT as being landed but not sold on the reports required under paragraph (b)(2)(i) of this section. If a vessel is placed on a trailer, the person must contact a NMFS enforcement agent, or the BFT must have a dealer tag affixed to it by a permitted Atlantic tunas dealer, immediately upon the vessel being removed from the water. All BFT landed but not sold will be applied to the quota category according to the permit category of the vessel from which it was landed.

(4) *Shark gillnet whale reporting.* The vessel operators of vessels that are shark gillnetting, as defined by 50 CFR 229.2, and that have been issued, or are required to have, shark directed or incidental limited access permits for use in the Atlantic Ocean including the Caribbean Sea and the Gulf of Mexico are required to contact the NOAA Fisheries Southeast Regional Office, at a number designated by NOAA Fisheries, if a listed whale is taken, in addition to submitting all other reporting forms required by this part and 50 CFR part 229.

(5) *Chartering arrangements.* (i) For the purposes of this section, a chartering arrangement means any contract, agreement, or commitment between a U.S. vessel owner and a foreign entity (e.g., government, company, per-

son) by which the control, use, possession, or services of a vessel are secured, for a period of time for fishing targeting Atlantic HMS. Chartering arrangements under this part do not include bareboat charters under which a vessel enters into a fishing agreement with a foreign entity, changes registration to fish under another country's registration then, once the agreed-upon fishing is completed, reverts back to the vessel's original registration.

(ii) Before fishing under a chartering arrangement, the owner of a fishing vessel subject to U.S. jurisdiction must apply for, and obtain, a chartering permit as specified in § 635.32 (e) and (f). If a chartering permit is obtained, the vessel owner must submit catch information as specified in the terms and conditions of that permit. All catches will be recorded and counted against the applicable quota of the Contracting Party to which the chartering foreign entity is a member and, unless otherwise provided in the chartering permit, must be offloaded in the ports of the chartering foreign entity or offloaded under the direct supervision of the chartering foreign entity.

(iii) If the chartering arrangement terminates before the expiration of the charter permit, the vessel owner must notify NMFS immediately and in writing, upon termination of the chartering arrangement. Such notification requirements shall also apply to situations where the chartering arrangement is temporarily suspended and during intermittent periods where the vessel may be fishing under U.S. quotas for Atlantic HMS.

(b) *Dealers.* Persons who have been issued a dealer permit under § 635.4 must submit reports to NMFS, to an address designated by NMFS, and maintain records as follows:

(1) *Atlantic HMS.* (i) Dealers that have been issued or should have been issued an Atlantic tunas, swordfish, and/or sharks dealer permit under § 635.4 must submit to NMFS all reports required under this section. All reports must be species-specific, must include information about all HMS landed, regardless of where harvested or whether the vessel is federally permitted under § 635.4 and, for sharks, must specify the total shark fin weight separately from the

weight of the shark carcass. As stated in §635.4(a)(6), failure to comply with these recordkeeping and reporting requirements may result in the existing dealer permit being revoked, suspended, or modified, and in the denial of any permit applications.

(ii) Reports of Atlantic tunas, swordfish, and/or sharks received by dealers from U.S. vessels, as defined under §600.10 of this chapter, on the first through the 15th of each month, must be received by NMFS not later than the 25th of that month. Reports of Atlantic tunas, swordfish, and/or sharks received on the 16th through the last day of each month must be received by NMFS not later than the 10th of the following month. If a dealer issued an Atlantic tunas, swordfish, or sharks dealer permit under §635.4 has not received any Atlantic HMS from U.S. vessels during a reporting period as specified in this section, he or she must still submit the report required under paragraph (b)(1)(i) of this section stating that no Atlantic HMS were received. This negative report must be received by NMFS for the applicable reporting period as specified in this section. This negative reporting requirement does not apply for bluefin tuna.

(iii) The reporting requirement of paragraph (b)(1)(i) of this section may be satisfied by a dealer if he or she provides a copy of each appropriate weighout slip or sales record, provided such weighout slip or sales record by itself or combined with the form available from NMFS includes all of the required information and identifies each fish by species.

(iv) The dealer may mail or fax such report to an address designated by NMFS or may hand-deliver such report to a state or Federal fishery port agent designated by NMFS. If the dealer hand-delivers the report to a port agent, the dealer must deliver such report for Atlantic tunas, swordfish, or sharks no later than the prescribed received-by date for the reporting period, as required in paragraphs (b)(1)(i) and (ii) of this section.

(2) *Requirements for bluefin tuna*—(i) *Dealer reports*—(A) *Landing reports*. Each dealer with a valid Atlantic tunas permit issued under §635.4 must submit

a completed landing report on a form available from NMFS for each BFT received from a U.S. fishing vessel. Such report must be submitted by electronic facsimile (fax) or, once available, via the Internet, to a number or a web address designated by NMFS not later than 24 hours after receipt of the BFT. A landing report must indicate the name and permit number of the vessel that landed the BFT and must be signed by the permitted vessel's owner or operator immediately upon transfer of the BFT. The dealer must inspect the vessel's permit to verify that the required vessel name and vessel permit number as listed on the permit are correctly recorded on the landing report and to verify that the vessel permit has not expired.

(B) *Bi-weekly reports*. Each dealer with a valid Atlantic tunas permit under §635.4 must submit a complete bi-weekly report on forms available from NMFS for BFT received from U.S. vessels. For BFT received from U.S. vessels on the 1st through the 15th of each month, the dealer must submit the bi-weekly report form to NMFS, to be received by NMFS, not later than the 25th of that month. Reports of BFT received on the 16th through the last day of each month must be received by NMFS not later than the 10th of the following month.

(ii) *Dealer tags*. NMFS will issue numbered dealer tags to each person issued a dealer permit for Atlantic tunas under §635.4. A dealer tag is not transferable and is usable only by the dealer to whom it is issued. Dealer tags may not be reused once affixed to a tuna or recorded on a package, container, or report.

(A) *Affixing dealer tags*. A dealer or a dealer's agent must affix a dealer tag to each BFT purchased or received from a U.S. vessel immediately upon offloading the BFT. If a vessel is placed on a trailer, the dealer or dealer's agent must affix the dealer tag to the BFT immediately upon the vessel being removed from the water. The dealer tag must be affixed to the BFT between the fifth dorsal finlet and the caudal keel.

(B) *Removal of dealer tags*. A dealer tag affixed to any BFT under paragraph (b)(2)(ii)(A) of this section or a

BSD tag affixed to an imported bluefin tuna must remain on the fish until it is cut into portions. If the bluefin tuna or bluefin tuna parts subsequently are packaged for transport for domestic commercial use or for export, the number of the dealer tag or the BSD tag must be written legibly and indelibly on the outside of any package containing the tuna. Such tag number also must be recorded on any document accompanying the shipment of bluefin tuna for commercial use or export.

(3) *Recordkeeping.* Dealers must retain at their place of business a copy of each report required under paragraphs (b)(1)(i), (b)(1)(ii), and (b)(2)(i) of this section for a period of 2 years from the date on which each report was required to be submitted.

(c) *Anglers.* All bluefin tuna, billfish, and North Atlantic swordfish non-tournament landings must be reported as specified under paragraphs (c)(1) or (c)(2) of this section, unless an alternative recreational catch reporting system has been established as specified under paragraph (c)(3) of this section. Tournament landings must be reported as specified under paragraph (d) of this section.

(1) *Bluefin tuna.* The owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category must report all BFT landings under the Angling category quota designated at § 635.27(a) through the NMFS automated catch reporting system within 24 hours of the landing. Such reports may be made by calling 1-888-872-8862 or by submitting the required information over the Internet at: www.nmfspermits.com.

(2) The owner, or the owner(s) designee, of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category must report all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, and Atlantic sailfish, and all non-tournament and non-commercial landings of North Atlantic swordfish to NMFS by telephone to a number designated by NMFS, or electronically via the internet to an internet website designated by NMFS, or by other means as specified by NMFS, within 24 hours of that

landing. For telephone landing reports, the owner, or the owner(s) designee, must provide a contact phone number so that a NMFS designee can call the vessel owner, or the owner(s) designee, for follow up questions and to confirm the reported landing. Regardless of how submitted, landing reports submitted to NMFS are not complete unless the vessel owner, or the owner(s) designee, has received a confirmation number from NMFS or a NMFS designee.

(3) *Alternative recreational catch reporting.* Alternative recreational catch reporting procedures may be established by NMFS with cooperation from states which may include such methodologies as telephone, dockside or mail surveys, mail in or phone-in reports, tagging programs, catch cards, or mandatory check-in stations. A census or a statistical sample of persons fishing under the recreational fishing regulations of this part may be used for these alternative reporting programs (after the programs have received Paperwork Reduction Act approval from OMB). Persons or vessel owners selected for reporting will be notified by NMFS or by the cooperating state agency of the requirements and procedures for reporting recreational catch. Each person so notified must comply with those requirements and procedures. Additionally, NMFS may determine that recreational landing reporting systems implemented by the states, if mandatory, at least as restrictive, and effectively enforced, are sufficient for recreational landing monitoring as required under this part. In such case, NMFS will file with the Office of the Federal Register for publication notification indicating that compliance with the state system satisfies the reporting requirements of paragraph (c) of this section.

(d) *Tournament operators.* For all tournaments that are conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, a tournament operator must register with the NMFS' HMS Management Division, at least 4 weeks prior to commencement of the tournament by submitting information on the purpose, dates, and location of the tournament to NMFS. A tournament is not registered unless the tournament

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operator has received a confirmation number from the NMFS' HMS Management Division. NMFS will notify the tournament operator in writing when a tournament has been selected for reporting. Tournament operators that are selected to report must maintain and submit to NMFS a record of catch and effort on forms available from NMFS. Tournament operators must submit the completed forms to NMFS, at an address designated by NMFS, postmarked no later than the 7th day after the conclusion of the tournament, and must attach a copy of the tournament rules.

