

**SUPPORTING STATEMENT  
INTERNATIONAL DOLPHIN CONSERVATION PROGRAM  
OMB CONTROL NO. 0648-0387**

**A. JUSTIFICATION**

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

This request is for revision of a current information collection. A proposed rule, 0648-BE99, will codify the requirement for certain vessels to obtain an International Maritime Organization (IMO) number.

The purpose of this collection of information is to comply with the requirements of the [International Dolphin Conservation Program Act](#) (IDCPA), 16 U.S.C. 1414. The Act allows entry of yellowfin tuna into the United States, under specific conditions, from nations in the International Dolphin Conservation Program (IDCP) that would otherwise be under embargo. The Act also allows United States (U.S.) fishing vessels to participate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean (ETP) on terms equivalent with the vessels of other nations. National Oceanic and Atmospheric Administration (NOAA) collects information to allow tracking and verification of dolphin-safe and non-dolphin-safe tuna products from catch through the U.S. market.

The Tuna Conventions Act (TCA), gives the Secretary of Commerce the authority to enact regulations to fulfill the requirement that all member States maintain and provide to the Inter American Tropical Tuna Commission (IATTC) a list of vessels flagged by the member State and (1) authorized by the member State to be used for fishing for tuna and tuna-like species in the IATTC Convention Area, or (2) authorized by other States to be used for fishing for tuna and tuna-like species in their areas of jurisdiction in the IATTC Area, and to maintain and provide for each vessel on that list certain information on its characteristics and its owner and operator.

Vessels already provide most of the required information under existing laws and regulations. All such vessels must be documented by the United States Coast Guard (USCG) or be state-registered and must hold either a valid High Seas Fishing Permit (issued under the authority of the [High Seas Fishing Compliance Act](#) (HSFCA), a valid eastern tropical Pacific (ETP) vessel permit, and/or a valid Pacific Highly Migratory Species (HMS) Permit. Under these existing documentation/ registration and permitting requirements, the vessel owner or operator must comply with information collection requirements that fulfill most of the needs under the TCA. This information collection requirement serves to collect the few pieces of information required under the TCA that are not already collected via existing mechanisms.

Under a 2014 IATTC decision, the United States must also provide to the IATTC, for vessels 100 gross register tons (GRT) or 100 gross tons (GT) or greater, the vessel's IMO number. An IMO number, also known as an IMO ship identification number, is a unique number issued for a ship or vessel under the ship identification number scheme established by the International Maritime Organization. Once issued, an IMO number will remain with the vessel for its life, regardless of changes to the vessel's name, flag, ownership, or other attributes. This information collection requirement serves to collect information based on a decision of the Commission

made under C-14-01, which requires each member of the IATTC to ensure that IMO numbers are supplied for vessels eligible for an IMO number listed on the Register of Vessels. To satisfy this requirement, NMFS will require that the owner of each subject vessel request and obtain an IMO number (if they do not already have one issued), which they can do by submitting certain information about the vessel and its ownership and management to the administrator of the IMO ship identification number scheme, a private third party not associated with the United States government or any other government. Although NMFS will not collect this information directly, the requirement to submit the information to the third party is covered by this information collection.

*Request for Exemption.* In the event that a fishing vessel owner, after following the instructions given by the designated manager of the IMO ship identification number scheme, is unable to ensure that an IMO number is issued for the fishing vessel, the fishing vessel owner may request an exemption from the requirement from the West Coast Regional Administrator (*see Question 2 more for information on the process*).

This information collection pertains to U.S. tuna purse seine vessel and operator permit holders fishing under the International Dolphin Conservation Program (IDCP) and the tracking and verification program for tuna that is (1) harvested and processed by U.S. companies or (2) offered for sale in the U.S. Currently collected information under the IDCP with Paperwork Reduction Act (PRA) approval includes:

