

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 04/13/2011

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 02/14/2011

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201102-0648-002
AGENCY ICR TRACKING NUMBER:
TITLE: Pacific Tuna Fisheries Logbook
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0148

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: 04/30/2014

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	1,425	119	41
New	1,275	106	33
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-150	-13	-8
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
Pacific Tuna Fisheries Logbook	NA	Seiner Fishing Record and Bridge Log	

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
	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
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
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, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
PACIFIC TUNA FISHERIES LOGBOOK
OMB CONTROL NO. 0648-0148**

A. JUSTIFICATION

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

This request is for renewal of a currently approved information collection.

U.S. participation in the Inter-American Tropical Tunas Commission (IATTC) results in certain record keeping requirements for United States (U.S.) fishermen who fish in the IATTC's area of management responsibility. Under Federal regulations ([50 CFR Part 300 Subpart C](#)), these fishermen must maintain a log of all operations conducted from the fishing vessel, entering the date, noon position (latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. This record keeping requirement may be met by using the bridge log, which is furnished and collected from fishermen by the IATTC. As a practical matter, all U.S. fishermen use the IATTC log rather than having to maintain two logbooks, and there is no separate National Marine Fisheries Service (NMFS) form now in use. The record keeping requirements provide information that is needed to assess the impacts of fishing on tuna stocks and non-target species, and to evaluate the effectiveness of management measures. Failure to provide the data could result in erroneous stock assessments and cause inappropriate responses in management in the future. The authority to implement Federal rules to meet U.S. responsibilities to the IATTC is set forth in [the Tuna Conventions Act of 1950](#) (16 U.S.C. 951-962).

The record keeping requirements provide information needed to assess the impacts of fishing on tuna stocks and to evaluate the effectiveness of management measures.

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.

The specific recordkeeping requirements are set forth in the regulations. Among the data entered daily are the date, the amount of fish on board by species, and the noon location of the vessel. The IATTC log form provides this information as well as additional information, which the fisherman may include but is not required to record under the Federal regulations. U.S. fishermen in fact collect and record all the requested information on the IATTC form (English example from the form and instructions which are in both English and Spanish). These data are used with data from other fishing nations to monitor amounts and areas of catch by species and to assess annually the distribution and abundance of different tuna stocks. The information also is used to determine whether changes in management strategies can increase the yield from or productivity of the stocks, e.g., targeting larger fish to increase yield per trip. The time of gear

deployment is important so that the impacts of alternate strategies (e.g., time/area closures or time of day fishing restrictions) on the fisheries can be assessed. The type of school is important in determining yield potentials as fishing on certain kinds of schools may result in greater mortality of juvenile fish or fish of certain species. The specification of wells in which fish are placed is important because landings are sampled and catches by species and size or gender can then be allocated by area and season of fishing to determine key spawning areas or possibly areas in which fishing should be restricted in the future to increase yields and values from the fishery.

Current and former member nations are continuing to provide data to ensure that the time series of data is not broken. All nations recognize an ongoing interest in maintaining the ability to assess the status of stocks and conditions in the fisheries even in the absence of an active regulatory program.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (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. Prior to dissemination, the information will be subjected to quality control measures and a 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.

The collection of information does not involve the use of automated, electronic, mechanical, or other technological techniques. The information being submitted is the least necessary to carry out U.S. obligations as party to the Convention and is collected in the least burdensome manner known. The IATTC has not proposed moving towards an electronic logbook; thus, U.S. vessel owners are obligated to submit the information using the paper logbook.

Forms are sent out with new permits, and may also be requested from NMFS, Southwest Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802 or by emailing chris.fanning@noaa.gov .

4. Describe efforts to identify duplication.

NMFS has sole Federal authority to obtain these data. NMFS has coordinated with the IATTC and the State of California to eliminate redundancy between the Federally-mandated reports and logbooks or landings reports required by the IATTC and the State respectively. The NMFS also coordinates with other private and public organizations collecting or compiling information on catches and effort in the regulatory area to prevent duplication. This is necessary because a large portion of U.S. vessels' catches are landed in ports outside California. The logbooks are an important component of this coordinated data collection program. There are no other programs

that would result in the same information being available to the United States and the IATTC on the necessary schedule and which would satisfy U.S. reporting requirements.

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

All practicable steps to minimize the burden on large and small entities have been taken. Recordkeeping requirements are directly proportional to each firm's level of activity. Thus, occasional, part-time or local vessels harvesting small amounts of tuna spend less time collecting and reporting data than the larger firms. As a practical matter, the U.S. fleet operating in the eastern tropical Pacific has declined in recent years both overall and through the shift of many participants to the Western and Central Pacific Ocean. The remaining vessels are generally of comparable size and are affected in a similar manner.

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

If these data were not collected, there would be a significant gap in the database needed by the IATTC and the United States to complete stock assessments, determine U.S. interests in the fishery, and conduct evaluations of fishery management strategies to achieve the maximum economic yield from the fishery. The United States would be less able to protect or enhance U.S. benefits from fishing under the Convention. The United States also would not meet its commitments under the Tuna Conventions Act. The risk of erroneous stock assessments and inappropriate management also would be increased.

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

Not Applicable.

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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published October 12, 2010 (75 FR 62503), solicited public comment on this renewal. No comments were received.

Consultations on data collection and reporting (among other matters) take place annually at the meeting of IATTC, the latest meeting having been in September 2010. Feedback from the Commission staff and from industry is the primary means for considering possible changes in the collection. In addition, the Department of State has chartered a General Advisory Committee to advise the U.S. Commissioners to the IATTC and the Department of State on management issues

facing the IATTC, including data submission and reporting needs. Among the members are representatives of the U.S. tuna fishing and processing industries and non-governmental organizations.

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

No payments or gifts are made to any respondents.

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

As stated on the forms, individual firm data are submitted to the IATTC and are not released to the public; only aggregated data or data with vessel identifiers removed are releasable. These procedures are consistent with [NOAA Administrative Order 216-100](#) governing the management of confidential data. The data also are maintained as confidential by the IATTC as they reveal the business practices of individual firms, and release of the data could be harmful to the firm involved.

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 sensitive questions are asked.

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

The burden estimate for record keeping and reporting is 106 hours per year, derived as follows:

Five full-time and ten part-time vessels.

5 vessels x 195 reports (one per day fished per year) = 975 responses x 5 minutes per entry = 81 hours

10 vessels x 30 reports (one per day fished per year) = 300 responses x 5 minutes per entry = 25 hours

Respondents = 5 + 10 = 15.

Responses = 975 + 300 = 1,275.

Hours = 81 + 25 = 106.

Logbook records are maintained on a daily basis. The average vessel makes between three and four trips per year; thus, three or four submissions of logbooks (one per trip, including an entry for each day of that trip) would be made for each vessel if the IATTC form is used. The above estimate incorporates time for assembling and delivering the logbook data.