(e) *Inspection.* Any person authorized to carry out enforcement activities under the regulations in this part has the authority, without warrant or other process, to inspect, at any reasonable time, catch on board a vessel or on the premises of a dealer, logbooks, catch reports, statistical records, sales receipts, or other records and reports required by this part to be made, kept, or furnished. An owner or operator of a fishing vessel that has been issued a permit under § 635.4 or § 635.32 must allow NMFS or an authorized person to inspect and copy any required reports and the records, in any form, on which the completed reports are based, wherever they exist. An agent of a person issued a permit under this part, or anyone responsible for off-loading, storing, packing, or selling regulated HMS for such permittee, shall be subject to the inspection provisions of this section.

(f) *Additional data and inspection.* Additional data on fishing effort directed at Atlantic HMS or on catch of Atlantic HMS, regardless of whether retained, may be collected by contractors and statistical reporting agents, as designees of NMFS, and by authorized officers. A person issued a permit under § 635.4 is required to provide requested information about fishing activity, and a person, regardless of whether issued a permit under § 635.4, who possesses an Atlantic HMS is required to make such fish or parts thereof available for in-

spection by NMFS or its designees upon request.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37704, July 13, 1999; 66 FR 30653, June 7, 2001; 66 FR 42804, Aug. 15, 2001; 67 FR 45400, July 9, 2002; 67 FR 77437, Dec. 18, 2002; 68 FR 714, Jan. 7, 2003; 68 FR 37773, June 25, 2003; 68 FR 74784, Dec. 24, 2003; 69 FR 67284, Nov. 17, 2004; 69 FR 70399, Dec. 6, 2004; 71 FR 58165, Oct. 2, 2006; 72 FR 56932, Oct. 5, 2007; 73 FR 31389, June 2, 2008; 73 FR 40707, July 15, 2008]

EDITORIAL NOTE: At 73 FR 47851, Aug. 15, 2008, an amendment published announcing an effective date of Sept. 24, 2008 for information collection and recordkeeping requirements in § 635.5(b), amended at 73 FR 35827, June 24, 2008. However, the effectiveness of that amendment was June 24, 2008, and therefore cannot be changed by August 15, 2008 announcement of effectiveness.

§ 635.6 Vessel and gear identification.

(a) *Vessel number.* For the purposes of this section, a vessel's number is the vessel's official number issued by either by the U.S. Coast Guard or by the appropriate state agency.

(b) *Vessel identification.* (1) An owner or operator of a vessel for which a permit has been issued under § 635.4, other than an HMS Angling permit, must display the vessel number—

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(ii) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(iii) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) in length; at least 10 inches (25.4 cm) in height for all other vessels over 25 ft (7.6 m) in length; and at least 3 inches (7.6 cm) in height for vessels 25 ft (7.6 m) in length or less.

(2) The owner or operator of a vessel for which a permit has been issued under § 635.4 must keep the vessel's number clearly legible and in good repair and ensure that no part of the vessel, its rigging, its fishing gear, or any other material on board obstructs the view of the vessel's number from an enforcement vessel or aircraft.

(c) *Gear identification.* (1) The owner or operator of a vessel for which a permit has been issued under § 635.4 and

[Laws in effect as of January 20, 2004]
[Document not affected by Public Laws enacted between January 20, 2004
and December 23, 2004]

TITLE 16--CONSERVATION
CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971d. Administration

(a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, with the concurrence of the Secretary of the department in which the Coast Guard is operating insofar as such utilization involves enforcement at sea, with or without reimbursement and by agreement with any other Federal department or agency, or with any agency of any State, the personnel, services, and facilities of that agency for enforcement purposes with respect to any vessel in the exclusive economic zone, or wherever found, with respect to any vessel documented under the laws of the United States, and any vessel numbered or otherwise licensed under the laws of any State. When so utilized, such personnel of the States of the United States are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Director of the Office of Personnel Management.

(b) Primary enforcement responsibility Enforcement activities at sea under the provisions of this chapter for fishing vessels subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretary and the United States Customs Service. The Secretary after consultation with the Secretary of the department in which the Coast Guard is operating, shall adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to article IX of the Convention.

(c) Regulations and other measures to carry out Commission recommendations

(1)(A) Upon favorable action by the Secretary of State under section 971c(a) of this title on any recommendation of the Commission made pursuant to article VIII of the Convention, the Secretary shall promulgate, pursuant to this subsection, such regulations as may be necessary and appropriate to carry out such recommendation.

(B) Not later than June 30, 1991, the Secretary shall promulgate any additional regulations necessary to ensure that the United States is in full compliance with all recommendations made by the Commission that have been accepted by the United States and with other agreements under the Convention between the United States and any nation which is a party to the Convention.

(C) Regulations promulgated under this paragraph shall, to the extent practicable, be consistent with fishery management plans prepared and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) To promulgate regulations referred to in paragraph (1) of this subsection, the Secretary shall publish in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (A) submission of written data, views, or arguments, and (B) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations, and by a statement, based on inquiries and investigations, assessing the nature and effectiveness of the measures for the implementation of the

Commission's recommendations which are being or will be carried out by countries whose vessels engage in fishing the species subject to such recommendations within the waters to which the Convention applies. After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary shall prescribe. The Secretary shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that fishing operations in the Convention area of a contracting party for whom the regulations are effective are such as to constitute a serious threat to the achievement of the Commission's recommendations.

(3) The regulations required to be promulgated under paragraph (1) of this subsection may--

(A) select for regulation one or more of the species covered by the Convention;

(B) divide the Convention waters into areas;

(C) establish one or more open or closed seasons as to each such area;

(D) limit the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed;

(E) limit or prohibit the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish;

(F) require records of operations to be kept by any master or other person in charge of any fishing vessel;

(G) require such clearance certificates for vessels as may be necessary to carry out the purposes of the Convention and this chapter;

(H) require proof satisfactory to the Secretary that any fish subject to regulation pursuant to a recommendation of the Commission offered for entry into the United States has not been taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention which have been adopted as regulations pursuant to this section;

(I) require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of the catch of a regulated species;

(J) require that observers be carried aboard fishing vessels for the purpose of providing statistically reliable scientific data; and

(K) impose such other requirements and provide for such other measures as the Secretary may determine necessary to implement any recommendation of the Convention or to obtain scientific data necessary to accomplish the purpose of the Convention;

except that no regulation promulgated under this section may have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the Commission.

(4) Upon the promulgation of regulations provided for in paragraph (3) of this subsection, the Secretary shall promulgate, with the concurrence of the Secretary of State and pursuant to the procedures prescribed in paragraph (2) of this subsection, additional regulations which shall become effective simultaneously with the application of the regulations provided for in paragraph (3) of this subsection, which prohibit--

(A) the entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and

(B) the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area.

(5) In the case of repeated and flagrant fishing operations in the Convention area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary with the concurrence of the Secretary of State, may by regulations promulgated pursuant to paragraph (2) of this subsection prohibit the entry in any form from such country of other species covered by the Convention as may be under investigation by the Commission and which were taken in the Convention area. Any such prohibition shall continue until the Secretary is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

(6) Identification and notification.--

(A) Not later than July 1, 1996, and annually thereafter, the Secretary, in consultation with the Secretary of State, the Commissioners, and the advisory committee, shall--

(i) identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation;

(ii) notify the President and the nation so identified, including an explanation of the reasons therefor; and

(iii) publish a list of those Nations identified under clause (i).

(B) In identifying those Nations, the Secretary shall consider, based on the best available information, whether those Nations have measures in place for reporting, monitoring, and enforcement, and whether those measures diminish the effectiveness of any conservation recommendation.

(7) Consultation.--Not later than 30 days after a Nation is notified under paragraph (6), the President may enter into consultations with the Government of that Nation for the purpose of obtaining an agreement that will--

(A) effect the immediate termination and prevent the resumption of any fishing operation by vessels of that Nation within the Convention area which is conducted in a manner or under circumstances that diminish the effectiveness of the conservation recommendation;

(B) when practicable, require actions by that Nation, or vessels of that Nation, to mitigate the negative impacts of fishing operations on the effectiveness of the conservation recommendation involved, including but not limited to, the imposition of subsequent-year deductions for quota overages; and

(C) result in the establishment, if necessary, by such Nation of reporting, monitoring, and enforcement measures that are adequate to ensure the effectiveness of conservation recommendations.

(d) Recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish

(1) It is the sense of the Congress that the Secretary, in consultation with the Secretary of State, should seek support for a recommendation by the Commission to ban large-scale driftnet fishing (as that term is defined in section 3(16) \1\ of the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1802(16)]) in the Convention area.

\1\ See References in Text note below.

(2) The Secretary, in consultation with the Secretary of State, shall request the Commission to adopt recommendations necessary for the conservation and management of Atlantic swordfish. In making the request, the Secretary shall seek the establishment of an international minimum harvest size and a reduction in harvest levels to the extent necessary to

conserve the stock. Until the Commission adopts all the conservation and management measures requested by the Secretary, the Secretary, within 3 months after each annual meeting of the Commission, shall notify Congress as to the nature and results of his request. These notifications shall identify those nations not acting to conserve and manage Atlantic swordfish, and recommend measures, which could be taken to achieve effective international conservation and management of the stock. (Pub. L. 94-70, Sec. 6, Aug. 5, 1975, 89 Stat. 387; 1978 Reorg. Plan No. 2, Sec. 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784; Pub. L. 101-627, title II, Secs. 206, 207, Nov. 28, 1990, 104 Stat. 4461; Pub. L. 104-43, title III, Secs. 303(3), 305, Nov. 3, 1995, 109 Stat. 384, 385; Pub. L. 105-384, title II, Sec. 202(b)(1)(C), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

References in Text

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c)(1)(C), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (Sec. 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (d)(1), was subsequently amended, and section 3(16) no longer defines the term "large-scale driftnet fishing". However, such term is defined elsewhere in that section.