- 1) Permits
  - a) vessel permit applications (including vessel photograph), and
  - b) operator permit applications
- 2) waiver requests to transit the ETP without an observer on board,
- 3) vessel departure notification five days prior to departure,
- 4) vessel arrival notification,
- 5) change in operator permit notification,
- 6) modified net notification,
- 7) experimental fishing gear waiver applications,
- 8) Dolphin Mortality Limit requests,
- 9) annual written notification to request a small tuna purse seine vessel be listed as active,
- 10) annual written notification to request a small tuna purse seine vessel be listed as inactive,
- 11) written notification of the intent to transfer a tuna purse seine vessel to foreign registry and flag,
- 12) request for a force majeure exemption: in the event of force majeure (vessels disabled by mechanical and/or structural failure, fire, or explosion) rendering a purse seine vessel unable to proceed to sea outside of a closure period for at least 62 days (the prescribed closure period), the vessel owner may request an exemption from the closure period and if the request is accepted by the IATTC, the purse seine vessel owner may observe a reduced closure period of 30 consecutive days.
- 13) Domestic tracking and verification program:
  - a) tuna tracking form submission,
  - b) monthly tuna receiving reports,
  - c) monthly tuna storage removal reports, and

d) documentary evidence requests.

The proposed information collection is intended to better ensure dolphin-safe labels comply with the requirements of the [Dolphin Protection Consumer Information Act](#) (DPCIA; 16 U.S.C. 1385) and to ensure the United States satisfies its obligation as a member of the World Trade Organization.

Vessel and operator permit holder requirements are in [50 CFR Part 216.24](#) and the tuna tracking and verification requirements are in [50 CFR Part 216.93](#).

The requirement for importers to provide information about the shipment of tuna and tuna products, except some fresh products, into the United States, using the Fisheries Certificate of Origin (NOAA Form 370) is approved by the Office of Management and Budget under Control Number 0648-0335.

**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 information is used by the National Marine Fisheries Service (NMFS), the USGC, and the IATTC to monitor the size and composition of the vessel fleets in the IATTC Convention Area for compliance-related and scientific purposes. Knowing such information as the number of vessels, the details of the vessels and their ownership, and the types of gear employed enables effective monitoring of vessel activity for enforcement and assessment purposes.

New requirement: NMFS will require that the owner of each subject vessel request and obtain an IMO number (if they do not already have one issued), which they can do by submitting certain information about the vessel and its ownership and management to the administrator of the IMO ship identification number scheme, a private third party not associated with the United States government or any other government. Although NMFS will not collect this information directly, the requirement to submit the information to the third party is covered by this information collection.

*Request for Exemption.* In the event that a fishing vessel owner, after following the instructions given by the designated manager of the IMO ship identification number scheme, is unable to ensure that an IMO number is issued for the fishing vessel, the fishing vessel owner may request an exemption from the requirement from the West Coast Regional Administrator. The request must be sent by mail to NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802, and must include the vessel's name, the vessel's official number, a description of the steps taken to request an IMO number, and a description of any responses from the administrator of the IMO ship identification number scheme.

*Exemption Process.* Upon receipt of a request for an exemption under paragraph (b)(3)(iv) of this section, the West Coast Regional Administrator will, to the extent he or she determines appropriate, assist the fishing vessel owner in requesting an IMO number. If the West Coast Regional Administrator determines that the fishing vessel owner has followed all appropriate

procedures and yet is unable to obtain an IMO number for the fishing vessel, he or she will issue an exemption from the requirements of paragraph (b)(3)(iii) of this section for the vessel and its owner and notify the owner of the exemption. The West Coast Regional Administrator may limit the duration of the exemption. The West Coast Regional Administrator may rescind an exemption at any time. If an exemption is rescinded, the fishing vessel owner must comply with the requirements of paragraph (b)(3)(iii) of this section within 30 days of being notified of the rescission. If the ownership of a fishing vessel changes, an exemption issued to the former fishing vessel owner becomes void.

The frequency of this collection of information, with the exception of obtaining an IMO number, is the same as the frequency of collection used for applications for the High Seas Fishing Permit (once every five years), Pacific HMS Permit (once every 2 years), and the ETP Vessel Permit (annually). The information required for a vessel to obtain an IMO number is a one-time collection.

All other information collections remain unchanged.

Owners or operators of vessels are required to provide the information specified in an application for a the High Seas Fishing Permit issued under the HSFCA (OMB Control No. 0648-0304), or the Pacific HMS Permit issued under the HMS FMP (OMB Control No. 0648-0204), or the ETP Vessel Permit (OMB Control No. 0648-0387).

