

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

A. JUSTIFICATION

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

This information collection request seeks to revise previously approved information collections from seafood dealers regarding purchases or sales of Atlantic Highly Migratory Species (HMS), including federally managed tunas, sharks and swordfish, in conjunction with a Proposed Rule 0648-BA75.

This revision affects only submissions by HMS dealers for Atlantic swordfish, sharks, and bigeye, albacore, yellowfin, and skipjack (BAYS) tunas; however, the complete collection is described here and the burden accounted for. Transactions that are covered under this collection include purchases of Atlantic HMS from commercial fishermen and import/export of all bluefin tuna (BFT), frozen bigeye tuna (BET), southern bluefin tuna (SBT) or swordfish (SWO), regardless of geographic area of origin. The information collected is used to monitor the harvest of domestic fisheries, and/or track international trade of internationally managed species.

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

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

The United States (U.S.) is a member of ICCAT and authorized by ATCA to promulgate regulations as may be necessary and appropriate to implement recommendations adopted by ICCAT. ICCAT has adopted recommendations for the mandatory implementation of CD, SD and RXC trade tracking programs for BFT, frozen BET and SWO. U.S. regulations implementing ICCAT SD and CD programs require SDs and CDs for international transactions of the covered species from all ocean areas, so Pacific imports and exports must also be accompanied by SDs and CDs. Since there are SD programs in place under other international conventions (e.g. the Indian Ocean Tuna Commission), a SD from another program may be used to satisfy the SD requirement for imports into the U.S.

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

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

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

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

Atlantic BFT Landing Reports and Tagging

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

This portion of the package describes three reporting requirements. The Landing Report is used for daily, real-time quota monitoring. Dealers are required to FAX reports to NMFS within 24 hours of purchasing an Atlantic BFT. Second, uniquely numbered tail tags must be affixed to each Atlantic BFT purchased from a fisherman, after which the tag numbers are recorded on the Landing Report and Atlantic BFT Domestic Landing Biweekly (discussed below) (Domestic

landings of Pacific BFT are not recorded under this collection, and use of tail tags is optional for Pacific BFT). Third, biweekly reporting is used to verify daily landing report information and collect economic information needed to manage the fishery.

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

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

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

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

Non-BFT Landings Reports

Beginning in January 2012, NMFS will require electronic reporting by all federally-permitted Atlantic HMS dealers (both in the Southeast and Northeast regions) for Atlantic swordfish, BAYS tunas, and Atlantic sharks. To better facilitate timely quota monitoring, NMFS will

increase both positive and negative dealer reporting frequencies of Atlantic sharks, swordfish, and BAYS tunas. The reporting frequency will be flexible and would be adjusted depending on the available quota, length of fishing season, and species/species complexes; however, NMFS anticipates that this flexibility will be most critical for sharks, due to small shark quotas. If needed, NMFS will establish a weekly base reporting frequency. For swordfish, an increase in reporting from a weekly to daily basis will occur when 80 percent of the directed fishery's quota is attained. BAYS tunas, bigeye, yellowfin, and skipjack fisheries are currently not managed under quotas, and the United States has not attained the U.S. allocated albacore tuna quota, which is currently not codified. If such quotas are codified in the future, NMFS will increase the required dealer reporting from a weekly to daily basis when 80 percent of the respective quotas are attained. Additionally, NMFS will require Federal Atlantic shark dealers to report sharks within 24 hours while the fishing seasons for non-sandbar large coastal sharks (LCS), blacknose sharks, and non-blacknose small coastal sharks (SCS) are open. The quotas for these shark complexes/species are the smallest of all the shark quotas, and their associated fishing seasons have been the shortest in the past. While the fishing seasons for these shark species/complexes are all closed, Federal Atlantic shark dealers will be required to report all sharks on a weekly basis (other shark species, fresh and possibly frozen sharks whose season have been closed). NMFS will announce any change in reporting frequency for HMS species by filing an adjustment of the reporting frequency with the Office of the Federal Register for publication. In no case would such an adjustment be effective less than 3 calendar days after the date of filing with the Office of the Federal Register. The public would also be informed simultaneously via the HMS website and email notice list serve as well as through e-mail notifications to Federal HMS dealers via e-mail to an email address provided to NMFS by dealers (and individual employees of dealers reporting in the electronic reporting system).