Amendments

1998--Subsec. (c)(1)(C). Pub. L. 105-384, Sec. 202(b)(1)(F), substituted "Magnuson-Stevens Fishery" for "Magnuson Fishery".

Subsecs. (c)(6)(A)(iii), (B). Pub. L. 105-384, Sec. 202(b)(1)(C), substituted "clause (i)" for "subparagraph (A)" in cl. (iii), and redesignated last sentence of subpar. (A) as subpar. (B) and realigned margin.

Subsec. (d)(1). Pub. L. 105-384, Sec. 202(b)(1)(F), substituted "Magnuson-Stevens Fishery" for "Magnuson Fishery".

1995--Subsec. (a). Pub. L. 104-43, Sec. 303(3), substituted "exclusive economic zone" for "fisheries zone" after "any vessel in the" in third sentence.

Subsec. (c). Pub. L. 104-43, Sec. 305(1), inserted "and other measures" after "Regulations" in heading.

Subsec. (c)(3). Pub. L. 104-43, Sec. 305(2), inserted "or fishing mortality level" after "quota of fish" in concluding provisions.

Subsec. (c)(6), (7). Pub. L. 104-43, Sec. 305(3), added pars. (6) and (7).

1990--Subsec. (c)(1). Pub. L. 101-627, Sec. 206(a), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

Subsec. (c)(3). Pub. L. 101-627, Sec. 206(b), added subpars. (I) to (K) and concluding provisions and struck out former subpar. (I) which read as follows: "impose such other requirements and provide for such other measures as the Secretary may deem necessary to implement any recommendation of the Commission."

Subsec. (d). Pub. L. 101-627, Sec. 207, amended subsec. (d) generally, substituting provisions relating to recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish for provisions relating to Commission recommendations concerning bluefin tuna and issuance of regulations.

Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6,

Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

``Director of the Office of Personnel Management '' substituted for ``Civil Service Commission '' in subsec. (a) pursuant to Reorg. Plan No. 2 of 1978, Sec. 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in the Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Use of Aircraft in Atlantic Bluefin Tuna Fishing

Pub. L. 106-553, Sec. 1(a)(2) [title VI, Sec. 634], Dec. 21, 2000, 114 Stat. 2762, 2762A-114, provided that none of the funds of the Department of Commerce would be available to issue or renew, for any fishing vessel, any general or harpoon category fishing permit for Atlantic bluefin tuna that would allow the vessel to use an aircraft to locate, or otherwise assist in fishing for, catching, or possessing Atlantic bluefin tuna, or to fish for, catch, or possess Atlantic bluefin tuna located by the use of an aircraft.

Title 50: Wildlife and Fisheries

PART 300—INTERNATIONAL FISHERIES REGULATIONS

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

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§ 300.183 Permit holder reporting and recordkeeping requirements.

(a) *Biweekly reports.* Any person issued a trade permit under §300.182 must submit to NMFS, on forms supplied by NMFS, a biweekly report of imports entered for consumption, exports, and re-exports of fish or fish products regulated under this subpart.

(1) The report required to be submitted under paragraph (a) of this section must be postmarked within 10 days after the end of each biweekly reporting period in which fish or fish products regulated under this subpart were entered for consumption, exported, or re-exported. The bi-weekly reporting periods are defined as the first day to the 15th day of each month and the 16th day to the last day of each month.

(2) Each report must specify accurately and completely the requested information for each shipment of fish or fish products regulated under this subpart that is entered for consumption, exported, or re-exported.

(b) *Recordkeeping.* Any person issued a trade permit under §300.182 must retain at his/her principal place of business a copy of each biweekly report and supporting records for a period of 2 years from the date on which each report was submitted to NMFS.

(c) *Other reporting and recordkeeping requirements.* Any person issued a trade permit is also subject to the reporting and recordkeeping requirements identified in §300.185.

(d) *Inspection.* Any person authorized to carry out the enforcement activities under the regulations in this subpart has the authority, without warrant or other process, to inspect, at any reasonable time: fish or fish products regulated under this subpart, biweekly reports, statistical documents, re-export certificates, relevant sales receipts, import and export documentation, or other records and reports required by this subpart to be made, retained, or submitted. A permit holder must allow NMFS or an authorized person to inspect and copy, for any fish or fish products regulated under this subpart, any import and export documentation and any reports required under this subpart, and the records, in any form, on which the completed reports are based, wherever they exist. Any agent of a person issued a trade permit under this part, or anyone responsible for importing, exporting, storing, packing, or selling fish or fish products regulated under this subpart, shall be subject to the inspection provisions of this section.

§ 300.185 Documentation, reporting and recordkeeping requirements for statistical documents and re-export certificates.

(a) *Imports—(1) Applicability of requirements.* The documentation requirements in paragraph (a)(2) of this section apply to all imports of fish or fish products regulated under this subpart into the Customs territory of the United States, except when entered as a product of an American fishery landed overseas (HTS heading 9815). For insular possessions with customs territories separate from the Customs territory of the United States, documentation requirements in paragraph (a)(2) of this section apply only to entries for consumption. The reporting requirements of paragraph (a)(3) of this section do not apply to fish products destined from one foreign country to another which transit the United States or a U.S. insular possession and are designated as an entry type other than entry for consumption as defined in §300.181.

(2) *Documentation requirements.* (i) All fish or fish products regulated under this subpart, imported into the customs territory of the United States or entered for consumption into a separate customs territory of a U.S. insular possession, must, at the time of presenting entry documentation for clearance by customs authorities (e.g., CBP Forms 7533 or 3461 or other documentation required by the port director) be accompanied by an original, completed, approved, validated, species-specific statistical document with the required information and exporter's certification completed as specified in §300.186. Customs forms can be obtained by contacting the local CBP port office; contact information is available at www.cbp.gov. For a U.S. insular possession, contact the local customs office for any forms required for entry.

(ii) The statistical document must be validated as specified in §300.187 by a responsible government official of the country whose flag vessel caught the fish (regardless of where the fish are first landed).

(iii) For fish products entered for consumption, the permit holder must provide on the original statistical document that accompanied the import shipment the correct information and importer's certification specified in §300.186, and must note on the top of the statistical document the entry number assigned at the time of filing an entry summary (e.g., CBP Form 7501 or electronic equivalent) with customs authorities.

(iv) Bluefin tuna, imported into the Customs territory of the United States or entered for consumption into the separate customs territory of a U.S. insular possession, from a country requiring a BSD tag on all such bluefin tuna available for sale, must be accompanied by the appropriate BSD tag issued by that country, and said BSD tag must remain on any bluefin tuna until it reaches its final destination. If the final import destination is the United States, which includes U.S. insular possessions, the BSD tag must remain on the bluefin tuna until it is cut into portions. If the bluefin tuna portions are subsequently packaged for domestic commercial use or re-export, the BSD tag number and the issuing country must be written legibly and indelibly on the outside of the package.

(3) *Reporting requirements.* For fish or fish products regulated under this subpart that are entered for consumption and whose final destination is within the United States, which includes a U.S. insular possessions, a permit holder must submit to NMFS the original statistical document that accompanied the fish product as completed under §300.186 and paragraph (a)(2) of this section. A copy of the original completed statistical document must be postmarked and mailed, or faxed, by said permit holder to NMFS at an address designated by NMFS within 24 hours of the time the fish product was entered for consumption into the Customs territory of the United States or the separate customs territory of a U.S. insular possession.

(b) *Exports—(1) Applicability of requirements.* The documentation and reporting requirements of this paragraph apply to exports of fish or fish products regulated under this subpart that were harvested by U.S. vessels and first landed in the United States, or harvested by vessels of a U.S. insular possession and first landed in that possession. This paragraph also applies to products of American fisheries landed overseas.

(2) *Documentation requirements.* A permit holder must complete an original, numbered, species-specific statistical document issued to that permit holder by NMFS for each export referenced under paragraph (b)(1) of this section. Such an individually numbered document is not transferable and may be used only once by the permit holder to which it was issued to report on a specific export shipment. A permit holder must provide on the statistical document the correct information and exporter certification specified in §300.186. The statistical document must be validated, as specified in §300.187, by NMFS, or another official authorized by NMFS. A list of such officials may be obtained by contacting NMFS. A permit holder requesting U.S. validation for exports should notify NMFS as soon as possible after arrival of the vessel to avoid delays in inspection and validation of the export shipment.

(3) *Reporting requirements.* A permit holder must ensure that the original statistical document, as completed under paragraph (b)(2) of this section, accompanies the export of such products to their export destination. A copy of the statistical document must be postmarked and mailed by said permit holder to NMFS, at an address designated by NMFS, within 24 hours of the time the fish product was exported from the U.S. or a U.S. insular possession. Once a system is available, permit holders will also be able to submit the forms electronically via the Internet.

(c) *Re-exports—(1) Applicability of requirements.* The documentation and reporting requirements of this paragraph apply to exports of fish or fish products regulated under this subpart that were previously entered for consumption into the customs territory of the United States or the separate customs territory of a U.S. insular possession through filing the documentation specified in paragraph (a) of this section. The requirements of this paragraph do not apply to fish products destined from one foreign country to another which transit the United States or a U.S. insular possession and which are designated as an entry type other than entry for consumption as defined in §300.181.