Owners and operators of vessels 100 GRT/GT or greater are required to provide information specified by the administrator of the IMO ship identification number scheme. The current administrator is IHS Maritime. Instructions on how to apply for an IMO number are available at: <http://www.imonumbers.lrfairplay.com/default.aspx>. The required information includes but is not limited to:

- a) Current ship name/shipyard ID
- b) Original name
- c) Flag
- d) Fishing number
- e) Gross and net tonnage
- f) Overall length
- g) Shipbuilder
- h) Place of build
- i) Hull number
- j) Registered owner and owner address
- k) Manager and manager address
- l) Company name
- m) Contact name
- n) Sender's email

For those elements of this information collection that are collected by NMFS, up to the point of submitting the information to the IATTC, sharing it with other U.S. agencies such as the USCG, or disseminating it to the public, NMFS retains control and safeguards it from improper access,

modification, and destruction consistent with NOAA policies. None of the collected information is considered to be confidential or protected by NMFS as such. Once submitted to the IATTC, the IATTC will maintain and control access to the information in accordance with its internal rules and procedures for dissemination of data. . According to those rules and procedures, the information will be treated as public domain data; that is, it will not be treated as confidential or protected as such. Most or all of the information will be disseminated by the IATTC to the public via its public website. It will be disseminated in close to its original form.

The information provided in applications for IMO numbers is used by the administrator of the IMO ship identification number scheme to generate an IMO number for the vessel that is unique and stays with the vessel. The administrator makes the IMO number publicly available and also uses the data in its commercial products, such as directories of vessels.

There are no changes to the other information collection requirements.

A valid permit protects the fisherman and vessel owner from prosecution under the [Marine Mammal Protection Act](#) (MMPA) for violation of the Moratorium on taking marine mammals. Information supplied by the applicant is used by the National Marine Fisheries Service (NMFS) and the general public to review the appropriateness of waiving the moratorium to authorize the incidental take of marine mammals by U.S. tuna purse seine vessels fishing in the ETP. Each year vessel owners and operators must apply for a permit under the MMPA and comply with the terms and conditions associated with its issuance. In addition, by signing the application for a vessel permit, the vessel owner agrees to release to NMFS all records made by Inter-American Tropical Tuna Commission (IATTC) observers during fishing trips aboard the vessel and furnish the international observer program with all release forms required to authorize the observer data to be provided to NMFS [50 CFR 216.24(b)(8)(v)].

a) Permit applications

i) ETP vessel permit applications must be submitted to the Regional Administrator, NMFS, West Coast Region, by fax. The information needed for a vessel permit under [50 CFR 216.24(b)(4)] is as follows:

- (1) Identifying information for the vessel: Name and official number of fishing vessel to appear on permit [self-explanatory and required by 16 U.S.C. 1416 § 306(a)(1)(A)]. A photograph of the vessel with the registration number showing and legible [this information assists the agency with identification of vessels and enforcement]. The tonnage, carrying capacity, maximum vessel speed, processing equipment, and type and quantity of gear, including an inventory of special equipment required. [This information assists the agency with tracking processed and unprocessed tuna, monitoring compliance with gear requirements under the MMPA, and evaluating the ability of a vessel to capture tuna. A vessel's characteristics are important when determining the performance of a vessel which can be used to determine the fishing power of the vessel. This information is required by 16 U.S.C. 1416 § 306(a)(1)(B)];
- (2) A statement whether the vessel intends to make sets involving the intentional taking of marine mammals. [This information is used to determine the type of permit that needs to be issued];

- (3) The identity of Federal, State and local commercial fishing licenses, if applicable, under which vessel operations are conducted, and dates of expiration. [This information is collected to assess whether other permits may be combined in the future with the issuance of a vessel permit. In addition, this information may assist the agency with some of the tuna tracking requirements as well as determine whether a vessel is in compliance with other applicable federal regulations];
- (4) The name(s) of the operator anticipated to be used. [This information is collected to assess whether the operator has a valid operator permit to fish for tuna in the ETP]; and
- (5) The applicant's signature or the signature of the applicant's representative, if any, including the address, telephone and fax numbers, and if applicable, the name, address, telephone, and fax numbers of the agent or organization acting on behalf of the vessel. [Signature certifies the information is true and correct and authorizes observer data collected to be provided to NMFS and the International Review Panel. The contact information is required by 16 U.S.C. 1416 § 306(a)(1)(A).]

ii) The information needed for an operator permit under [50 CFR 216.24(b)(5)] is as follows:

- (1) The name, address, optional E-mail address, telephone and fax numbers of the applicant [Self-explanatory];
- (2) The type and identification number(s) of any Federal, State, and local fishing licenses held by the applicant. [This information is collected to assess whether other permits may be combined in the future with the issuance of an operator permit];
- (3) The name of the vessel(s) on which the applicant anticipates serving as an operator. [The historical performance of an operator is as critical as the historical characteristics and fishing power of a vessel. The operator information may then be linked to the vessel of record to establish an operator catch history for that fishery or gear].
- (4) The date, location, and provider of any training for the operator permit. Training includes a demonstration of familiarity with the techniques used to release entrapped dolphin(s) from a large purse seine net. Upon completion of training, a certificate of completion is issued [50 CFR 216.24(c)(5)]. Operator permits are issued annually. Additional training is not required unless regulations are modified substantially, the operator no longer demonstrates proficiency, or the operator does not obtain a previous calendar year permit. [Operator training is required to insure fishing captains understand the principles of dolphin safe fishing techniques and are kept informed of new technology, changing regulations, and new international agreements.]; and
- (5) The applicant's printed name and signature or the printed name and signature of the applicant's representative, if any. [Signature certifies the information is true and correct.]

- b) The rules and regulations allow tuna purse seine vessels without a permit and more than two speedboats to transit the ETP without an observer on board if the vessel owner requests a waiver [50 CFR 216.24(a)(3)]. This provision allows vessel owners the ability to off-load, complete repairs, or transit the permit area in an emergency without delay and without having to obtain a vessel and operator permit and carry an authorized NMFS or IATTC observer. As part of the waiver, the vessel owner must notify the Administrator, Southwest Region, with the name of the vessel and the date the vessel exits or subsequently enters the permit area.
- i) To request a waiver, the following information must be provided to the Regional Administrator, West Coast Region, in writing and in advance of entering the ETP:
- (1) The name of the vessel and operator [Self-explanatory];
  - (2) The ports of departure and arrival;
  - (3) The number of expected days to complete the transit [Information needed to coordinate vessel transit with appropriate authorities, especially the IATTC];
  - (4) Reason for transiting the ETP;
  - (5) The measure(s) taken to ensure that the vessel is unable to fish while in travel through the ETP (e.g., no net aboard, reduced crew); and
  - (6) A statement that the vessel will not fish while in transit through the ETP [Self-explanatory].
- c) Vessel permit holders are required to notify the Regional Administrator, NMFS, West Coast Region, or the Inter-American Tropical Tuna Commission contact designated by the Regional Administrator, NMFS, West Coast Region, at least five days in advance of the vessel's departure on a fishing voyage to allow for observer placement on every voyage [50 CFR 216.24(b)(8)(iv)]. The information may be provided either verbally or in writing and must include the following information:
- i) The name of the vessel and operator [Self-explanatory];
  - ii) Location of the vessel; and
  - iii) Date and time of departure. [Information needed to coordinate and facilitate observer travel with the vessel departure.]
- d) The Captain, managing owner, vessel permit holder, or vessel agent of a U.S. tuna purse seine vessel returning to port from a trip, any part of which included fishing in the ETP, is required to notify the Regional Administrator, NMFS, West Coast Region, or the Inter-American Tropical Tuna Commission contact designated by the Regional Administrator, NMFS, West Coast Region, at least 48 hours in advance of a vessel's arrival in port at the conclusion of a fishing voyage [50 CFR 216.93(c)(3)] to allow enough time for a NMFS

representative to meet the vessel at the unloading location to monitor the handling of “dolphin safe” and “non-dolphin safe” tuna. Fish may be unloaded directly to a cannery facility or transshipped to another location by a freezer ship. The information may be provided either verbally or in writing and must include the following information:

- i) The name of the vessel and operator [Self-explanatory];
  - ii) Port of arrival where fish will be unloaded;
  - iii) Date and time of unloading; and
  - iv) Schedule of unloading [Information needed to coordinate and facilitate NMFS representative travel to meet the arriving vessel.]
- e) Vessel permit holders must notify the Regional Administrator, NMFS, West Coast Region, at least 48 hours prior to departing on a trip if there is a change of the vessel operator or within 72 hours after a change of the vessel operator if the change was made because of an emergency [50 CFR 216.24(b)(8)(iv)(B)]. This information is used to facilitate observer placements and make arrangements to conduct an observer placement meeting with the captain, managing owner, and program personnel prior to departure. Also, at this time the agency may notify the vessel owner if the operator must attend a skipper workshop. If necessary, arrangements may be made to schedule a workshop. This information may be provided verbally or in writing and must include:
- i) Vessel name; and
  - ii) New operator permit holder name.
- f) Vessel Permit holders intending to make intentional sets on marine mammals must notify the Regional Administrator, NMFS, West Coast Region, of any net modification at least 5 days prior to departure of the vessel in order to determine whether a reinspection or trial set (net alignment) is required [50 CFR 216.24(c)(4)(ii)]. If no net modifications are made during a calendar year, inspections shall be conducted by the authorized NMFS inspector (observer). This information may be provided verbally or in writing, and must include the following information:
- i) Vessel name; and
  - ii) Type of gear modification completed.
- g) The Regional Administrator, NMFS, West Coast Region, may authorize experimental fishing operations, consistent with the provisions of the International Dolphin Conservation Program for the purpose of testing proposed improvements in fishing techniques and equipment that may reduce or eliminate dolphin mortality or serious injury, or do not require the encirclement of dolphins in the course of fishing operations [16 USC 1413 Section 303(A)(2)(B)(x)]. Vessel Permit holders may apply for an experimental fishing operation waiver by submitting the following information to the Regional Administrator, NMFS, West Coast Region, no less than 90 days before the intended date the proposed operation is intended to



begin [50 CFR 216.24(c)(7)]. This information is necessary to assess the potential benefit of the experimental gear and the merits of the experimental design. If the experimental fishing permit is authorized, the applicant will need to submit a report at the conclusion of the experiment as part of the terms and conditions of the permit.

- i) The name(s) of the vessel(s) and the vessel permit holder(s) to participate [Self explanatory];
  - ii) A statement of the specific vessel gear and equipment or procedural requirement to be exempted and why such an exemption is necessary to conduct the experiment;
  - iii) A description of how the proposed modification to the gear and equipment or procedures is expected to reduce incidental mortality or serious injury of marine mammals;
  - iv) A description of the applicability of this modification to other purse seine vessels;
  - v) The planned design, time, duration, and general area of the experimental operation;
  - vi) The name(s) of the permitted operator(s) of the vessel(s) during the experiment;
  - vii) A statement of the qualifications of the individual or company doing the analysis of the research;
  - viii) The signature of the permitted operator or of the operator's representative; and
  - ix) A report summarizing the results of the experiment.
- h) A vessel permit holder desiring to encircle dolphins in an effort to capture tuna must obtain a dolphin mortality limit (DML) under the International Agreement prior to conducting fishing operations [16 USC 1413 Section 303(A)(2)(B)(ix)]. Under the IDCPA, vessel permit holders may apply for either a six month DML (July through December), a one year DML (January through December), or a per-trip DML depending on vessel eligibility. Vessel permit holders may request a DML either by April 1 or by September 1, depending on whether the vessel permit holder is requesting a six month or one year DML allocation. Vessel permit holders may apply for a per-trip DML at any time, allowing at least 60 days for processing. To assess the eligibility of the vessel, six month and one year DML requests must be made in writing to the Regional Administrator, NMFS, West Coast Region, allowing at least 60 days for processing, and must include the following information [50 CFR 216.24(c)(9)]:
- i) The name of the purse seine vessel(s) of carrying capacity greater than 400 short tons that the owner intends to use to intentionally deploy purse seine fishing nets in the ETP [Self-explanatory]; and
  - ii) The name of the vessel permit holder.

In addition, a vessel possessing a valid vessel permit, but that does not normally fish for tuna in the ETP and desires to participate in the fishery on a limited basis, may apply for

a per-trip DML from the Regional Administrator, NMFS, West Coast Region. To assess the eligibility of the vessel, per-trip DML requests must be in writing, allowing 60 days for processing, and state:

- iii) The number of anticipated trips involving sets on dolphin; and
  - iv) The anticipated dates of the trip(s).
- i) Vessel owners or managing owners must submit written notification to the Regional Administrator, NMFS, West Coast Region, to request that a vessel of 400 short tons (st) carrying capacity or less be categorized as active or inactive on the IATTC Vessel Register (Vessel Register), the list of vessels authorized to fish for tuna and tuna-like species in the ETP. Active or inactive status on the IATTC Vessel Register expires on December 31 of each year. Vessel owners or managing owners of vessels greater than 400 st carrying capacity are required to submit permit applications and fees each year to be listed on the Vessel Register, whereas vessel owners or managing owners of vessels of 400 st carrying capacity or less are not. Annual written notification would ensure that: 1) the request for active or inactive status is processed; 2) the vessel's capacity is accounted for in the total fleet capacity; and 3) the required information for the Vessel Register is collected. The notification must be submitted by November 30 of the year prior to the year for which inclusion on the register is requested.