The estimated annual **labor** cost to respondents is estimated at \$2,120, which was derived as follows:

106 hours x \$20.00/hr (including overhead) = \$2,120.

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).

There are no start-up or capital costs; forms are provided by the IATTC and no equipment purchases are necessary. Mail costs are estimated at \$33.00 per year (75 trips x \$0.44 = \$33.00) (based on 5 trips per vessel per year, although as stated above, 3-4 trips may be all that are made).

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

The estimated cost to the U.S. government is negligible. Logbooks are provided by the IATTC and forms are processed by IATTC. U.S. scientists participate in stock and fishery assessments but rely on IATTC to provide logbook data.

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

Adjustments: The decrease of responses by 150 and hours by 13, and the net decrease in annual cost burden of \$8, is due to a reduction in the estimated number of part time vessels participating in the fishery that are required to send in logbooks (from 15 vessels to 10 vessels), as well as an increase in postage rates (from \$0.41 to \$0.44).

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

The data are used in the computation of stock assessments and fishery condition reports by NMFS scientists and IATTC scientists. The results are compiled and analyzed IATTC reports, typically in time for the IATTC annual meeting that usually takes place in June each year, but no time frame is set for other publications in scientific journals or government reports.

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.

We continue to request OMB approval not to display the expiration because there is no Federal government form used, and therefore there is no form on which to display the expiration date. The OMB Control No. and expiration date are on a separate PRA Statement that goes with the form.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not involve any use of sampling.

Paperwork Reduction Act Statement

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to NMFS Southwest Regional Office, NOAA Line office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

SEINER FISHING RECORD

AND

BRIDGE LOG

INTER-AMERICAN TROPICAL TUNA COMMISSION

La Comisión Interamericana del Atún Tropical (CIAT) fue establecida en 1950 por un convenio firmado por Costa Rica y los Estados Unidos. El convenio está abierto a la adhesión del gobierno de toda nación cuyos ciudadanos estén involucrados en la pesquería de atunes tropicales en el Océano Pacífico oriental. Actualmente (junio de 2001), los países miembros son Costa Rica, Ecuador, El Salvador, Francia, Guatemala, Japón, México, Nicaragua, Panamá, los Estados Unidos, Vanuatu, y Venezuela.

La Comisión es responsable de la investigación científica de los stocks de atunes de las cuales depende la industria atunera. Científicos de mucha experiencia llevan a cabo programas de investigación y recomiendan acciones ideadas para mantener las capturas máximas sostenibles. Cierta información fundamental sobre la pesca es esencial para estos programas.

Registros de las áreas de operación, de las capturas de atunes, y de las observaciones relacionadas a la pesca son de gran importancia para el personal de la Comisión y para la flota atunera, ya que esta información, recogida por la flota entera a través de muchos años, es la mejor base sobre la cual medir cambios en la abundancia de los atunes y las causas de los mismos. También se usan los datos en estudios de la biología de los atunes, esenciales al bienestar de la industria atunera en el futuro.

Sus registros serán tratados de forma confidencial. El cuaderno de bitácora del barco, y los datos de él recopilados, serán divulgados únicamente a los representantes autorizados de la Comisión, de quienes se exige que mantengan altamente confidencial toda información acerca de las actividades de barcos individuales. La bitácora es propiedad del barco; los representantes de la Comisión recopilarán la información necesaria del cuaderno y se lo devolverán. La bitácora es un registro privado y personal de la actividad de su barco, y será tratado de forma correspondiente.

The Inter-American Tuna Commission (IATTC) was established in 1950 by a convention signed by Costa Rica and the United States. The convention is open to adherence by all governments whose nationals are involved in the fishery for tropical tunas in the eastern Pacific Ocean. As of June, 2001, the member nations are Costa Rica, Ecuador, El Salvador, France, Guatemala, Japan, Mexico, Nicaragua, Panama, the United States, Vanuatu and Venezuela.

The Commission is responsible for the scientific investigation of the stocks of tunas upon which your industry depends. A staff of experienced scientists conduct research programs and recommend actions designed to maintain maximum sustained catches. Certain basic information about the fishery is essential to these programs.

Records of areas of operation, catches of tunas, and observations related to fishing are of great importance to the Commission staff and to the fishing fleet, because such information, collected by the entire fleet over a period of years, is the best basis for measuring changes in the abundance of tunas and the causes of such changes. The data are also used in studies of the biology of tunas, knowledge of which is essential to the future welfare of the tuna industry.

Your records will be kept confidential. The vessel's logbook, and the data copied from it, will not be made available to anyone except authorized representatives of the Commission, who are required to keep all information regarding the operations of individual vessels strictly confidential. The logbook remains the vessel's property; Commission representatives will copy the necessary information from the logbook and return it to you. The logbook is a private and personal record of your vessel's operations, and will be treated accordingly.

ESTE CUADERNO ES PROPIEDAD DEL BARCO
REPRESENTANTES DE LA CIAT COPIARAN LA INFORMACION PRECISADA
TODA INFORMACION ACERCA DE LA ACTIVIDAD DEL BARCO SERA TRATADA DE FORMA ESTRICTAMENTE CONFIDENCIAL

Este cuaderno está ideado para servir como registro de bitácora y de pesca, y al mismo tiempo brindarle un medio conveniente para anotar la información precisada por los científicos de la CIAT. Mantener un registro de la actividad del barco es ventajoso no sólo para los estudios científicos de la CIAT sino también para su propio negocio.

Al completar la bitácora, use una página para cada día en el mar.

El registro de lances es la parte más esencial de la bitácora para los estudios científicos de la CIAT; no obstante, son también de gran valor detalles de otras posiciones, información oceanográfica, y sus observaciones sobre el tiempo, el uso del equipo del barco, y la pesca en general. Se le ruega anotar toda la información precisada en el cuaderno. Se ofrecen las sugerencias siguientes para completar los registros:

- a. **POSICION DEL LANCE:** Registre la latitud y longitud, o el nombre del banco de pesca, o la distancia y orientación de un punto conocido.
- b. **TIPO DE CARDUMEN:** Anote brisa, palo, saltadores, mancha negra, burbujeo, delfín (indique la especie de delfín), o lo que corresponda.
- c. **HORA DEL LANCE (COMIENZO/FIN):** Use hora local.
- d. **CAPTURA:** Registre el tonelaje de aleta amarilla ("yellowfin") y barrilete ("skipjack") capturado en la columna adecuada. En la columna de "OTRO" registre pescado que no sea aleta amarilla o barrilete; anote la especie y el tonelaje capturado. Si se capturan dos o más especies en el lance, registre el tonelaje de cada especie capturada por separado. Registre además pescado desechado de la cubierta o la red en un apunte separado en la columna de "COMENTARIOS." Es importante anotar no sólo los lances con captura sino también aquellos sin.
- e. **BODEGAS:** Registre las bodegas en las cuales se cargó el pescado de cada lance.
- f. **TEMPERATURA DEL AGUA:** Registre la temperatura superficial del mar en todo caso posible.
- g. **USO HELI/AVION (SI/NO):** Indique si se usó un helicóptero o avión durante el lance.
- h. **USO RADAR DE AVES (SI/NO):** Indique si se usó el radar de pájaros para detectar aves asociadas con los atunes.
- i. **USO SONAR (SI/NO):** Indique si se usó el sonar para detectar los atunes.
- j. **COMENTARIOS:** Registre cualquier otro dato de interés sobre la captura (incluso capturas no registradas en las columnas de "CAPTURA"), el tiempo, el uso del equipo, peces marcados, otros barcos observados, detalles de pescado transbordado a o recibido de otros barcos, etc.
- k. **OTRAS POSICIONES:** Registre la posición en las horas indicadas, o por lo menos una vez al día (preferiblemente al mediodía), junto con la hora, la temperatura del agua, datos del viento y el estado del mar y, bajo "OBSERVACIONES," cualquier dato adicional sobre el tiempo, uso o averías del equipo, heridas, llegadas o salidas de puerto, y transbordos y/o descargues de pescado.

THIS LOGBOOK IS THE PROPERTY OF THE VESSEL
IATTC REPRESENTATIVES WILL COPY THE INFORMATION DESIRED
ALL INFORMATION REGARDING VESSEL OPERATIONS WILL BE KEPT STRICTLY CONFIDENTIAL

This book has been designed to serve as a bridge log and fishing record, as well as to provide a convenient means of recording information required by IATTC scientific staff. It is to your advantage to keep a record of your operations, not only for our scientific studies, but also for your own business.

When completing the log, use one page for each day at sea.

The record of sets made is the most essential part of the daily log for our scientific studies; however, non-fishing positions, oceanographic information, and your observations regarding weather, equipment usage, and fishing are extremely valuable. Please record all requested data in the logbook. The following suggestions are for use in filling out this log:

- a. **FISHING POSITIONS:** Record latitude and longitude, or name of bank, or bearing and distance from a landmark.
- b. **TYPE OF SCHOOL:** Enter breeze, log, jumpers, black spot, foamers, dolphin (indicate species of dolphin), etc.
- c. **SET START/SET FINISH:** Enter local time.
- d. **CATCH:** Record tons of yellowfin and skipjack caught in the appropriate column. In the "OTHER" column record fish caught other than yellowfin and skipjack: indicate the species and the tonnage. If two or more species of fish are caught in the set, list the tonnage of each species caught separately. Also record fish dumped from the deck or net in a separate note in the "REMARKS" column. It is important that you record both successful and unsuccessful sets.
- e. **WELLS:** Record the wells in which the fish from each set is loaded.
- f. **WATER TEMP.:** Record sea surface temperature whenever possible.
- g. **HELI/PLANE USED (Y/N):** Indicate whether a helicopter or plane was used during the set.
- h. **BIRD RADAR USED (Y/N):** Indicate whether bird radar was used to detect birds associated with the school of tuna set on.
- i. **SONAR USED (Y/N):** Indicate whether sonar was used to detect the school of tuna set on.
- j. **REMARKS:** Record any other significant information regarding catch (including catches not already recorded in the "CATCH" columns), weather, equipment usage, tagged fish, other vessels sighted, details of fish given or received from other vessels, etc.
- k. **NON-FISHING POSITIONS:** Record your position at the times indicated, or at least once a day (preferably at noon), along with the time, water temperature, wind and sea state data and, under "OBSERVATIONS," any additional information regarding weather, equipment usage or malfunctions, injuries, arrivals/departures from port, and transshipping and/or unloading of fish.

VESSEL: MARIA

DATE: MARCH 2, 1990

TUNA FISHING ----- RECORD OF SETS

FISHING POSITIONS LATITUDE - LONGITUDE	TYPE OF SCHOOL	SET START	SET FINISH	CATCH (TONS)			WELLS	WATER TEMP	HELI PLANE USED (Y/N)	BIRD RADAR USED (Y/N)	SONAR USED (Y/N)	REMARKS
				YELLOWFIN	SKIPJACK	OTHER						
7°03'N 81°58'W	PORP SPOTTERS	0845	1100	25	-	-	S-8 P-8	82.5	Y	Y	N	IMPORTANT: Record tag numbers of all tagged fish Large Fish 50+ lbs. Only got 1/2 of school. Radar spotted birds from 10 miles. Log sighted during set.
7°08'N 81°55'W	LOG	1140	1350	30	20		P-8	83.0	N	N	Y	Full load 5-10 lb. Fish. Gave 10 tons SJ to Mar Azul. 1 tagged Skipjack #P-1742, approx 8 lbs.
				692	325	20 BE						
				EXAMPLE IN ENGLISH								

NON-FISHING POSITIONS LATITUDE - LONGITUDE	POSITION TIME	WATER TEMP.	WIND		SEA STATE	OBSERVATIONS
			DIRECTION	FORCE		
0600 7°00'N 81°50'W	0600	82.0	W	3	4	Looking for fish. Good signs
1200 7°08'N 81°55'W	1200	83.0	W	4	3	In set. Cook received burn - To see doctor in Panama.
1800 7°18'N 82°41'W	1800	82.5	NW	3	3	BND Panama to transship fish on Reefer Star for Spain and Italy

ADDITIONAL COMMENTS:

CITE-

16 USC CHAPTER 16 - TUNA CONVENTIONS

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS

HEAD-

CHAPTER 16 - TUNA CONVENTIONS

MISC1-

Sec.
 951. Definitions.
 952. Commissioners; number, appointment, and qualification.
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 Ocean.

End-

CITE-

16 USC Sec. 951

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS

HEAD-

Sec. 951. Definitions

STATUTE-

As used in this chapter, the term -

(a) "convention" includes (1) the Convention for the
 Establishment of an International Commission for the Scientific
 Investigation of Tuna, signed at Mexico City, January 25, 1949,
 by the United States of America and the United Mexican States,
 (2) the Convention for the Establishment of an Inter-American
 Tropical Tuna Commission, signed at Washington, May 31, 1949, by
 the United States of America and the Republic of Costa Rica, or
 both such conventions, as the context requires;

(b) "commission" includes (1) the International Commission for
 the Scientific Investigation of Tuna, (2) the Inter-American
 Tropical Tuna Commission provided for by the conventions referred
 to in subsection (a) of this section, or both such commissions,
 as the context requires;

(c) "United States Commissioners" means the members of the
 commissions referred to in subsection (b) of this section
 representing the United States of America and appointed pursuant
 to the terms of the pertinent convention and section 952 of this
 title;

(d) "person" means every individual, partnership, corporation,

and association subject to the jurisdiction of the United States;
and

(e) "United States" shall include all areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 2, 64 Stat. 777; Pub. L. 87-814, Sec. 1, Oct. 15, 1962, 76 Stat. 923.)