The information collected through the electronic reporting system will be used to account for domestic landings of managed species and to track landings against Atlantic swordfish, BAYS tuna and Atlantic shark quotas and assess stocks of these species. If no HMS are landed during the specified reporting period (see above), a report (*i.e.*, a negative report) must still be filed. This requirement clarifies for NMFS whether or not a report is pending from the dealer for the reporting period. The following information is required in the HMS electronic reporting system form:

1. Dealer information (including dealer name, dealer contact information, and dealer permit numbers);
2. Species Specific Info (including species, state landed, purchase price information, weight, and information on shark fins)
3. Vessel information (including date landed, when the trip started and ended, vessel documentation number, the area where the fish was caught, fishing vessel permit numbers, fishing vessel logbook number, observer log identification, gear types used, and trip number).
4. Report information (including date and time submitted and disposition of product)
5. Dealer explanations (including information regarding late reporting, modified data, whether or not shark fins were naturally attached and name of port where fish were landed).
6. Negative reports (including the date and time submitted).

Trade Reports

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

1. Dealer Name;
2. HMS International Trade Permit number;
3. Contact name and phone number;
4. Report time period;
5. For each shipment/fish:
 - a. Species
 - b. Statistical document and re-export certificate (if applicable) number - allows for cross check of trade documentation;
 - c. Entry number from US customs form 7501 (import only) - allows for cross check of trade data with customs data;
 - d. Date of import or export;
 - e. Total weight of shipment (import only) - cross check with trade data;
 - f. Condition (fresh or frozen) and product form (round, headed, gutted, steaks, fillets, loins, dressed) - used to assess how regulations and other factors affect ex-vessel prices and gross revenues;
 - g. Weight of each fish (if available) - used to estimate gross revenues and cross check with trade data;
 - h. Price per kilogram - used to evaluate the status of the market and gross revenues;
 - i. State/landing document number - cross check used for non-government validation;
 - j. Tag number (if applicable) - cross check with trade data for verification; and
 - k. Destination of fish (import, domestic, export, re-export) - cross check with trade data and customs data.

Catch Document and Statistical Documents and Re-export Certificates

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

A CD or SD is considered completed and approved for import, export, or re-export if it is identified by a number assigned by the issuing government and has all of the required information recorded, and, if applicable, is validated (see below). U.S.CDs and SDs will be available from NMFS to accompany exports from the United States. Imports to the United States must be accompanied by a CD or SD issued by the flag country of the harvesting vessel. If needed, foreign exporters may obtain unnumbered CDs or SDs from the appropriate website

(www.iccat.int; www.iattc.org; www.ccsbt.org; www.iotc.org) to accompany exports to the United States; a document number must be assigned by the country issuing the CD or SD. U.S. importers are required to complete the import section of the foreign CD or SD.

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

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

Bluefin Tuna CDs. Bluefin CDs, to be deemed complete, in addition to the elements above, must also state:

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

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

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

Bigeye Tuna SDs. Bigeye tuna SDs , to be deemed complete, in addition to the elements above, must also state:

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

Swordfish SDs. Swordfish SDs, to be deemed complete, in addition to the elements above must state:

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

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

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

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

Validation - NMFS has worked with ICCAT with the intent of minimizing the public reporting burden for the government validation requirement. ICCAT/IATTC require that CDs, SDs, and RXCs be validated by a government institution at export. For example, in the United States, Atlantic BFT are tagged when landed, and the numbered tag stays with the carcass. ICCAT and U.S. regulations exempt tagged fish from validation requirements since the BFT data associated with the tag number must be provided to NMFS and can be tracked. In addition, NMFS has instituted a validation service which is available on a 24 hour/7 day per week basis. NMFS may also authorize non-governmental industry partners to validate CDs, SDs, and RXCs once they have met the necessary requirements. The entity must apply for authorization in writing to NMFS, and indicate the procedures to be used for verification of information to be validated, list the names, addresses, and phone/fax numbers of individuals to perform validation, and provide an example of the stamp or seal to be applied to the statistical document or re-export certificate. Upon approval, NMFS will issue a letter specifying the duration of effectiveness and conditions of authority for validation. Authorization must be renewed annually.