To request a tuna purse seine vessel of 400 st carrying capacity or less be listed as active on the Vessel Register, the vessel owner or managing owner must submit by fax the following information in writing:

- i) Name and official number of fishing vessel [Self-explanatory]. A photograph of the vessel with the registration number showing and legible [This information assists the agency with identification of vessels and enforcement]. The port of registry; previous name(s) and flag; International Radio Call Sign; where and when built; length, beam, and molded depth; tonnage, fish hold capacity, and carrying capacity; type of fishing method(s); engine horsepower; and the name and address of the vessel owner(s) and managing owner(s). [This information assists the agency with tracking processed and unprocessed tuna and evaluating the ability of a vessel to capture tuna. A vessel's characteristics are important when determining the performance of a vessel which can be used to determine the fishing power of the vessel. This information is required by the IATTC.];
  - ii) The vessel owner or managing owner's signature and business telephone and fax numbers. [Signature certifies the information is true and correct. The contact information is required by the IATTC.]
- j) To request a tuna purse seine vessel of 400 st carrying capacity or less be listed as inactive on the Vessel Register, the vessel owner or managing owner must submit by mail the following information in writing:
- i) Name and official number of fishing vessel [Self-explanatory];
  - ii) The vessel owner or managing owner's name, signature, business address, and business

telephone and fax numbers. [Self-explanatory. Signature certifies the information is true and correct.]

- k) The vessel owner or managing owner of a tuna purse seine vessel listed on the Vessel Register must notify the Regional Administrator, NMFS, West Coast Region, of the intent to transfer the vessel to foreign registry and flag. Written notification must be received at least 10 business days prior to the submission of an application for transfer of the vessel to foreign registry and flag. The notification requirement would not apply to owners or managing owners of vessels that have received approval from the U.S. Maritime Administration (MARAD) for transfer of the vessel to foreign registry and flag, because MARAD already provides notification to NMFS prior to the transfer of these vessels. The notification will be used to manage the tuna purse seine portion of the Vessel Register. Vessels that have their documentation removed and are transferred to foreign registry and flag would no longer be authorized by the U.S. to purse seine for tuna in the ETP. Vessel owners or managing owners must submit by mail the following information in writing:
- i) Name and official number of fishing vessel [Self-explanatory and required by 16 U.S.C. 1416 § 306(a)(1)(A)];
  - ii) The expected date the application will be submitted for transfer of the vessel to foreign registry and flag; and
  - iii) The vessel owner or managing owner's name and signature. [Signature certifies the information is true and correct.]
- l) In some years, the tuna conservation Resolution adopted by the IATTC may provide for two (or more) possible closure periods. The U.S. Government may determine which closure period will be observed by all members of the tuna purse seine fleet and inform vessel owners of the closure date. Alternately, vessel owners may be allowed to choose between the options. If the vessel owner does not respond by a specified date (July 1) for each applicable year, they are required to adhere to the later closure period by default. Under this circumstance, vessel owners or managing owners must submit in writing (via fax) the following information:
- i. Name and official number of fishing vessel;
  - ii. The closure period the vessel will adhere to that year; and
  - iii. The vessel owner or managing owner's name and signature [Self-explanatory].
- m) Force majeure exemption: Per Final Rule 0648-BD52, in the event of force majeure (vessels disabled by mechanical and/or structural failure, fire, or explosion) rendering a purse seine vessel unable to proceed to sea outside of a closure period for at least 62 days (the prescribed closure period), the vessel owner may request an exemption from the closure period and if the request is accepted by the IATTC, the purse seine vessel owner may observe a reduced closure period of 30 consecutive days.