REFTEXT-

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (e), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

HISC1-

AMENDMENTS

1962 - Subsec. (e). Pub. L. 87-814 substituted definition of "United States" for definition of "enforcement agency".

EFFECTIVE DATE

Section 14 of act Sept. 7, 1950, provided: "This Act [this chapter] shall take effect with respect to each of the conventions upon the entry into force of that convention, unless such entry into force shall be prior to the date of approval of this Act [Sept. 7, 1950] in which case this Act [this chapter] shall take effect immediately." The Costa Rican convention was ratified on March 3, 1950, and the Mexican convention on July 11, 1950. Therefore, the act took effect upon its approval on Sept. 7, 1950.

SHORT TITLE

Section 1 of act Sept. 7, 1950, provided: "That this Act [enacting this chapter] may be cited as the 'Tuna Conventions Act of 1950'."

SEPARABILITY

Section 13 of act Sept. 7, 1950, provided: "If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby."

TRANS-

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

HISC2-

LANDING OF CATCH OF FISH BY FOREIGN VESSELS

Pub. L. 87-814, Sec. 6, Oct. 15, 1962, 76 Stat. 926, provided that: "Nothing in this Act [amending this section and sections 955 to 957, 959 of this title] shall be construed to amend or repeal the provisions of section 4311 of the Revised Statutes, as amended ([former] 46 U.S.C. [App.] 251) [see 46 U.S.C. 55114]."

IND-

SITE-

EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS

HEAD-

Sec. 952. Commissioners; number, appointment, and qualification

STATUTE-

The United States shall be represented on the two commissions by a total of not more than four United States Commissioners, who shall be appointed by the President, serve as such during his pleasure, and receive no compensation for their services as such Commissioners. Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28. Of such Commissioners -

(a) not more than one shall be a person residing elsewhere than in a State whose vessels maintain a substantial fishery in the areas of the conventions;

(b) at least one of the Commissioners who are such legal residents shall be a person chosen from the public at large, and who is not a salaried employee of a State or of the Federal Government;

(c) at least one shall be either the Administrator, or an appropriate officer, of the National Marine Fisheries Service; and

(d) at least one shall be chosen from a nongovernmental conservation organization.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 3, 64 Stat. 777; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 102-523, Sec. 3(a)(1), Oct. 26, 1992, 106 Stat. 3433; Pub. L. 105-42, Sec. 7(a), Aug. 15, 1997, 111 Stat. 1137; Pub. L. 106-562, title III, Sec. 302, Dec. 23, 2000, 114 Stat. 2806.)

MISC1-

AMENDMENTS

2000 - Pub. L. 106-562 inserted after first sentence "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28."

1997 - Subsec. (c). Pub. L. 105-42, which directed the general amendment of section 3(c) of the Tuna Convention Act, was executed by making the amendment to subsec. (c) of this section, to reflect the probable intent of Congress. Prior to amendment, subsec. (c) read as follows: "at least one shall be an officer of the Department of Commerce; and".

1992 - Par. (d). Pub. L. 102-523 added par. (d).

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.

ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

End-

TITLE-

16 USC Sec. 953

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS

LEAD-

Sec. 953. General Advisory Committee and Scientific Advisory
Subcommittee

STATUTE-

(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.

SOURCE-

(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.)

MISC1-

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.

End-

NOTE-

16 USC Sec. 954

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16 - TUNA CONVENTIONS

LEAD-

Sec. 954. Repealed.

IIISC1-

Sec. 954. Repealed. Pub. L. 92-471, title II, Sec. 203(b), Oct. 9, 1972, 86 Stat. 787.

Section, act Sept. 7, 1950, ch. 907, Sec. 5, 64 Stat. 778, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

End-

NOTE-

16 USC Sec. 955

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16 - TUNA CONVENTIONS

LEAD-

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

STATUTE-

(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.

SOURCE-

(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.)

HISC1-

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).

TRANS-

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.

IND-

CITE-

16 USC Sec. 956

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS

LEAD-

Sec. 956. Inspection of returns, records, or other reports

TEXT-

Any person authorized to carry out enforcement activities under this chapter and any person authorized by the commissions shall have power without warrant or other process, to inspect, at any reasonable time, catch returns, statistical records, or other

reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 7, 64 Stat. 778; Pub. L. 87-814, Sec. 3, Oct. 15, 1962, 76 Stat. 924.)

MISC1-

AMENDMENTS

1962 - Pub. L. 87-814 substituted provisions respecting inspection of returns, records, or other reports for provisions authorizing a fine not exceeding \$1,000 and proceedings for injunction against fishing for or possessing the kind of fish covered by the convention for failure to make, keep, furnish, or refusal to permit inspection of returns, records, or reports or for furnishing a false return, record, or report.

End-

CITE-

16 USC Sec. 957

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS

HEAD-

Sec. 957. Violations; fines and forfeitures; application of related laws

STATUTE-

(a) It shall be unlawful for any master or other person in charge of a fishing vessel of the United States to engage in fishing in violation of any regulation adopted pursuant to section 955(c) of this title or for any person knowingly to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations.

(b) It shall be unlawful for the master or any person in charge of any fishing vessel of the United States or any person on board such vessel to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished; or to fail to stop upon being hailed by a duly authorized official of the United States; or to refuse to permit the duly authorized officials of the United States or authorized officials of the commissions to board such vessel or inspect its catch, equipment, books, documents, records, or other articles or question the persons on board in accordance with the provisions of this chapter, or the convention, as the case may be.

(c) It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 955(c) of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the commission, or any tuna in any form not under regulation but under investigation by the commission, during the period such fish have been denied entry in accordance with the provisions of section 955(c) of this title. In the case of any fish as described in this subsection offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 955(c) of this title.

(d) Any person violating any provisions of subsection (a) of this section shall be fined not more than \$25,000, and for a subsequent violation of any provisions of said subsection (a) shall be fined not more than \$50,000.

(e) Any person violating any provision of subsection (b) of this section shall be fined not more than \$1,000, and for a subsequent violation of any provision of subsection (b) shall be fined not more than \$5,000.

(f) Any person violating any provision of subsection (c) of this section shall be fined not more than \$100,000.

(g) All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

(h) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 8, 64 Stat. 779; Pub. L. 87-814, Sec. 4, Oct. 15, 1962, 76 Stat. 924; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

4ISC1-

AMENDMENTS

1962 - Pub. L. 87-814 substituted provisions respecting violations, fines, and forfeitures, and application of related laws for provisions respecting enforcement of chapter.

TRANS-

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 955 of this title.