Voluntary Fishing Vessel and Catch Form

In order to assist dealers in completing the HMS electronic dealer reporting forms for Atlantic swordfish, sharks, and BAYS tunas, NMFS has developed a form whose use is optional, and dealers can obtain via the electronic reporting system. The dealers can ask the fisherman they obtain fish from to complete the form and return to them, providing a convenient tool for fishermen to pass catch information to HMS dealers, who are required to include such information in their HMS Dealer reports. The following types of information can be collected by the dealers on this form:

1. Fishing vessel trip information (contact name, phone number, and e-mail address; fishing vessel name and fishing vessel documentation number)
2. Date trip started
3. Date HMS offloaded
4. Trip number (if applicable)
5. Observer log ID number (if applicable)
6. Fishing vessel logbook ID number (or explanation if no logbook available)
7. Species landed (check from list)
8. Area HMS caught (fishermen can provide grid area code from included map)
9. Gear used to land HMS (select from list)

Although the information collected is not expected to be disseminated directly to the public, it may be used in the development or review of fishery management plans and associated regulatory documents, and is therefore subject to NOAA's Information Quality Guidelines. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question10 of this Supporting Statement for more information on

confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

Catch Document and Statistical Documents and Re-export Certificates and BFT Landings Forms:

Most reporting forms under this collection are electronically fillable. The SDs and RXCs must be original documents. Bluefin tuna CDs are individually numbered, and NMFS does not yet have the ability to provide electronic access to pre-numbered forms. Electronic submission for all forms is being investigated domestically. BFT daily landing reports are submitted and entered into the database via FAX, and some validation is provided via FAX. In addition, the U.S. is pursuing development of electronic trade monitoring programs among regional fishery management organizations.

Atlantic Swordfish, Sharks, and BAYS Tunas Electronic Dealer Reports:

Under the Proposed Rule 0648-BA75, HMS dealers of Atlantic swordfish, sharks, and BAYS tunas would be required to report to NMFS through an electronic reporting system as of January 2012. The availability of electronic form submissions could reduce the overall cost and administrative burden to the public by providing access to electronic forms that can be completed on the computer and submitted electronically. The electronic reporting system for Atlantic swordfish, sharks, and BAYS tunas would be available through the current SAFIS website based system (<http://safis.accsp.org/>), the Southeast electronic reporting system built and maintained by Bluefin Data LLC, and through a customized electronic system used by large Atlantic Coast dealers, which is managed by the Northeast Fisheries Science Center. This would reduce the need for dealers to report to multiple programs and reduce duplication of reporting (see also response to Question 4).

Trade Forms:

Fillable forms for U.S. exports are available on the NMFS website (http://www.nmfs.noaa.gov/sfa/hms/ITP/International_Trade_Permit.htm). These may be emailed or faxed to NMFS. NMFS is preparing to implement the International Trade Data System which will provide permit holders with the ability to submit all documents electronically. See also Question 4 below.