(2) *Documentation requirements.* (i) If a permit holder subdivides or consolidates a shipment that was previously entered for consumption as described in paragraph (c)(1) of this section, the permit holder must complete an original, individually numbered, species-specific re-export certificate issued to that permit holder by NMFS for each such re-export shipment. Such an individually numbered document is not transferable and may be used only once by the permit holder to which it was issued to report on a specific re-export shipment. A permit holder must provide on the re-export certificate the correct information and re-exporter certification specified in §300.186. The permit holder must also attach the original statistical document that

accompanied the import shipment or a copy, and provide the correct information and intermediate importer's certification specified in §300.186, and must note on the top of both the statistical documents and the re-export certificates the entry number assigned by customs authorities at the time of filing the entry summary.

(ii) If a shipment that was previously entered for consumption as described in paragraph (c)(1) of this section is not subdivided into sub-shipments or consolidated, for each re-export shipment, a permit holder must complete the intermediate importer's certification on the original statistical document and note the entry number on the top of the statistical document. Such re-exports do not need a re-export certificate and the re-export does not require validation.

(iii) Re-export certificates must be validated, as specified in §300.187, by NMFS or another official authorized by NMFS. A list of such officials may be obtained by contacting NMFS. A permit holder requesting validation for re-exports should notify NMFS as soon as possible to avoid delays in inspection and validation of the re-export shipment.

(3) *Reporting requirements.* For each re-export, when required under this paragraph (c), a permit holder must submit the original of the completed re-export certificate and the original or a copy of the original statistical document completed as specified under paragraph (c)(2) of this section, to accompany the shipment of such products to their re-export destination. A copy of the completed statistical document and re-export certificate, when required under this paragraph (c), must be postmarked and mailed by said permit holder to NMFS, at an address designated by NMFS, within 24 hours of the time the shipment was re-exported from the U.S. Once a system is available, permit holders will also be able to submit the forms electronically via the Internet.

(d) *Recordkeeping.* A permit holder must retain at his or her principal place of business, a copy of each statistical document and re-export certificate required to be submitted to NMFS pursuant to this section, and supporting records for a period of 2 years from the date on which it was submitted to NMFS.

(e) *Inspection.* Any person responsible for importing, exporting, storing, packing, or selling fish or fish products regulated under this subpart, including permit holders, consignees, customs brokers, freight forwarders, and importers of record, shall be subject to the inspection provisions at §300.183(d).

[69 FR 67277, Nov. 17, 2004, as amended at 71 FR 58163, Oct. 2, 2006]

§ 300.186 Contents of documentation.

(a) *Statistical documents.* To be deemed complete, all statistical documents must state:

- (1) The document number assigned by the country issuing the document.
- (2) The name of the country issuing the document, which must be the country whose flag vessel harvested the fish, regardless of where it is first landed.
- (3) The name of the vessel that caught the fish, the vessel's length (in meters), the vessel's registration number, and the ICCAT record number, if applicable.
- (4) The point of export, which is the city, state or province, and country from which the fish is first exported.
- (5) The product type (fresh or frozen), time of harvest (month/year), and product form (round, gilled and gutted, dressed, fillet, or other).
- (6) The method of fishing used to harvest the fish (e.g., purse seine, trap, rod and reel).
- (7) The ocean area from which the fish was harvested.
- (8) The weight of each fish (in kilograms for the same product form previously specified) or the net weight of each product type, as applicable.
- (9) The name and license number of, and be signed and dated in the exporter's certification block by, the exporter.

(10) If applicable, the name and title of, and be signed and dated in the validation block by, a responsible government official of the country whose flag vessel caught the fish (regardless of where the fish are first landed) or by an official of an institution accredited by said government, with official government or accredited institution seal affixed, thus validating the information on the statistical document.

(11) If applicable, the name(s) and address(es), including the name of the city and state or province of import, and the name(s) of the intermediate country(ies) or the name of the country of final destination, and license number(s) of, and be signed and dated in the importer's certification block by, each intermediate and the final importer.

(b) *Bluefin tuna statistical documents.* Bluefin tuna statistical documents, to be deemed complete, in addition to the elements in paragraph (a) of this section, must also state:

(1) Whether the fish was farmed or captured.

(2) The name and address of the owner of the trap that caught the fish, or the farm from which the fish was taken, if applicable.

(3) The identifying tag number, if landed by vessels from countries with BSD tagging programs, or tagged pursuant to §300.187(d) or §635.5(b) of this title.

(c) *Southern bluefin tuna statistical documents.* To be complete, southern bluefin tuna statistical documents must, in addition to the elements in §300.186(a), also state:

(1) The name and address of the processing establishment, if applicable.

(2) [Reserved]

(d) *Bigeye tuna statistical documents.* To be deemed complete, bigeye tuna statistical documents must, in addition to the elements in paragraph (a) of this section, also state:

(1) The name of the owner of the trap that caught the fish, if applicable.

(2) The net weight of product for each product type (in kilograms for the same product form previously specified).

(e) *Swordfish statistical documents.* To be deemed complete, swordfish statistical documents must, in addition to the elements in paragraph (a) of this section, also state:

(1) Certification by the exporter that, for swordfish harvested from the Atlantic Ocean, each individual Atlantic swordfish included in the shipment weighs at least 15 kilograms (33 lb) dressed weight, or if pieces, that the pieces were derived from a swordfish that weighed at least 15 kilograms (33 lb) dressed weight. Import provisions pertaining to swordfish minimum size are provided at §635.20(f) of this title.

(2) [Reserved]

(f) *Re-export certificates.* To be deemed complete, all re-export certificates, must state:

(1) The document number assigned by the country issuing the document.

(2) The name of the country issuing the document, which must be the country through which the product is being re-exported.

(3) The point of re-export, which is the city, state, or province, and country from which the product was re-exported.

(4) The description of the fish product as imported, including the product type (fresh or frozen), product form (round, gilled and gutted, dressed, fillet, or other), the net weight, flag country of the vessel that harvested the fish in the shipment, and the date of import to the country from which it is being re-exported.

(5) The description of the fish product as re-exported, including the product type (fresh or frozen), product form (round, gilled and gutted, dressed, fillet, or other) and the net weight.

(6) The name and license number (if applicable) of, and be signed and dated in the re-exporter's certification block by, the re-exporter.

(7) If applicable, the name and title of, and be signed and dated in the validation block by, a responsible government official of the re-exporting country appearing on the certificate, or by an official of an institution accredited by said government, with official government or accredited institution seal affixed, thus validating the information on the re-export certificate.

(8) If applicable, the name(s) and address(es), including the name of the city and state or province of import, and the name(s) of the intermediate country(ies) or the name of the country of final destination, and license number(s) of, and be signed and dated in the importer's certification block by each intermediate and the final importer.

(g) *Bluefin tuna re-export certificates*. To be deemed complete, Bluefin tuna re-export certificates must, in addition to the elements in paragraph (f) of this section, also state:

(1) Whether the fish for re-export was farmed.

(2) The name and address of the farm from which the fish was taken.

(h) *Approved statistical documents and re-export certificates*. (1) An approved statistical document or re-export certificate may be obtained from NMFS to accompany exports of fish or fish products regulated under this subpart from the customs territory of the United States or the separate customs territory of a U.S. insular possession.

(2) A nationally approved form from another country may be used for exports to the United States if that document strictly conforms to the information requirements and format of the applicable RFMO documents. An approved statistical document or re-export certificate for use in countries without a nationally approved form may be obtained from the following websites, as appropriate: www.iccat.org, www.iattc.org, www.ccsbt.org, or www.iotc.org to accompany exports to the United States.

§ 300.187 Validation requirements.

(a) *Imports*. The approved statistical document accompanying any import of any fish or fish product regulated under this subpart must be validated by a government official from the issuing country, unless NMFS waives this requirement pursuant to an applicable RFMO recommendation. NMFS will furnish a list of countries for which government validation requirements are waived to the appropriate customs officials. Such list will indicate the circumstances of exemption for each issuing country and the non-government institutions, if any, accredited to validate statistical documents and re-export certificates for that country.

(b) *Exports*. The approved statistical document accompanying any export of fish or fish products regulated under this subpart must be validated, except pursuant to a waiver described in paragraph (d) of this section. Validation must be made by NMFS or another official authorized by NMFS.

(c) *Re-exports*. The approved re-export certificate accompanying any re-export of fish or fish products regulated under this subpart, as required under §300.185(c), must be validated, except pursuant to a waiver described in paragraph (d) of this section. Validation must be made by NMFS or another official authorized by NMFS.

(d) *Validation waiver*. Any waiver of government validation will be consistent with applicable RFMO recommendations concerning validation of statistical documents and re-export certificates. If authorized, such waiver of government validation may include exemptions from government validation for Pacific bluefin tuna with individual BSD tags affixed pursuant to paragraph (f) of this section or for Atlantic bluefin tuna with tags affixed pursuant to §635.5(b) of this title. Waivers will be specified on statistical documents and re-export certificates or accompanying instructions, or in a letter to permit holders from NMFS.