End-

CITE-

16 USC Sec. 958

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS

HEAD-

Sec. 958. Cooperation with other agencies

STATUTE-

(a) Coordination of programs

In order to provide coordination between the general annual programs of the commissions and programs of other agencies, relating to the exploration, development, and conservation of fishery resources, the Secretary of State may recommend to the United States Commissioners that they consider the relationship of the commissions' programs to those of such agencies and when necessary arrange, with the concurrence of such agencies, for mutual cooperation between the commissions and such agencies for

carrying out their respective programs.

(b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized on request of the commissions to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the commissions in the performance of their duties.

(c) Facilities and personnel to non-Federal agencies

The commissions are authorized and empowered to supply facilities and personnel to existing non-Federal agencies to expedite research work which in the judgment of the commissions is contributing or will contribute directly to the purposes of the conventions.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 9, 64 Stat. 779.)

End-

CITE-

16 USC Sec. 959

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16 - TUNA CONVENTIONS

HEAD-

Sec. 959. Enforcement of chapter

STATUTE-

(a) Issuance of process

The judges of the United States district courts and United States magistrate judges may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and the regulations issued pursuant thereto.

(b) Federal law enforcement agents

Enforcement of the provisions of this chapter and the regulations issued pursuant thereto shall be the joint responsibility of the United States Coast Guard, the United States Department of Commerce, and the United States Customs Service. In addition, the Secretary of Commerce may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of American Samoa to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes.

(c) Execution of process

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) Arrests

Such person so authorized shall have the power -

(1) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States at any place within the jurisdiction of the United States committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations

in violation of the provisions of this chapter or the regulations issued thereunder, then to arrest such person.

(e) Seizures and disposition of fish

Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of the provisions of this chapter or the regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary of Commerce.

(f) Security

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 10, 64 Stat. 779; Pub. L. 87-814, Sec. 5, Oct. 15, 1962, 76 Stat. 925; Pub. L. 90-578, title IV, Sec. 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 101-650, title III, Sec. 321, Dec. 1, 1990, 104 Stat. 5117.)

HISTORICAL-

AMENDMENTS

1962 - Subsec. (a). Pub. L. 87-814 substituted provisions for issuance of process for provisions respecting arrest and execution of process, incorporated in subsecs. (c) and (d)(1) of this section.

Subsec. (b). Pub. L. 87-814 substituted provisions respecting Federal law enforcement agents for provisions relating to inspections, incorporated in section 956 of this title.

Subsec. (c). Pub. L. 87-814 substituted provisions for execution of process, formerly incorporated in subsec. (a), for provisions respecting the functioning of officers and law enforcement officers, incorporated in subsec. (b) of this section.

Subsec. (d). Pub. L. 87-814 incorporated provisions of former subsec. (a) in par. (1) and added par. (2).

Subsecs. (e), (f). Pub. L. 87-814 added subsecs. (e) and (f).

CHANGE-

CHANGE OF NAME

"United States magistrate judges" substituted for "United States magistrates" in subsec. (a) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "United States magistrates" substituted for "United States commissioners" pursuant to Pub. L. 90-578. See chapter 43 (Sec. 631 et seq.) of Title 28.

"Customs Service" substituted for "Bureau of Customs" in subsec.

(b) pursuant to Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

TRANS-

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.

In subsecs. (b) and (e), "Department of Commerce" substituted for "Department of the Interior" and "Secretary of Commerce" for "Secretary of the Interior" pursuant to Reorg. Plan No. 4 of 1970, see note set out under section 955 of this title.

End-

CITE-

16 USC Sec. 960

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS

HEAD-

Sec. 960. Commissions' functions not restrained by this chapter or State laws

STATUTE-

None of the prohibitions contained in this chapter or in the laws and regulations of the States shall prevent the commissions from conducting or authorizing the conduct of fishing operations and biological experiments at any time for the purpose of scientific investigations as authorized by the conventions, or shall prevent the commissions from discharging any of its or their functions or duties prescribed by the conventions.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 11, 64 Stat. 779.)

End-

CITE-

16 USC Sec. 961

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16 - TUNA CONVENTIONS

HEAD-

Sec. 961. Authorization of appropriations

STATUTE-

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of each convention and of this chapter, including -

(a) contributions to each commission for the United States share of any joint expenses of the commission and the expenses of the United States Commissioners and their staff, including personal services in the District of Columbia and elsewhere;

(b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, or section 5731(a) of title 5;

(c) printing and binding without regard to section 501 of title 44, or section 5 of title 41;

(d) stenographic and other services by contract, if deemed necessary, without regard to section 5 of title 41; and

(e) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats and research vessels.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 12, 64 Stat. 780.)

MOD-

CODIFICATION

In par. (b), "subchapter I of chapter 57 of title 5, or section 5731(a) of title 5" substituted for "the Travel Expense Act of 1949, or section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b)" on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In par. (c), "section 501 of title 44" substituted for "section 11 of the Act of March 1, 1919 (U.S.C., title 44, sec. 111)" on authority of Pub. L. 90-620, Sec. 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

IND-

SITE-

16 USC Sec. 962

02/01/2010

EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16 - TUNA CONVENTIONS

EAD-

Sec. 962. Reduction of bycatch in eastern tropical Pacific Ocean

TATUTE-

The Secretary of State, in consultation with the Secretary of Commerce and acting through the United States Commissioners, shall seek, in cooperation with other nations whose vessel (!1) fish for tuna in the eastern tropical Pacific Ocean, to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The bycatch reduction program shall include measures -

(1) to require, to the maximum extent practicable, that sea turtles and other threatened species and endangered species are released alive;

(2) to reduce, to the maximum extent practicable, the harvest of nontarget species;

(3) to reduce, to the maximum extent practicable, the mortality of nontarget species; and

(4) to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.

SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 15, as added Pub. L. 105-42, Sec. 7(c), Aug. 15, 1997, 111 Stat. 1138.)

COD-

CODIFICATION

Section 7(c) of Pub. L. 105-42, which directed the addition of this section at the end of the Tuna Conventions Act, was executed by adding this section at the end of the Tuna Conventions Act of 1950, to reflect the probable intent of Congress.

MISC1-

EFFECTIVE DATE

Section effective upon certification by Secretary of Commerce that sufficient funding is available to complete first year of study required by section 1414a(a) of this title and that study has commenced, and certification by Secretary of State to Congress that binding resolution of Inter-American Tropical Tuna Commission or other legally binding instrument establishing International Dolphin Conservation Program has been adopted and is in force, see section 8 of Pub. L. 105-42, set out as an Effective Date of 1997 Amendment note under section 1362 of this title.

FOOTNOTE-

(!1) So in original. Probably should be "vessels".

End-

§ 300.15

(xiii) The marks and the background must be maintained in good condition at all times.

[64 FR 15, Jan. 4, 1999]

§ 300.15 Prohibitions.

In addition to the prohibitions in section 300.4, it is unlawful for any person to:

(a) Use a high seas fishing vessel on the high seas in contravention of international conservation and management measures.