4. Describe efforts to identify duplication.

The impacts of the reporting requirements were analyzed prior to implementation through rulemaking processes including public review. The new reporting requirements for Atlantic swordfish, sharks and BAYS tunas will be announced through Proposed Rule 0648-BA75. No

duplicative efforts were identified and considerable effort has been put forth to utilize existing reporting systems and thereby avoid duplication. The Highly Migratory Species Management Division of NMFS works closely with other NMFS offices on reporting and permitting issues, and ensures that reporting regulations are not duplicative. Although daily landing reports, reporting forms, and SDs may include some of the same data fields, this information is necessary to cross reference and cross check reports. NMFS has attempted to combine SDs with other reporting requirements into a single form in the past; however, ICCAT did not approve the use of forms other than those developed specifically by ICCAT. NMFS has combined its electronic reporting system for Atlantic swordfish, sharks, and BAYS tunas with the other three main electronic reporting systems used in the Northeast and Southeast regions in order to reduce the number of places dealers must report. In addition, the U.S. is participating in discussions among many regional fishery management organizations (most recently in a June 2010 meeting in Barcelona, Spain) to determine ways of using technology to reduce paperwork and improve the efficacy of trade monitoring programs.

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

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

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

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

Atlantic Swordfish, Sharks, and BAYS Dealer Reports - NMFS has determined that more frequent reporting is necessary for Atlantic swordfish, sharks, and BAYS tunas in order to effectively monitor quotas. The previous reporting frequency of two-weeks was not providing timely data for species with small quotas, such as Atlantic sharks. Thus, NMFS is implementing an electronic reporting system to streamline dealer reporting and allow for dealer data to be collected in a more real time basis as described under Question 2. Inefficient quota monitoring or altogether loss of monitoring could result in over-harvest of the ICCAT-recommended U.S. swordfish, which would violate obligations under ICCAT and ATCA. Over-harvest of HMS

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

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

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

Voluntary Fishing Vessel and Catch Form – This is a voluntary form that fishermen could leave with HMS dealers to help with their required electronic dealer reporting. If this information were not collected via the form, dealers would need to follow up with fishermen to collect required information in their electronic HMS dealer reports.

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

The frequency with which data are collected in this package is inconsistent with OMB guidelines that respondents should not be required to report information more often than quarterly. To accurately monitor the domestic quota allocation among a diverse group of users, Atlantic BFT, swordfish, sharks, and BAYS tunas landings data must be collected on a real-time basis. Failure to maintain the reporting frequency as described under Question 2 could jeopardize the agency's ability to close fisheries prior to exceeding a quota. (See Question 6 also regarding reporting frequency).

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

Comments on the reporting format and frequency for Atlantic swordfish, sharks and BAYS tunas from the public will be solicited in Proposed Rule 0648- BA75, to be published coincident with this submission.

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

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

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

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

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

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

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

For this collection, there are 7,030 respondents, 111,778 responses and 27,184 hours (responses and totals added from Tables 3 and 4). Total labor costs are \$407,760.

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

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

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

The universe of respondents for this collection is identified in Table 2, and includes the following: all U.S. dealers importing or exporting BFT, frozen BET, SWO, or SBT (HMS International Trade Permit holders), U.S. Atlantic dealers that report Atlantic SWO, BAYS tuna, or sharks, , all dealers landing BFT, and non-government institutions requesting validation authorization. Finally, an estimated number of international dealers are given, since burden hours must be calculated for international respondents as well as domestic respondents. Foreign dealers impacted by this collection include exporters that must fill out statistical documents and obtain validation prior to exporting a shipment to the U.S. The number of foreign respondents was calculated by identifying the number of countries exporting BET (40), BFT, (20), SBT (4) or SWO (29) to the U.S., and assuming that there were approximately 10 active exporters per country.

Table 2. Estimate of total number of respondents for this collection

Respondent Type	Number
HMS International Trade Permits	233
Shark Dealer Permits	175
Swordfish Dealer Permits	330
Tuna Dealer Permits (BFT, BAYS or both), includes:	58
BAYS only dealers	32
BFT only dealers	323
BAYS and BFT dealers	323
International Dealers	930
HMS commercially permitted fishermen (submitting voluntary fishing vessel and catch form)	4,939
Non-government Institutions for Validation	10
TOTAL	7,030

*the number of shark, swordfish, and tuna dealer permits and HMS commercially permitted fishermen is based on 2010 data.