(e) *Authorization for non-NMFS validation*. An official from an organization or government agency seeking authorization to validate statistical documents or re-export certificates accompanying exports or re-exports from the United States, which includes U.S. commonwealths, territories, and possessions, must apply in writing, to NMFS, at an address designated by NMFS for such authorization. The application must indicate the procedures to be used for verification of information to be validated; list the names, addresses, and telephone/fax numbers of individuals to perform validation; procedures to be used to notify NMFS of

validations; and an example of the stamp or seal to be applied to the statistical document or re-export certificate. NMFS, upon finding the applicant capable of verifying the information required on the statistical document or re-export certificate, will issue, within 30 days, a letter specifying the duration of effectiveness and conditions of authority to validate statistical documents or re-export certificates accompanying exports or re-exports from the United States. The effectiveness of such authorization will be delayed as necessary for NMFS to notify the appropriate RFMO of other officials authorized to validate statistical document or re-export certificates. Non-government organizations given authorization to validate statistical documents or re-export certificates must renew such authorization on a yearly basis.

(f) *BSD tags*—(1) *Issuance*. NMFS will issue numbered BSD tags for use on Pacific bluefin tuna upon request to each permit holder.

(2) *Transfer*. BSD tags issued under this section are not transferable and are usable only by the permit holder to whom they are issued.

(3) *Affixing BSD tags*. At the discretion of permit holders, a tag issued under this section may be affixed to each Pacific bluefin tuna purchased or received by the permit holder. If so tagged, the tag must be affixed to the tuna between the fifth dorsal finlet and the keel.

(4) *Removal of tags*. A tag, as defined in this subpart and affixed to any bluefin tuna, must remain on the tuna until it is cut into portions. If the bluefin tuna or bluefin tuna parts are subsequently packaged for transport for domestic commercial use or for export, the number of each dealer tag or BSD tag must be written legibly and indelibly on the outside of any package containing the bluefin tuna or bluefin tuna parts. Such tag number also must be recorded on any document accompanying the shipment of bluefin tuna or bluefin tuna parts for commercial use or export.

(5) *Labeling*. The tag number of a BSD tag affixed to each Pacific bluefin tuna under this section must be recorded on NMFS reports required by §300.183, on any documents accompanying the shipment of Pacific bluefin tuna for domestic commercial use or export as indicated in §§300.185 and 300.186, and on any additional documents that accompany the shipment (e.g., bill of lading, customs manifest, etc.) of the tuna for commercial use or for export.

(6) *Reuse*. BSD tags issued under this section are separately numbered and may be used only once, one tail tag per Pacific bluefin tuna, to distinguish the purchase of one Pacific bluefin tuna. Once affixed to a tuna or recorded on any package, container or report, a BSD tag and associated number may not be reused.

TITLE 16--CONSERVATION

CHAPTER 16--TUNA CONVENTIONS

Sec. 953. General Advisory Committee and Scientific Advisory
Subcommittee

(a) Appointments; public participation; compensation

The Secretary, in consultation with the United States
Commissioners, shall--

(1) appoint a General Advisory Committee which shall be
composed of not less than 5 nor more than 15 persons with
balanced representation from the various groups
participating in the fisheries included under the
conventions, and from nongovernmental conservation
organizations;

(2) appoint a Scientific Advisory Subcommittee which
shall be composed of not less than 5 nor more than 15
qualified scientists with balanced representation from the
public and private sectors, including nongovernmental
conservation organizations;

(3) establish procedures to provide for
appropriate public participation and public meetings
and to provide for the confidentiality of
confidential business data; and

(4) fix the terms of office of the members of the
General Advisory Committee and Scientific Advisory
Subcommittee, who shall receive no compensation for their
services as such members.

(b) Functions

(1) General Advisory Committee

The General Advisory Committee shall be invited to
have representatives attend all nonexecutive meetings of
the United States sections and shall be given full
opportunity to examine and to be heard on all proposed
programs of investigations, reports, recommendations, and
regulations of the Commission. The General Advisory
Committee may attend all meetings of the international
commissions to which they are invited by such
commissions.

(2) Scientific Advisory Subcommittee

(A) Advice

The Scientific Advisory Subcommittee shall
advise the General Advisory Committee and the
Commissioners on matters including--

(i) the conservation of ecosystems;

(ii) the sustainable uses of living marine
resources related to the tuna fishery in the
eastern Pacific Ocean; and

(iii) the long-term conservation and
management of stocks of living marine resources
in the eastern tropical Pacific Ocean.

(B) Other functions and assistance

The Scientific Advisory Subcommittee shall, as

requested by the General Advisory Committee, the United States Commissioners, or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include--

- (i) the review of data from the Program, including data received from the Inter-American Tropical Tuna Commission;
- (ii) recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research;
- (iii) recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments;
- (iv) consulting with other experts as needed; and
- (v) recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or its equivalent).

(3) Attendance at meetings

The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

(Sept. 7, 1950, ch. 907, Sec. 4, 64 Stat. 778; Pub. L. 102-523, Sec. 3(a)(2), Oct. 26, 1992, 106 Stat. 3433; Pub. L. 105-42, Sec. 7(b), Aug. 15, 1997, 111 Stat. 1137.)

Amendments

1997--Pub. L. 105-42 which directed insertion of catchline and general amendment of text of section 4 of the Tuna Conventions Act, was executed to this section, to reflect the probable intent of Congress. Prior to amendment, text read as follows: ``The United States Commissioners shall (a) appoint an advisory committee which shall be composed of not less than five nor more than fifteen persons who shall be selected from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations, and (b) shall fix the terms of office of the members of such committee, who shall receive no compensation for their services as such members. The advisory committee shall be invited to attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the commissions. The advisory committee may attend all meetings of the international commissions to which they are invited by such commissions. ''

1992--Pub. L. 102-523 inserted ``and from nongovernmental conservation organizations, '' after `under the conventions, ''.

Effective Date of 1997 Amendment

For effective date of amendment by Pub. L. 105-42, see section 8 of Pub. L. 105-42, set out as a note under section 1362 of this title.

Termination of Advisory Committees

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

Sec. 955. Secretary of State to act for United States

- (a) Approval of commission bylaws and rules; action on reports, requests, and recommendations

The Secretary of State is authorized to approve or disapprove, on behalf of the United States Government, bylaws and rules, or amendments thereof, adopted by each commission and submitted for approval of the United States Government in accordance with the provisions of the conventions, and, with the concurrence of the Secretary of Commerce, to approve or disapprove the general annual programs of the commissions. The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, recommendations, and other communications of the commissions, and to take appropriate action thereon either directly or by reference to the appropriate authority.

- (b) Regulations

Regulations recommended by each commission pursuant to the convention requiring the submission to the commission of records of operations by boat captains or other persons who participate in the fisheries covered by the convention, upon the concurrent approval of the Secretary of State and the Secretary of Commerce, shall be promulgated by the latter and upon publication in the Federal Register, shall be applicable to all vessels and persons subject to the jurisdiction of the United States.

- (c) Rulemaking procedures; prohibitions

Regulations required to carry out recommendations of the commission made pursuant to paragraph 5 of article II of the Convention for the Establishment of an Inter-American Tropical Tuna Commission shall be promulgated as hereinafter provided by the Secretary of Commerce upon approval of such recommendations by the Secretary of State and the Secretary of Commerce. The Secretary of Commerce shall cause to be published in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (1) submission of written data, views, or arguments, and (2) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations

involved in the issuance of the regulations. After publication in the Federal Register such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of Commerce shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species covered by the convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary of Commerce shall suspend at any time the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission's recommendations. The regulations thus promulgated may include the selection for regulation of one or more of the species covered by the convention; the division of the convention waters into areas; the establishment of one or more open or closed seasons as to each area; the limitation of the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed; the limitation or prohibition of the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish; the requiring of such clearance certificates for vessels as may be necessary to carry out the purposes of the convention and this chapter; and such other measures incidental thereto as the Secretary of Commerce may deem necessary to implement the recommendations of the commission: Provided, That upon the promulgation of any such regulations the Secretary of Commerce shall promulgate additional regulations, with the concurrence of the Secretary of State, which shall become effective simultaneously with the application of the regulations hereinbefore referred to (1) to prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area; and (2) to prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission. In the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the commission's recommendations, the Secretary of Commerce, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the commission and which were taken in the regulatory area. The aforesaid prohibitions shall continue until the Secretary of Commerce is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

(Sept. 7, 1950, ch. 907, Sec. 6, 64 Stat. 778; Pub. L. 87-814, Sec. 2, Oct. 15, 1962, 76 Stat. 923; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

Amendments

1962--Subsecs. (a), (b). Pub. L. 87-814 substituted ``Secretary of the Interior '' for ``head of the enforcement agency ''. Subsec. (c). Pub. L. 87-814 added subsec. (c).

Transfer of Functions

``Secretary of Commerce '' substituted in text for ``Secretary of the Interior '' in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

Title of Law: Consolidated Appropriations Act, 2001
Law #: Public Law 106-554
Passed by Congress: 106th Congress (2nd Session)

HRpt 106-1033 CONFERENCE REPORT to accompany H.R. 4577 - MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2001
Conference Committee
(12/15/00)

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Mr. YOUNG of Florida, from the committee of conference, submitted the following
CONFERENCE REPORT [To accompany H.R. 4577]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:
SECTION 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

- (1) H.R. 5656, as introduced on December 14, 2000.
- (2) H.R. 5657, as introduced on December 14, 2000.
- (3) H.R. 5658, as introduced on December 14, 2000.
- (4) H.R. 5666, as introduced on December 15, 2000.
- (5) H.R. 5660, as introduced on December 14, 2000.
- (6) H.R. 5661, as introduced on December 14, 2000.
- (7) H.R. 5662, as introduced on December 14, 2000.
- (8) H.R. 5663, as introduced on December 14, 2000.
- (9) H.R. 5667, as introduced on December 15, 2000.