(b) Use a high seas fishing vessel on the high seas, unless the vessel has on board a valid permit issued under section 300.13.

(c) Use a high seas fishing vessel on the high seas that is not marked in accordance with § 300.14.

[61 FR 35550, July 5, 1996, as amended at 64 FR 15, Jan. 4, 1999]

§ 300.16 Penalties.

(a) Any person, any high seas fishing vessel, the owner or operator of such vessel, or any person who has been issued or has applied for a permit, found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions, permit sanctions, and forfeiture provisions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws.

(b) Permits under this subpart may be subject to permit sanctions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws if any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue.

[64 FR 15, Jan. 4, 1999]

§ 300.17 Reporting.

(a) *General.* The operator of any vessel permitted under this subpart must report high seas catch and effort information to NMFS in a manner set by

50 CFR Ch. III (10 1 00 Edition)

this section. Reports must include: identification information for vessel and operator; operator signature; crew size; whether an observer is aboard; target species; gear used; dates, times, locations, and conditions under which fishing was conducted; species and amounts of fish retained and discarded; and details of any interactions with sea turtles or birds.

(b) *Reporting options.* (1) For the following fisheries, a permit holder must maintain and submit the listed reporting forms to the appropriate address and in accordance with the time limits required by the relevant regulations:

(i) Antarctic—CCAMLR Logbook (50 CFR 300.107);

(ii) Atlantic—Fishing Vessel Log Reports (50 CFR 648.7(b));

(iii) Atlantic Pelagic Longline—Longline Logbook (50 CFR 630.5);

(iv) Atlantic Purse Seine—Purse Seine Logbook (50 CFR 285.54);

(v) Pacific Pelagic Longline—Longline Logbook (50 CFR 660.14(a));

(vi) Eastern Pacific Purse Seine—IATTC Logbook (50 CFR 300.22); or

(vii) Western Pacific Purse Seine—South Pacific Tuna Treaty Logbook (50 CFR 300.34).

(2) For the albacore troll fisheries in the North and South Pacific, a permit holder must report high seas catch and effort by maintaining and submitting the log provided by the Regional Administrator, Southwest Region, NMFS.

(3) For other fisheries, a permit holder must report high seas catch and effort by maintaining and submitting records, specific to the fishing gear being used, on forms provided by the Regional Administrator of the NMFS Region which issued the permit holder's HSFCA permit.

(c) *Confidentiality of statistics.* Information submitted pursuant to this subpart will be treated in accordance with the provisions of 50 CFR part 600 of this title.

[64 FR 15, Jan. 4, 1999]

Subpart C—Pacific Tuna Fisheries

AUTHORITY: 16 U.S.C. 951-961 and 971 *et seq.*

Int'l. Fishing and Related Activities

§ 300.21

§ 300.20 Purpose and scope.

The regulations in this subpart implement the Tuna Conventions Act of 1950 (Act) and the Atlantic Tunas Convention Act of 1975. The regulations provide a mechanism to carry out the recommendations of the Inter-American Tropical Tuna Commission (IATTC) for the conservation and management of highly migratory fish resources in the Eastern Tropical Pacific Ocean so far as they affect vessels and persons subject to the jurisdiction of the United States. They also carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas for the conservation of bluefin tuna, so far as they affect vessels and persons subject to the jurisdiction of the United States.

[64 FR 44430, Aug. 16, 1999]

§ 300.21 Definitions.

In addition to the terms defined in § 300.2, in the Act, the Convention for the Establishment of an Inter-American Tropical Tuna Commission, and the International Convention for the Conservation of Atlantic Tunas, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Conventions, the definition in this section shall apply.

Bigeye tuna means the species *Thunnus obesus*.

Bluefin tuna means the fish species *Thunnus thynnus* that is found in any ocean area.

Commission's Yellowfin Regulatory Area (CYRA) means the waters bounded by a line extending westward from the mainland of North America along the 40° N. latitude parallel, and connecting the following coordinates:

40° N. lat., 125° W. long.;
20° N. lat., 125° W. long.;
20° N. lat., 120° W. long.;
5° N. lat., 120° W. long.;
5° N. lat., 110° W. long.;
10° S. lat., 110° W. long.;
10° S. lat., 90° W. long.;
30° S. lat., 90° W. long.; and then eastward along the 30° S. latitude parallel to the coast of South America.

Convention Area means the waters within the area bounded by the mainland of the Americas, lines extending

westward from the mainland of the Americas along the 40° N. lat. and 40° S. lat., and 150° W. long.

Fish aggregating device (FAD) means a manmade raft or other floating object used to attract tuna and make them available to fishing vessels.

Fishing trip means a period of time between landings when fishing is conducted.

Fishing vessel means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for fishing or for assisting or supporting a vessel engaged in fishing, except purse seine skiffs.

Floating object means any natural object or FAD around which fishing vessels may catch tuna.

Incidental catch or *incidental species* means species caught while fishing with the primary purpose of catching a different species. An incidental catch is expressed as a percentage of the weight of the total fish on board.

Land or *Landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish on board the vessel are counted as part of the landing.

Observer means an individual placed aboard a fishing vessel under the IATTC observer program or any other international observer program in which the United States may participate.

Pacific bluefin tuna means the subspecies of bluefin tuna *Thunnus thynnus orientalis* that is found in the Pacific Ocean.

Regional Administrator means the Administrator, Southwest Region, NMFS, or his designee.

Tag means the dealer tag, a flexible self-locking ribbon issued by NMFS for the identification of bluefin tuna under § 300.26, or the BSD tag specified under § 635.42 (a)(2) of this title.

Tender vessel means a vessel that does not engage in purse seine fishing but tends to FADs in support of tuna fishing operations.

Transship means to unload fish from a vessel that caught fish to another vessel.

Transshipment receiving vessel means any vessel, boat, ship, or other craft

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that is used to receive fish from a fishing vessel.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999; 64 FR 44430, Aug. 16, 1999]

§ 300.22 Yellowfin tuna—Record-keeping and written reports.

The master or other person in charge of a fishing vessel, or a person authorized in writing to serve as the agent for either person, must keep an accurate log of all operations conducted from the fishing vessel, entering for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish on board, by species. The record and bridge log maintained at the request of the IATTC shall be sufficient to comply with this paragraph, provided the items of information specified are accurately entered in the log.

§ 300.23 Yellowfin tuna—Persons and vessels exempted.

This subpart does not apply to:

(a) Any person or vessel authorized by the IATTC, the Assistant Administrator, or any state of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 300.24 Pacific bluefin tuna—Dealer permits.

(a) *General.* A dealer importing Pacific bluefin tuna, or purchasing or receiving for export Pacific bluefin tuna first landed in the United States, must have a valid permit issued under this section.