Atlantic BFT Landing Reports and Tagging

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

Non-BFT Landings Reports

Non-BFT landings reports will be submitted to NMFS through the electronic dealer reporting systems as of January 2012. The burden associated with these reporting activities, in addition to a voluntary form that fishermen may fill out and leave with HMS dealers for their electronic dealer reports, are summarized in Table 3, and explained in detail below.

Reporting for Atlantic swordfish, sharks, and BAYS tunas was calculated according to species and reporting frequency. Public reporting burden for Atlantic swordfish and BAYS tunas would be one hour per month (15 minutes per report each week x 4 weeks) or 12 hours per year. Based on the number of Atlantic swordfish and BAYS tunas dealer permits in 2010 (or 711 total permits), this would result in an estimated 34,128 responses per year (711 permit holders by 48 reports per year) and an annual reporting burden of 8,532 hours.

Atlantic shark dealers would spend approximately 7.5 hours/month reporting to NMFS (15 minutes per report each day x 30 days) while the non-sandbar LCS, blacknose sharks, and non-blacknose SCS fishing seasons were open, and approximately 1 hour per month when the fishing seasons for these fisheries were closed. In 2010, the non-sandbar LCS, blacknose, or non-blacknose SCS fisheries were open for 33 weeks. Similar season lengths in subsequent years would result in 231 reports and 57.75 hours of reporting by the Federal shark dealer to NMFS while these fisheries were open. However, the non-sandbar LCS, blacknose, or non-blacknose SCS fisheries were closed for 20 weeks during 2010, which would result in 20 reports and 5 hours of reporting (15 minutes per week for 20 weeks) by the Federal shark dealer to NMFS under similar fishing seasons. Based on the number of Atlantic shark dealer permits in 2010 (or 175 total permits), this would result in an estimated 43,925 responses per year (175 permit holders by 251 reports per year) and an annual reporting burden of 10,981.25 hours. The numbers of positive reports were calculated based on 2010 permit information from the Southeast and Northeast regions and reporting frequency estimates and associated burden were based on the length of 2010 shark fishing seasons.

These burden estimates assume that dealers would report Atlantic sharks, swordfish, and/or BAYS tunas during each reporting period. Negative reports would require less of a reporting burden as negative reports are estimated to only take 5 minutes to complete and send to NMFS. The number of negative reports is based on the number of negative reports submitted in 2009 (estimated provided by the Southeast Fisheries Science Center).

Voluntary Vessel and Catch Form

Fishermen may also fill out a voluntary form to provide dealers with fishing vessel and Atlantic swordfish, sharks, and BAYS tunas catch information. This form would take fishermen

approximately 15 minutes to complete and would be completed on a trip basis. Based on the number of HMS trips taken in the Coastal Fisheries, HMS logbooks, Vessel Trip Reports, and intercepted through the Large Pelagic Survey (or a total of 4,606 trips), NMFS estimates that 4,606 forms would be filled out by fishermen for a total of 1,152 burden hours per year (4,606 forms by 15 minutes).

Trade Reports

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

Non-governmental Validation

Non-government institutions may apply for authorization to validate statistical documents or re-export certificates by applying in writing, indicating the procedures to be used for verification of information to be validated, the names and contact information of individuals that will perform the validation, and an example of the stamp or seal applied to the statistical document or re-export certificate. Authorizations must be renewed on an annual basis. In the past, one institution has been provided with validation authority for Pacific BFT. With the increase in need for validation based on the recent expansion of SD programs, it is estimated that approximately 9 other institutions may apply for this authority for a total of 10. Preparing the necessary application is expected to take approximately 2 hours. Total burden hours are given in Table 3.

Table 3. Dealer reporting activities for this collection.