SEC. 219. (a) Congress makes the following findings:

- (1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.
- (2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42

U.S.C. 1320b-8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to-

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(b) Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended-

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either-

"(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of-

"(I) January 1, 2002; or

"(II) the completion of recertification under the requirements of clause (ii); or "(ii) is defined through regulations that are

promulgated by the Secretary by not later than January 1, 2002, that-

"(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

"(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

"(III) use multiple outcome measures as part of the certification process; and

"(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;"

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MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes \$246,747,000 for mine safety and health administration, salaries and expenses instead of \$233,000,000 as proposed by the House and \$244,747,000 as proposed by the Senate. The conference agreement includes \$2,500,000 over the budget request for physical improvements at the National Mine Safety and Health Academy.

The conference agreement includes language proposed by the Senate that allows MSHA to retain and spend up to \$1,000,000 in fees collected for the approval and certification of mine equipment and materials. The conference agreement also includes language establishing a \$1,000,000 contingency fund for mine rescue and recovery activities. The House bill contained no similar provisions.

Concerns have been expressed about the possible ramifications of a rulemaking on the use of conveyor belts in underground coal mines, including concerns about the validity of the testing on which the rule is based. MSHA is urged to carefully examine the record and to conduct additional research that may be required to address any significant concerns that have been raised.

The conferees are extremely concerned by a recent catastrophe in Eastern Kentucky. Millions of gallons of slurry coal waste broke free

from an impoundment causing considerable damage to the environment and disrupting water supply for citizens along the Big Sandy and Ohio Rivers. The conferees believe this event warrants a thorough examination of current coal waste disposal methods and an exploration of future dumping alternatives. Therefore, the conference agreement includes \$2,000,000 for a contract with the National Academy of Sciences to examine engineering standards for coal waste impoundments, provide recommendations for improving impoundment structure stabilization, and evaluate potential alternatives for future coal waste disposal, including the benefits of each alternative. The Academy shall seek the participation of representatives of relevant federal, state, and private entities, to include MSHA, OSM, EPA, Corps of Engineers, State mining authorities, and mining companies. Findings of this study shall be conveyed to the Committees on Appropriations no later than October 15, 2001.

The conference agreement includes bill language identifying \$589,000,000 for the Ryan White Title II State AIDS drug assistance programs instead of \$554,000,000 as proposed by the House and \$538,000,000 as proposed by the Senate. The conferees concur with Senate report language regarding the Institute of Medicine study to evaluate the effectiveness of the current role and structure of the Ryan White CARE Act and the efforts to create a national consumer and provider education center within pediatric HIV/AIDS. The conferees concur with the language of the Senate report regarding a study of the structure of NIH and expect to receive a report and recommendations one year from the date of confirmation of the new NIH Director.

The conferees are troubled by the Institute recent of Medicine study which und that fo as mny as 98,000 death are caused by medical rrors each year. The conferees proided have an additional \$50,000,000 the to agency determine ways to reduce medical rs. The erro conferees are supportive a study of to determine the impa extended work hours for registered nurses on patient safety.

The agreement includes \$10,000,000 for research that investigates the relationship between the health care workplace and its impact on medical errors and the quality of care provided to patients. Efforts to restructure the health care workplace, often in response to pressures to reduce costs, suggest that work environment and processes have had an impact on health and quality of workers' lives as well as the patients for whom they care. As we have learned from the experience of the aviation industry, reducing errors and promoting safety are a result of improving workforce systems. Likewise, it is important that workforce considerations be integrated into efforts to reduce medical errors and promote patient safety. The conferees believe that better understanding of these workforce considerations will lead to improved workplace practices and better outcomes for patients.

The conferees support the efforts of the Agency for Healthcare Research and Quality, the National Institute for Occupational Safety and Health, the Department of Labor, and other agencies to work jointly and coordinate their work to improve healthcare quality, patient safety, and worker safety in health care facilities, through such activities as the October 2000 jointly sponsored conference on "Enhancing Working Conditions and Patient Safety: Best Practices." The conferees urge that such coordinated efforts be continued.

The conferees strongly urge the agency to enhance its investigator-initiated research funding through all available mechanisms, as appropriate.

-\$500,000 to fund, through a contract with the National Academy of Sciences, an evaluation on children's health. This evaluation should assess the adequacy of currently available methods for assessing risks to children, identify scientific uncertainties associated with these methods, and develop a prioritized research agenda to reduce such uncertainties and improve risk assessment for children's health and safety;

The conferees request the Secretary to provide a report to the House and Senate Appropriations Committees by May 1, 2001 on the Department's review and action steps taken in response to the Institute of Medicine's report, "No Time to Lose: Getting More from HIV Prevention." This should include a review of current investments in HIV pre vention as t hey relate to the iss ues raised by t he Institute of Medicine.

The conferees encourage the Secretary to consider funding a study by the National Research Council of the National Academy of Sciences which provides a balanced evaluation of the consequences of high stakes testing, using data from a representative sample of states and local educational agencies. The evaluation may examine the consequences for students in general, minority students and students with limited English proficiency related to academic achievement, dropout and retention rates, quality of instruction, and the extent to which parents are informed about assessment results and consequences.

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$750,000, to remain available until expended, for a study by the National Academy of Sciences pursuant to H.R. 2090, as passed by the House of Representatives on September 12, 2000.

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SEC. 209. IMPLEMENTATION OF STELLER SEA LION PROTECTIVE MEASURES.-

(a) FINDINGS.-The Congress finds that-

(1) the western population of Steller sea lions has substantially declined over the last twenty-five years.

(2) scientists should closely research and analyze all possible factors relating to such decline, including the possible interactions between commercial fishing and Steller sea lions and the localized depletion

(3) the authority to manage commercial fishing in federal waters lies with the regional councils and the Secretary of Commerce (hereafter in this section "Secretary") pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (hereafter in this section "Magnuson-Stevens Act"); and

(4) the Secretary of Commerce shall comply with the Magnuson-Stevens Act when using fishery management plans and regulations to implement the decisions made pursuant to findings under the Endangered Species Act, and shall utilize the processes and procedures of the regional fishery management councils as required by the Magnuson-Stevens Act.

(b) INDEPENDENT SCIENTIFIC REVIEW.-The North Pacific Fishery Management Council (hereafter in this section "North Pacific Council") shall utilize the expertise of the National Academy of Sciences to conduct an independent scientific review of the November 30, 2000 Biological Opinion for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries (hereafter in this section "Biological Opinion"), its underlying hypothesis, and the Reasonable and Prudent Alternatives (hereafter in this section "Alternatives") contained therein. The Secretary shall cooperate with the independent scientific review, and the National Academy of Sciences is requested to give its highest priority to this review.

(c) PREPARATION OF FISHERY MANAGEMENT PLANS AND REGULATIONS TO IMPLEMENT PROTECTIVE MEASURES IN THE NOVEMBER 30, 2000 BIOLOGICAL OPINION.-

(1) The Secretary of Commerce shall submit to the North Pacific Council proposed conservation and management measures to implement the Alternatives contained in the November 30, 2000 Biological Opinion for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries. The North Pacific Council shall prepare and transmit to the Secretary a fishery management plan amendment or amendments to implement such Alternatives that are consistent with the Magnuson-Stevens Act (including requirements in such Act relating to best available science, bycatch reduction, impacting on fishing communities, the safety of life at sea, and public comment and hearings.)

(2) The Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries shall be managed in a manner consistent with the Alternatives contained in the Biological Opinion, except as otherwise provided in this section. The Alternatives shall become fully effective no later than January 1, 2002, as revised if necessary and appropriate based on the independent scientific review referred to in subsection (b) and other new information, and shall be phased in in 2001 as described in paragraph (3).

(3) The 2001 Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries shall be managed in accordance with the fishery management plan and federal regulations in effect for such fisheries prior to July 15, 2000, including-

(A) conservative total allowable catch levels;

(B) no entry zones within three miles of rookeries;

(C) restricted harvest levels near rookeries and haul-outs;

(D) federally-trained observers;

(E) spatial and temporal harvest restrictions;

(F) federally-mandated bycatch reduction programs; and

(G) additional conservation benefits provided through cooperative fishing arrangements, and said regulations are hereby restored to full force and effect.

(4) The Secretary shall amend these regulations by January 20, 2001, after consultation with the North Pacific Council and in a

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

The agreement provides \$100,000,000 to the Library of Congress to establish a national digital information infrastructure and preservation program. Of this amount, \$25,000,000 is provided immediately and remains available until expended. An additional amount up to \$75,000,000 is provided to match dollar-for-dollar any nonfederal contributions to this program, including in-kind contributions, that are received before March 31, 2003. The information and technology industry that has created this new medium should be a contributing partner in addressing digital access and preservation issues inherent in the new digital information environment. This program is a major undertaking to develop standards and a nationwide collecting strategy to build a national repository of digital materials.

The Library is directed to develop a phased implementation plan for this program jointly with Federal entities with expertise in telecommunications technology and electronic commerce policy and with participation of other Federal and non-Federal entities. After consultation with the Joint Committee on the Library, membership of which is changed to include the chair of the Legislative Subcommittee of the Committee on Appropriations of the House of Representatives, the Library shall seek approval of the program plan from the Committee on House Administration, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate. The Library of Congress is authorized to expend up to \$5,000,000, before approval of the plan, for the development of the plan and for collecting or preserving digital information that may otherwise vanish during the plan development and approval cycle.

The overall plan should set forth a strategy for the Library of Congress, in collaboration with other Federal and non-Federal entities, to identify a national network of libraries and other organizations with responsibilities for collecting digital materials that will provide access to and maintain those materials. In addition to developing this strategy, the plan shall set forth, in concert with the Copyright Office, the policies, protocols, and strategies for the long-term preservation of such materials, including the technological infrastructure required at the Library of Congress. In developing the plan, the Library should be mindful of the conclusions drawn in a recent National Academy of Sciences report concerning the Library's trend toward insularity and isolation from its clients and peers in the transition toward digital content.