(b) *Application.* A dealer must apply for a permit in writing on an appropriate form obtained from NMFS. The application must be signed by the dealer and be submitted to NMFS at least 30 days before the date upon which the dealer desires to have the permit made effective. The application must contain the following information: Company name, principal place of business, owner's or owners' names, applicant's name (if different from owner or owners) and mailing address and telephone number, and any other information required by NMFS.

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(c) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, NMFS will issue a permit within 30 days of receipt of a completed application.

(2) NMFS will notify the applicant of any deficiency in the application. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(d) *Duration.* Any permit issued under this section is valid until December 31 of the year for which it is issued, unless suspended or revoked.

(e) *Alteration.* Any permit that is substantially altered, erased, or mutilated is invalid.

(f) *Replacement.* NMFS may issue replacement permits. An application for a replacement permit is not considered a new application.

(g) *Transfer.* A permit issued under this section is not transferable or assignable; it is valid only for the dealer to whom it is issued.

(h) *Inspection.* The dealer must keep the permit issued under this section at his/her principal place of business. The permit must be displayed for inspection upon request of any authorized officer, or any employee of NMFS designated by NMFS for such purpose.

(i) *Sanctions.* The Assistant Administrator may suspend, revoke, modify, or deny a permit issued or sought under this section. Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(j) *Fees.* NMFS may charge a fee to recover the administrative expenses of permit issuance. The amount of the fee is calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook, available from NMFS, for determining administrative costs of each special product or service. The fee may not exceed such costs and is specified on each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of the permit. Payment by a commercial instrument later determined to be insufficiently funded shall invalidate any permit.

(k) *Change in application information.* Within 15 days after any change in the information contained in an application submitted under this section, the

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dealer issued a permit must report the change to NMFS in writing. The permit is void if any change in information is not reported within 15 days.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999]

§ 300.25 Pacific bluefin tuna—Dealer recordkeeping and reporting.

Any person issued a dealer permit under § 300.24:

(a) Must submit to NMFS a biweekly report on bluefin imports and exports on forms supplied by NMFS.

(1) The report required to be submitted under this paragraph (a) must be postmarked within 10 days after the end of each 2-week reporting period in which Pacific bluefin tuna were 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 the month.

(2) Each report must specify accurately and completely for each tuna or each shipment of bulk-frozen tuna exported: Date of landing or import; any tag number (if so tagged); weight in kilograms (specify if round or dressed); and any other information required by NMFS. At the top of each form, the company's name, license number, and the name of the person filling out the report must be specified. In addition, the beginning and ending dates of the 2-week reporting period must be specified by the dealer and noted at the top of the form.

(b) Must allow an authorized officer, or any employee of NMFS designated by NMFS for this purpose, to inspect and copy any records of transfers, purchases, or receipts of Pacific bluefin tuna.

(c) Must retain at his/her principal place of business a copy of each biweekly report for a period of 2 years from the date on which it was submitted to NMFS.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999]

§ 300.26 Pacific bluefin tuna—Tags.

(a) *Issuance.* NMFS will issue numbered tags to each person receiving a dealer's permit under § 300.24.

(b) *Transfer.* Tail tags issued under this section are not transferable and

are usable only by the permitted dealer to whom they are issued.

(c) *Affixing tags.* At the discretion of dealers permitted under § 300.24, a tag issued under paragraph (a) of this section may be affixed to each Pacific bluefin tuna purchased or received by the dealer. If so tagged, the tag must be affixed to the tuna between the fifth dorsal finlet and the keel and tag numbers must be recorded on NMFS reports required by § 300.25(a) and any documents accompanying the shipment of Pacific bluefin tuna for domestic commercial use or export.

(d) *Removal.* A NMFS-issued numbered tag affixed to any Pacific bluefin tuna at the option of any permitted dealer under paragraph (c) of this section or any tag affixed to any Pacific bluefin tuna to meet the requirements of § 635.42(a)(2) of this title must remain on the tuna until the tuna is cut into portions. If the tuna or tuna parts subsequently are packaged for transport for domestic commercial use or for export, the number on each tag attached to each tuna or its parts must be written legibly and indelibly on the outside of any package or container.

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

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999]

§ 300.27 Pacific bluefin tuna—Documentation requirements.

Bluefin tuna imported into, or exported or re-exported from the customs territory of the United States is subject to the documentation requirements specified in §§ 635.41 through 635.44 of this title.

[64 FR 29133, May 28, 1999]

§ 300.28 Prohibitions.

In addition to the prohibitions in § 300.4, it is unlawful for any person or vessel subject to the jurisdiction of the United States to:

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(a) Land any species of tuna during the closed season for that species in excess of the amount allowed by the Regional Administrator.

(b) Fish on floating objects in the Convention Area using any gear type specified by the Regional Administrator's notification of closure issued under § 300.29.

(c) Use tender vessels in the Convention Area.

(d) Transship purse seine-caught tuna at sea within the Convention Area.

(e) Import Pacific bluefin tuna or purchase or receive for export Pacific bluefin tuna first landed in the United States without a valid dealer permit issued under § 300.24.

(f) Remove any NMFS-issued numbered tag affixed to any Pacific bluefin tuna at the option of any permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 635.42(a)(2) of this title, before removal is allowed under § 300.26, or fail to write the tag number on the shipping package or container as specified in § 300.26.

(g) Reuse any NMFS-issued numbered tag affixed to a Pacific bluefin tuna at the option of a permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 635.42(a)(2) of this title or reuse any tag number previously written on a shipping package or container as prescribed by § 300.26.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999; 64 FR 44430, Aug. 16, 1999]

§ 300.29 Eastern Pacific fisheries management.

(a) Notification of IATTC recommendations. The Regional Administrator will directly notify owners or agents of U.S. tuna vessels of any fishery management recommendations made by the IATTC and approved by the Department of State that will affect fishing or other activities by U.S. parties with fishery interests in the Convention Area. As soon as practicable after such notification, the Regional Administrator will announce approved IATTC recommendations in the FEDERAL REGISTER.

(b) Tuna quotas. (1) Fishing seasons for all tuna species begin on January 1

and end either on December 31 or when NMFS closes the fishery for a specific species.

(2) The Regional Administrator may close the U.S. fishery for yellowfin, bigeye, or skipjack tuna or any other tuna species in the Convention Area or portion of the Convention Area when advised by the Director of Investigations of the IATTC that the associated quota has been or is projected to be reached. Any such closure may include:

(i) An allowance for an incidental catch that may be landed while fishing for other tuna species;

(ii) A prohibition on the further setting of specified gear types on floating objects by U.S. vessels in the Convention Area;

(iii) Provisions for vessels that are at sea during an announced closure to fish unrestricted until the fishing trip is completed;

(iv) Provisions for vessels at sea with an observer on board during any closure to land fish unrestricted if the landing occurs after December 31; or

(v) Other measures to ensure that the conservation and management measures of the IATTC are achieved.

(3) The Regional Administrator will announce any such closures directly to the owners or agents of U.S. vessels who are fishing in or are eligible to fish in the Convention Area.