Instrument or Activity	Responses	Burden (hrs) per response	Burden (hrs)
Domestic BFT Landings			
Atlantic BFT Daily Landing Report	2000	2 minutes	67
Atlantic BFT Landing tag	2000	1 minute	33
Landings Reports			
Bluefin Tuna Domestic Landing Biweekly Report	8,346	15 minutes	2,087
HMS Trade Biweekly Dealer Report	6,580	15 minutes	1,645
HMS landings report for swordfish & BAYS tuna*	34,128	15 minutes/weekly	8,532
HMS landings report for sharks*	43,925	15 minutes/weekly or daily	10,981
HMS negative reporting (based on previous number of negative reports)	1,854	5 minutes	155
Voluntary Form for Fishermen			
Fishing vessel and catch form*	4,606	15 minutes	1,152
Validation Authorization			
Non-governmental validation authorization	10	2	20
TOTAL	103,449		24,672

*number of responses and burden hour calculations described in text above.

Total reporting burden for Atlantic BFT domestic reporting, all landings reports, voluntary forms, and non-governmental authorization for statistical document validation is estimated at 103,449 **responses** and 24,672 **hours** with an estimated opportunity cost of \$15/hour. This would result in approximate labor costs of **\$370,080**.

Statistical Documents and Re-export Certificates

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

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

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

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

Activity	# of CDs, SDs, or RXCs (based on # of shipments for 2005)	SD/RXC Response Hourly Burden 5 min per form) (less than 1 hour total rounded up to 1 hour)	Validation Burden (15 min. per shipment)		TOTAL HOURS
			Domestic	Foreign	
BET (frozen)					
I	95	8		24	32
E	10	1	3		4
R	6	1	2		3
BFT (Atlantic/Pacific)					
I (A)	968	81		242	323
E (A)	1073	89	N/A ¹		89
R (A)	181	15	45		60
I (P)	370	31		93	124
E (P)	0	0	0		0
R (P)	0	0	0		0
SBT					
I	201	17		50	67
E	7	1	2		3
R	26	2	7		9
SWO					
I	5,134	428		1,284	1,712
E	147	12	37		49
R	111	9	28		37
TOTALS	8,329	695	124	1,693	2,512

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

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

Costs for the public as a result of this collection include the cost of submitting reports to NMFS via either U.S. mail or FAX. Electronic submission will not result in any additional cost to the public. Forms and tags are provided free of charge. Mailing costs are estimated in Table 5. In addition, non-government institutions approved for validating exports would spend approximately \$10 for a validation stamp and total costs are estimated in Table 5.

If dealers do not already have internet access and/or computers to conduct daily business, then they would need to purchase a computer and internet access in order to comply with the new electronic dealer reporting requirements as of January 2012 for Atlantic BAYS, swordfish, and sharks. Because approximately 94 percent of businesses have at least one computer (Small Business Administration, 2010) with 95 percent of those possessing a computer also having internet access, most dealers are assumed to already have a computer and internet access as part of their regular business operations. The most inexpensive computer that would support the new system may have an average, one-time cost of \$615 (Worthen, 2010). Internet service rates may vary depending on a variety of factors. A recent report by the Small Business Administration (SBA) Office of Advocacy (2010) indicated that businesses pay an average of \$110 per month for internet service, with most paying between \$50 and \$99 per month. Therefore, if a dealer needed to purchase a computer, it would be a one-time cost of \$615. The average annual cost would be \$600 for internet services (assuming dealers would need the most basic internet connection to support NMFS's electronic reporting system at a cost of \$50 per month for internet service; $50 \times 12 \text{ months} = \$600/\text{year}$). As such, during the first year, it would cost dealers \$1,215 ($\$615 \text{ for computer} + \$600 \text{ for internet service}$) for a computer and internet services, assuming the dealer does not already have a computer and internet access as part of his/her regular business operations. After the first year, it would cost \$600 a year for internet service.