SEC. 123. STUDY ON MEDICARE COVERAGE OF ROUTINE THYROID SCREENING.

(a) STUDY.-The Secretary of Health and Human Services shall request the National Academy of Sciences, and as appropriate in conjunction with the United States Preventive Services Task Force, to conduct a study on the addition of coverage of routine thyroid screening using a thyroid stimulating hormone test as a preventive benefit provided to medicare beneficiaries under title XVIII of the Social Security Act for some or all medicare beneficiaries. In conducting the study, the Academy shall consider the short-term and long-term benefits, and costs to the medicare program, of such addition.

(b) REPORT.-Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report on the findings of the study conducted under subsection (a) to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate.

Section 123. Study on Medicare coverage of routine thyroid screening

The provision would require the Secretary to request the National Academy of Sciences, and as appropriate in conjunction with the United States Preventive Services Task Force, to analyze the addition of routine thyroid screening under Medicare. The analysis would consider the short term and long term benefits, and cost to Medicare, of adding such coverage for some or all beneficiaries.

Sec. 108. National Research Council reports.

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.-The head of each agency with a budget of more than \$50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to-

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including-

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to-

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.-

(1) IN GENERAL.-In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included-

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.-To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.-The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.-The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate-

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

manner consistent with all law, including the Magnuson-Stevens Act, and consistent with the Alternatives to the maximum extent practicable, subject to the other provisions of this subsection.

(5) The harvest reduction requirement ("Global Control Rule") shall take effect immediately in any 2001 groundfish fishery in which it applies, but shall not cause a reduction in the total allowable catch of any fishery of more than ten percent.

(6) In enforcing regulations for the 2001 fisheries, the Secretary, upon recommendation of the North Pacific Council, may open critical habitat where needed, adjust seasonal catch levels, and take other measures as needed to ensure that harvest levels are sufficient to provide income from these fisheries for small boats and Alaskan onshore processors that is no less than in 1999.

(7) The regulations that are promulgated pursuant to paragraph (4) shall not be modified in any way other than upon recommendation of the North Pacific Council, before March 15, 2001.

(d) SEA LION PROTECTION MEASURES.-\$20,000,000 is hereby appropriated to the Secretary of Commerce to remain available until expended to develop and implement a coordinated, comprehensive research and recovery program for the Steller sea lion, which shall be designed to study-

- (1) available prey species;
- (2) predator/prey relationships;
- (3) predation by other marine mammals;
- (4) interactions between fisheries and Steller sea lions, including the localized depletion theory;
- (5) regime shift, climate change, and other impacts associated with changing environmental conditions in the North Pacific and Bering Sea;
- (6) disease;
- (7) juvenile and pup survival rates;
- (8) population counts;
- (9) nutritional stress;
- (10) foreign commercial harvest of sealions outside the exclusive economic zone;
- (11) the residual impacts of former government-authorized Steller sea lion eradication bounty programs; and
- (12) the residual impacts of intentional lethal takes of Steller sea lions. Within available funds the Secretary shall implement on a pilot basis innovative non-lethal measures to protect Steller sea lions from marine mammal predators including killer whales,

(e) ECONOMIC DISASTER RELIEF.-\$30,000,000 is hereby appropriated to the Secretary of Commerce to make available as a direct payment to the Southwest Alaska Municipal Conference to distribute to fishing communities, businesses, community development quota groups, individuals, and other entities to mitigate the economic losses caused by Steller sea lion protection measures heretofore incurred; provided that the President of such organization shall provide a written report to the Secretary and the House and Senate Appropriations Committee within six months of receipt of these funds.

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes \$750,000 for a study by the National Academy of Sciences pursuant to H.R. 2090, as passed by the House of Representatives on September 12, 2000.

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(2) not later than 6 years after that date of enactment, an update of such report.

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***** Senate Report 106-293 To accompany S. 2553 - DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATION BILL, 2001 Senate Appropriations (05/12/00)

The Committee recognizes the recent advances in the treatment and medical care of persons with HIV disease and the need for early access to these interventions and services. Furthermore, the Committee understands that disparities exist in accessing and maintaining the benefits of these recent advances among communities highly impacted by HIV and AIDS. The Committee requests that the Secretary fund an independent study through the Institute of Medicine to evaluate the effectiveness of the current role and structure of the Ryan White CARE Act programs on improving access to effective HIV treatments among underserved communities. The report should include a review of the current structure of the types of services funded through the CARE Act and their relation to medical care, mechanisms to assure access to quality medical services to underserved and uninsured populations, and the effectiveness of the funding allocation formulas in targeting communities of the greatest need. The report should include recommendations to ensure that all persons with HIV-infection have reasonable access to new treatments and quality medical care and providers. The study should be made available by the end of the fiscal year.

Coordination.-The Committee is extremely pleased with the scientific advances that have been made over the past several years due to the Nation’s support for biomedical research at NIH. However, the Committee also notes the proliferation of new entities at NIH, raising concerns about coordination. While the Committee continues to have confidence in NIH’s ability to fund outstanding research and to ensure that new knowledge will benefit all Americans, the fundamental changes in science that have occurred lead us to question whether the current NIH structure and organization are optimally configured for the scientific needs of the Twenty-first Century. Therefore, the Committee has provided to the NIH Director sufficient funds to undertake, through the National Academy of Sciences, a study of the structure of NIH. The Committee expects to receive a report and recommendations by December 31, 2001.

***** HR2090 Greenwood (R.-Pa.) 09/12/00 Engrossed (passed) in House

To direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

AN ACT

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Exploration of the Seas Act".

SEC. 2. FINDINGS. Congress finds the

following:

- (1) During the past 100 years, scientists working with marine fossils, both underwater and high in the mountains, have traced the origins of life on Earth to the sea, beginning approximately 3 billion years ago. Today, life on our planet remains dependent on the vitality of the sea.
- (2) More than two-thirds of the Earth’s surface is covered by water, with oceans and inland seas accounting for almost 140 million square miles.

(3) The United Nations forecasts a worldwide population of 8.9 billion by the year 2050, a 50 percent increase from 5.9 billion in 1999. As this trend in population growth continues, increasing demands will be placed on ocean and coastal resources, not only as a result of population growth in coastal regions, but also from the need to harvest increasing amounts of marine life as a source of food to satisfy world protein requirements, and from the mining of energy-producing materials from offshore resource deposits.

(4) The ocean remains one of the Earth's last unexplored frontiers. It has stirred our imaginations over the millennia, led to the discovery of new lands, immense mineral deposits, and reservoirs of other resources, and produced startling scientific findings. Recognizing the importance of the marine environment, the need for scientific exploration to expand our knowledge of the world's oceans is crucial if we are to ensure that the marine environment will be managed sustainably.

(5) The seas possess enormous economic and environmental importance. Some ocean resources, such as fisheries and minerals, are well recognized. Oil use has increased dramatically in recent times, and the sea bed holds large deposits of largely undiscovered reserves. Other ocean resources offer promise for the future. In addition to fossil fuels, the ocean floor contains deposits of gravel, sand, manganese crusts and nodules, tin, gold, and diamonds. Marine mineral resources are extensive, yet poorly understood.

(6) The oceans also offer rich untapped potential for medications. Marine plants and animals possess inestimable potential in the treatment of human illnesses. Coral reefs, sometimes described as the rain forests of the sea, contain uncommon chemicals that may be used to fight diseases for which scientists have not yet found a cure, such as cancer, acquired immunodeficiency syndrome (AIDS), and diabetes. While the number of new chemical compounds that can be derived from land based plants and microbial fermentation is limited, scientists have only just begun to explore the sea's vast molecular potential.

(7) In spite of the development of new technologies, comparatively little of the ocean has been studied. The leadership role of the United States has been eroded by a gradual decrease in funding support, even while public opinion surveys indicate that ocean exploration is at least as important as space exploration.

(8) The National Academy of Sciences has the means by which to study and make determinations regarding the adoption and establishment of a coordinated oceanography program for the exploration of the seas, in which the National Oceanic and Atmospheric Administration could participate in a role similar to that of the National Aeronautics and Space Administration with regard to the International Space Station.

SEC. 3. COORDINATED OCEANOGRAPHIC PROGRAM ADVISORY PANEL.

(a) IN GENERAL.- Not later than 60 days after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall contract with the National Academy of Sciences to establish the Coordinated Oceanography Program Advisory Panel (in this Act referred to as the "Panel"), comprised of experts in ocean studies, including individuals with academic experience in oceanography, marine biology, marine geology, ichthyology, and ocean related economics.

(b) CHAIRPERSON AND VICE CHAIRPERSON.-The Panel shall elect a chairperson and a vice-chairperson.

(c) TERMINATION.-The Panel shall cease to exist 30 days after submitting its final report and recommendations pursuant to section 4.

SEC. 4. REPORT AND RECOMMENDATIONS.

(a) IN GENERAL.- No later than 18 months after its establishment, the Panel shall report to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility and social value of a coordinated oceanography program. In preparing its report, the Panel shall examine existing oceanographic efforts and the level of coordination or cooperation between and among participating countries and institutions.

(b) INTERNATIONAL WORKSHOP.- To assist in making its feasibility determination under subsection (a), the Panel shall convene an international workshop with participation from interested nations and a broad range of persons representing scientists, engineers, policy makers, regulators, industry, and other interested parties.