(4) As soon as practicable after being advised of the quota attainment or projection under paragraph (b)(2) of this section, the Regional Administrator will publish an announcement of the closure in the FEDERAL REGISTER.

(c) Use of tender vessels. No person subject to these regulations may use a tender vessel in the Convention Area.

(d) Transshipments at sea. No person subject to these regulations may transship purse seine-caught tuna from one vessel to another vessel at sea within the Convention Area.

[64 FR 44431, Aug. 16, 1999]

Subpart D—South Pacific Tuna Fisheries

AUTHORITY: 16 U.S.C. 973-973r.

of Transportation to determine whether a company is part of the Safe Harbor. This will be accessed if a company is practicing "unfair and deceptive" practices and has misrepresented itself to the public. It will be used by the DOC and the European Commission to determine if organizations are signing up to the list. This list is updated on a regular basis.

II. Method of Collection

The self-certification form is available via the Internet at <http://export.gov/safeharbor/> and by mail to requesting organizations.

III. Data

OMB Control Number: 0625-0239.

Form Number(s): ITA-4149P.

Type of Review: Regular submission.

Affected Public: Business or for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Response: 18 minutes—Web site; 40 minutes—letter.

Estimated Total Annual Burden Hours: 350 hours.

Estimated Total Annual Cost to Public: \$100,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 5, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-25454 Filed 10-8-10; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Correction: Proposed Information Collection; Comment Request; Comprehensive Data Collection on Fishing Dependence of Alaska Communities

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Correction.

SUMMARY: On September 28, 2010, a notice was published in the **Federal Register** (75 FR 59687) on the proposed information collection, Comprehensive Data Collection on Fishing Dependence of Alaska Communities.

Under the heading **FOR FURTHER INFORMATION CONTACT**, the e-mail address is corrected to read *Amber.Himes@noaa.gov*.

All other information in the notice is correct and remains unchanged.

Dated: October 6, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-25581 Filed 10-8-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Pacific Tuna Fisheries Logbook

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

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 December 13, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 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 Heidi Hermsmeyer, 562-980-4036 or heidi.hermsmeyer@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

United States (U.S.) participation in the Inter-American Tropical Tuna Commission (IATTC) results in certain recordkeeping requirements for U.S. fishermen who fish in the IATTC's area of management responsibility. These fishermen must maintain a log of all operations conducted from the fishing vessel, including the date, noon position, and the tonnage of fish aboard the vessel, by species. The logbook form provided by the IATTC is universally used by U.S. fishermen to meet this recordkeeping requirement. The information in the logbooks includes areas and times of operation and catch and effort by area. Logbook data are used in stock assessments and other research concerning the fishery. If the data were not collected or if erroneous data were provided, the IATTC assessments would likely be incorrect and there would be an increased risk of overfishing or inadequate management of the fishery.

II. Method of Collection

Vessel operators maintain bridge logs on a daily basis, and the forms are either mailed to the IATTC or to National Marine Fisheries Service (NMFS) at the completion of each trip. The data are processed and maintained as confidential by the IATTC.

III. Data

OMB Control Number: 0648-0148.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, business or other for profit organizations.

Estimated Number of Respondents: 20.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 129.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 6, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-25553 Filed 10-8-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-912]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony

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

SUMMARY: On October 1, 2010, the United States Court of International Trade ("CIT") sustained the remand redetermination made by the Department of Commerce ("Department") pursuant to the CIT's remand of the final determination in the antidumping duty investigation on certain new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC"). See *GPX Int'l Tire Corp. v. United States*, Consol. Ct. No. 08-00285, Slip Op. 10-112 (Ct. Int'l Trade October 1, 2010) ("*GPX III*"). This case arises out of the Department's final determination in the antidumping investigation on OTR tires from the PRC. The final judgment in this case was not in harmony with the Department's July 2008 final determination.

DATES: *Effective Date:* October 12, 2010.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-6412 or (202) 482-0650, respectively.

SUPPLEMENTARY INFORMATION: In July 2008, the Department published a final determination in which it determined that OTR tires from the PRC are being, or are likely to be, sold in the United States as less than fair value as provided in section 735 of the Tariff Act of 1930, as amended ("Act"). See *Certain New Pneumatic Off-The-Road-Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 40485 (July 15, 2008) ("*Final Determination*"), as amended by *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less than Fair Value and Antidumping Duty Order*, 73 FR 51624 (September 4, 2008).

Respondent company Hebei Starbright Tire Co., Ltd. ("Starbright"), its importer GPX International Tire Corporation ("GPX"), petitioners Titan Tire Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied and Industrial Service Workers International Union, AFL-CIO-CLC (collectively, "Titan"), and domestic interested party Bridgestone Americas, Inc. and Bridgestone Americas Tire Operations, LLC (collectively, "Bridgestone"), each timely challenged various aspects of the *Final Determination* to the CIT. Among the issues raised before the Court was the valuation of wire input consumed by two of the respondent companies, Starbright and Tianjin United Tire & Rubber International Co., Ltd. ("TUTRIC"), under the factors of production methodology to calculate normal value in a non-market economy country pursuant to section 773(c)(1)(B) of the Act.

On August 4, 2010, pursuant to the Department's request for a voluntary remand, the CIT remanded the wire input valuation issue to the Department for reconsideration or further explanation. See *GPX Int'l Tire Corp. v. United States*, Consol. Ct. No. 08-00285, Slip Op. 10-84 at *19-*20, *28 (Ct. Int'l Trade August 4, 2010) ("*GPX II*"). In a remand redetermination filed on September 3, 2010, the Department determined that record evidence supported using a different surrogate value for the wire input consumed by Starbright and TUTRIC in the production of OTR tires. See *Second Remand Redetermination, GPX Int'l Tire Corp. v. United States*, Consol. Ct. No. 08-00285, dated September 3, 2010, at 4-9. As a result of this change, the weighted-average dumping margin calculated for subject merchandise

produced by Starbright and exported by Starbright/GPX changed from 29.93 percent to 31.79 percent, the weighted-average dumping margin calculated for subject merchandise produced and exported by TUTRIC changed from 8.44 percent to 10.08 percent, and the weighted-average dumping margin calculated for separate rate companies changed from 12.19 percent to 13.92 percent. *Id.* at 9-12. The CIT affirmed the Department's remand redetermination on October 1, 2010. See *GPX III*.

Timken Notice

In its decision in *Timken Co., v. United States*, 893 F. 2d 337, 341 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's *GPX III* decision of October 1, 2010, constitutes a final decision of that court that is not in harmony with the Department's *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's decision is not appealed or is affirmed on appeal, the Department will publish an amended final determination revising the weighted-average dumping margin calculated for Starbright/GPX, TUTRIC, and the separate rate companies and will issue revised cash deposit instructions to U.S. Customs and Border Protection.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: October 6, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

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