To estimate the number of dealers that would need to purchase internet access and/or purchase a computer, NMFS estimated the number of dealers that already have a computer (886 current dealers with Atlantic BAYS, swordfish or shark permits $\times 0.94 = 832$ dealers) and businesses with computers that already have internet access (832 dealers $\times 0.95 = 790$ dealers). Using these estimates, there are approximately 42 dealers with computers, but without internet ($832 - 790 = 42$) and 54 without computer and internet services ($886 - 832 = 54$). The annualized cost of the computers would be \$11,070 ($\$615 \times 54 \text{ dealers} = \$33,210$; $\$33,210/3 = \$11,070$). Internet cost would be \$600 each year, so the average capital and start-up costs would be \$68,670 ($\$600 \times (54+42) \text{ dealers} = \$57,600$; $\$57,600 + \$11,070 = \$68,670$), which is rounded up to **\$69,000**.

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

Reporting Instrument	Number of Responses	Submission		Total Cost (\$)
		Method	Cost per Item (\$)	
Atlantic BFT Daily Landing Report	2,000	FAX	0.15	300
Atlantic BFT Landing Biweekly Report	8,346	mail	0.44	3,672
Atlantic BFT Landing Tag	2,000	N/A	N/A	N/A
HMS landings report	*78,053	electronic	N/A	N/A
HMS negative reporting	1,854	mail	N/A*	N/A**
Voluntary vessel and catch form	4,606	N/A	N/A	N/A
HMS Trade Biweekly Dealer Report	6,580	mail	0.44	2,895
CDs, SDs, & RXCs	8,329	mail	0.44	3,665
Validation for CDs, SDs, & RXCs	included in CDs, etc.	FAX	0.15	1,249
Non-governmental validation auth. (Total cost includes \$10/dealer for valid. stamp)	10	mail	0.44	4.4 (4)
TOTAL	111,778			11,785

*34,128 swordfish and BAYS tuna reports and 43,925 shark reports.

**Postage-paid envelopes are supplied.

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

Costs to the Federal government for this collection include the reproduction of documents and tags, and contracted validation services in addition to the initial cost to create the electronic reporting system for HMS dealers. For domestic reporting, daily landing reports, tags, and biweeklies must be reproduced. Landing report books cost approximately \$5.06/book and approximately 355 (number of dealers with Atlantic BFT permits) will be needed for a total of **\$1,796**. Tags cost approximately \$.075 per tag and approximately 2,000 will be needed for a total of **\$1,500**. The initial cost of the electronic reporting system for Atlantic swordfish, sharks, and BAYS tunas, annual maintenance fees, and potential upgrades is estimated to be **\$676,000**. For international reporting, SDs and RXCs must be reproduced. At a cost of approximately \$.13 per copy and a total number of approximately 7,959 the total cost would be approximately **\$1,035**. The average cost of validation services is \$300 per month or approximately **\$3,600** per year.

Total cost to the Federal government for the items listed above is **\$683,931**.

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

Program Changes: The changes associated with this submission due to program changes are a result of an increase in the required reporting frequency for HMS dealers of shark, BAYS tuna and swordfish. This increased the number of responses and estimate of burden hours. In

addition, a new voluntary form for fishermen increased the number of respondents, responses, and burden hours. Because the new reporting requirements are all electronic, there are no additional costs associated with the submission of reports. However, the estimate of the average capital and start-up costs associated with electronic reporting for dealers is \$69,000, as explained in Question 13.

Table 6. Program changes

Program Change Category	Previous	New Estimates	Program Change
Number of Respondents	1,832	7,030	5,198
Number of Responses	29,984	111,778	81,794
Number of Burden Hours	6,735	27,184	20,449
Total Annual Costs	\$11,785	\$80,785	\$69,000

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

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

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

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

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

The BFT daily landing report is part of an optical character recognition (OCR) system which reads data from a hard copy and puts it in electronic format. Any text in addition to that required for data fields would compromise the OCR system. However, these landing reports are

distributed in a booklet form, and the booklet cover includes all the necessary PRA statements, including the OMB Control Number and expiration date.

18. Explain each exception to the certification statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.

References

SBA. 2010. The Impact of Broadband Speed and Price on Small Business. Small Business Administration, Office of Advocacy. November, 2010. pp. 150.

Worthen, B. 2010. Rising Computer Prices Buck the Trend (Technology). Wall Street Journal. December 13, 2010. p.2.