(c) FINAL REPORT.- The Panel shall include in its final report recommendations for a national oceans exploration strategy, which will-

- (1) define objectives and priorities, and note important scientific, historic, and cultural sites;
- (2) promote collaboration among research organizations;

- (3) examine the potential for new ocean exploration technologies;
- (4) describe those areas of study in which national or international oceanographic cooperation is currently being undertaken;
- (5) identify areas of study in which knowledge of the oceans is inadequate;
- (6) ensure coordination with the National Oceanic and Atmospheric Administration's Marine Protected Area Center;
- (7) ensure that newly discovered organisms with medicinal or commercial potential are identified for possible research and development; and
- (8) identify countries and organizations that would be likely to participate in a coordinated oceanography program.

(d) IMPLEMENTATION.- If the Panel determines that a coordinated oceanography program is feasible and has significant value for advancing mankind's knowledge of the ocean, the Panel shall include in its final report recommendations for implementing such program, including recommendations regarding--

(1) the institutional arrangements, treaties, or laws necessary to implement a coordinated oceanography program;

(2) the methods and incentives needed to secure cooperation and commitments from participating nations to ensure that the benefit that each nation that is a party to any international agreement establishing a coordinated oceanography program receives is contingent upon meeting the nation's obligations (financial and otherwise) under such an agreement;

(3) the costs associated with establishing a coordinated oceanography program;

(4) the types of undersea vehicles, ships, observing systems, or other equipment that would be necessary to operate a coordinated oceanography program; and

(5) how utilization of aboriginal observational data and other historical information may be best incorporated into a coordinated oceanography program.

SEC. 5. OBTAINING DATA.

Subject to national security restrictions, the Panel may obtain from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chairperson of the Panel, the head of any department or agency shall furnish that information at no cost to the Panel.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of carrying out this Act, and to remain available until expended, \$1,500,000.

Passed the House of Representatives September 12, 2000.

104-297

SEC. 402. INFORMATION COLLECTION⁷ 16 U.S.C. 1881a

(a) COUNCIL REQUESTS.--If a Council determines that additional information (other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information (other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this subsection regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(b) CONFIDENTIALITY OF INFORMATION.--

(1) Any information submitted to the Secretary by any person in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except--

(A) to Federal employees and Council employees who are responsible for fishery management plan development and monitoring;

(B) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(C) when required by court order;

(D) when such information is used to verify catch under an individual fishing quota program;

(E) that observer information collected in fisheries under the authority of the North Pacific Council may be released to the public as specified in a fishery management plan or regulation for weekly summary bycatch information identified by vessel, and for haul-specific bycatch information without vessel identification; or

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

(2) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or

construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (1)(E).

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.--

(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

(d) CONTRACTING AUTHORITY.--Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if--

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) RESOURCE ASSESSMENTS.--

(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2) The Secretary, in consultation with the appropriate Council and the fishing industry--

(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

**Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of
2006 (Enrolled as Agreed to or Passed by Both House and Senate)**

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

- (a) IN GENERAL- Section 303(a) (16 U.S.C. 1853(a)) is amended--
- (1) by striking `and charter fishing' in paragraph (5) and inserting `charter fishing, and fish processing';
 - (2) by inserting `economic information necessary to meet the requirements of this Act,' in paragraph (5) after `number of hauls,';
 - (3) by striking `and' after the semicolon in paragraph (9)(A);
 - (4) by inserting `and' after the semicolon in paragraph (9)(B);
 - (5) by inserting after paragraph (9)(B) the following:
 - (C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;';
 - (6) by striking `fishery' the first place it appears in paragraph (13) and inserting `fishery, including its economic impact,';
 - (7) by striking `and' after the semicolon in paragraph (13);
 - (8) by striking `allocate' in paragraph (14) and inserting `allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,';
 - (9) by striking `fishery.' in paragraph (14) and inserting `fishery and;' and
 - (10) by adding at the end the following:
 - (15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.'
- (b) EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES- The amendment made by subsection (a)(10)--
- (1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect--
 - (A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and
 - (B) in fishing year 2011 for all other fisheries; and
 - (2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and
 - (3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).
- (c) CLARIFICATION OF REBUILDING PROVISION- Section 304(e) (16 U.S.C. 1854(e)) is amended--
- (1) by striking `one year of' in paragraph (3) and inserting `2 years after';
 - (2) by inserting `and implement' after `prepare' in paragraph (3);

III. Data

OMB Control Number: 0648–0151.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Non-profit institutions; state, local, or tribal government; business or other for-profit organizations.

Estimated Number of Respondents: 71.

Estimated Time per Response: 339 hours for an Incidental Harassment Authorization (IHA) application; 310 hours for an IHA interim report (if applicable); 422 hours for an IHA draft annual report; 163 hours for an IHA final annual report (if applicable); 1,100 hours for the initial preparation of an application for new regulations; 70 hours for an annual Letter of Authorization (LOA) application; 220 hours for a LOA draft annual report; 65 hours for a LOA final annual report (if applicable); 625 hours for a LOA draft comprehensive report; and 300 hours for a LOA final comprehensive report (if applicable). Response times will vary for the public based upon the complexity of the requested action.

Estimated Total Annual Burden Hours: 27,814.

Estimated Total Annual Cost to Public: \$358,000 in capital costs (if applicable) and \$3,575 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: May 10, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–11502 Filed 5–13–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Highly Migratory Species Dealer Reporting Family of Forms**

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

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 13, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Craig Cockrell, (301) 713–2347 or Craig.Cockrell@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the National Marine Fisheries Service (NMFS) is responsible for management of the Nation's marine fisheries. NMFS must also carry out, as necessary and appropriate, obligations the United States undertakes internationally regarding tuna management through the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). NMFS must collect domestic landings data for Atlantic highly migratory species (HMS) via dealer reports in order to provide information vital for fishery management. In addition, the United States must monitor the import, export, and re-export of bluefin tuna, frozen bigeye tuna, and swordfish in order to comply with international obligations established through membership in the International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT has implemented a trade monitoring program for bluefin tuna, frozen bigeye

tuna, and swordfish to discourage illegal, unregulated, and unreported fishing activities as well as to further understand catches of and international trade in these species. Similar objectives are the basis for the Southern bluefin tuna (BFT) trade monitoring program established by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). Although the United States is not a member of the CCSBT, effective management of the Southern bluefin tuna resource is in the best interest of affected parties in the United States. Thus, the United States has implemented the CCSBT trade monitoring program, along with the analogous ICCAT programs.

This collection serves as a family of forms for Atlantic HMS dealer reporting requirements, including for the purchase of HMS from fishermen, and the import, export, and/or re-export of HMS.

II. Method of Collection

Information is submitted via mail or fax.

III. Data

OMB Control Number: 0648–0040.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,456.

Estimated Time per Response: 5 minutes each for catch and statistical documents and re-export certificates; 1 minute for tagging; 2 hours for validation; 15 minutes for HMS International Trade biweekly report; 15 minutes for Southeast Region HMS biweekly dealer report and Northeast Region trip tickets; 3 minutes for Southeast Region HMS biweekly dealer negative reporting; 15 minutes for Atlantic BFT biweekly dealer report; 2 minutes for Atlantic BFT landing cards.

Estimated Total Annual Burden Hours: 6,794.

Estimated Total Annual Cost to Public: \$11,612 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: May 10, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-11497 Filed 5-13-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-820]

Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On January 8, 2010, the Department of Commerce (“the Department”) published the preliminary results of the antidumping duty administrative review for certain hot-rolled carbon steel flat products from India (“Indian Hot-Rolled”). See *Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Preliminary Results of Antidumping Duty Administrative Review, and Intent to Rescind in Part*, 75 FR 1031 (January 8, 2010) (“Preliminary Results”). The review covers one respondent, Essar Steel Limited (“Essar”). The period of review (“POR”) is December 1, 2007, through November 30, 2008. We invited parties to comment on our Preliminary Results. We did not receive any comments and we have made no changes for the final results of review.

EFFECTIVE DATE: May 14, 2010.

FOR FURTHER INFORMATION CONTACT: Joy Zhang or James Terpstra, AD/CVD Operations Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1168 and (202) 482-3965, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 8, 2010, the Department published the *Preliminary Results*. Since the *Preliminary Results*, we have not received any comments from interested parties.

Scope of the Order

The merchandise subject to this order is certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this order.

Specifically included in the scope of this order are vacuum-degassed, fully stabilized (commonly referred to as interstitial-free “IF”) steels, high-strength low-alloy (“HSLA”) steels, and the substrate for motor lamination steels. IF steels are recognized as low-carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (“HTSUS”), are products in which: i) iron predominates, by weight, over each of the other contained elements; ii) the carbon content is 2 percent or less, by weight; and iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 1.80 percent of manganese, or
- 2.25 percent of silicon, or
- 1.00 percent of copper, or
- 0.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 1.25 percent of nickel, or

- 0.30 percent of tungsten, or
- 0.10 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.15 percent of vanadium, or
- 0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- * Alloy hot-rolled carbon steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, American Society for Testing and Materials (“ASTM”) specifications A543, A387, A514, A517, A506).

- * Society of Automotive Engineers (“SAE”)/American Iron & Steel Institute (“AISI”) grades of series 2300 and higher.

- * Ball bearings steels, as defined in the HTSUS.

- * Tool steels, as defined in the HTSUS.

- * Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.

- * ASTM specifications A710 and A736.

- * United States Steel (“USS”) Abrasion-resistant steels (USS AR 400, USS AR 500).

- * All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).

- * Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this order is currently classifiable in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90.

Certain hot-rolled carbon steel covered by this order, including: vacuum-degassed fully stabilized; high-strength low-alloy; and the substrate for motor lamination steel may also enter under