The addition of the force majeure provision: purse seine vessel owners or managers

interested in requesting a force majeure exemption will be required to submit the information listed below to NMFS via fax or e-mail, such that their request can be considered for approval by IATTC Members:

- i. The name and official number of the vessel,
- ii. Vessel owner or manager's name and signature, and
- iii. Evidence to support the request, which may include but is not limited to photographs, repair bills, certificates of departure from port, United States Coast Guard form CG-2692A (Ref. 46 CFR 4.05-10).

#### **n) Domestic tracking and verification program**

The DPCIA requires the Secretary of Commerce to establish and conduct a domestic tracking and verification program to effectively track and document the movement of all tuna products in the U.S. market channels from its capture to final sale. The Secretary has delegated the authority to the Regional Administrator, NMFS, West Coast Region. The tracking program documents the dolphin-safe or non-dolphin-safe condition of tuna through catch and processing for use in verifying the dolphin-safe or non-dolphin-safe condition of tuna products entering the U.S. market.

The U.S. canned tuna industry produces nearly \$1 billion worth of canned tuna every year, and canned tuna is the second most popular fish product marketed and consumed in this country. Because of this, the statistics which describe the tuna fishery, its products, and its markets have been of interest to NMFS for some time.

The tracking program includes procedures and reports for use when importing tuna into the U.S. and during domestic fishing, processing, and marketing in the U.S. Verification of tracking system operations is attained through the establishment of audit and document review requirements which include the following information collections:

- 1) Tuna tracking form submission: The tuna tracking forms record the amounts and location of "dolphin safe" and "non-dolphin safe" tuna as it is loaded into fish wells aboard the vessel. The forms are completed and initialed by the observer and the captain or engineer after each set. During the duration of the vessel assignment, the observer retains the tuna tracking forms until the vessel arrives in port. Upon arrival in a U.S. port, the captain signs the tuna tracking forms and the observer submits the completed tuna tracking forms to the NMFS representative in person. In the event the observer does not submit the tuna tracking forms to the NMFS representative, the captain submits the forms in person or by mail to the Regional Administrator, NMFS, West Coast Region, within 5 working days at the end of the trip. The tuna tracking forms include the following information:
  - i) Well numbers containing "dolphin safe" and "non-dolphin safe" tuna [Self-explanatory. Information needed to monitor and track "dolphin safe" and "non-dolphin safe" tuna from time of capture];
  - ii) Weights by species composition and estimated tons loaded into each fish well [Self-explanatory. Information used to track weights of tuna at time of capture];

- iii) Set number and date of loading [Information used to track weights and location of tuna at time of capture. Set numbers are important since more than one set may be completed in a single day];
  - iv) Trip number and Trip dates [Information used to correlate the fish to observer and vessel records to verify whether marine mammals were encircled, killed, or seriously injured during fishing operations];
  - v) Observer name and signature [Information used to certify and verify the report is accurate and correct]; and
  - vi) Captain name and signature and vessel name. [Information used to correlate the fish to observer and vessel records to verify whether marine mammals were encircled, killed, or seriously injured during fishing operations.]
- 2) Monthly tuna receiving reports: Canned tuna processors must submit a report to the Regional Administrator, NMFS, West Coast Region of all tuna received at their processing facilities in each calendar month whether or not the tuna is actually canned or stored during that month. Monthly tuna receiving reports are already compiled by the cannery to monitor and track tuna received at the facility. These reports may be submitted by fax, email or mail before the last day of the month following the month being reported. The information is used to monitor and track dolphin-safe and non-dolphin-safe tuna processed at the cannery. Monthly reports must contain information for both domestic and imported tuna receipts. In addition, imported tuna receipts must have a Fisheries Certificate of Origin (NOAA Form 370) approved by the Office of Management and Budget under Control Number 0648-0335. The following information must be provided in the report:
- i) Species [Self-explanatory. Information used to determine the type of tuna species processed since yellowfin tuna may be subject to an embargo];
  - ii) Tuna condition (round, loin, dressed, gilled and gutted, other) [Self-explanatory. Information used to track tuna products throughout the processing];
  - iii) Dolphin-safe status of tuna;
  - iv) Weight in short tons to the fourth decimal, as specified in 50 CFR 216.93(d)(2)(i). [Self-explanatory. Information used to track the quantity of tuna being processed];
  - v) Ocean area of capture (eastern tropical Pacific, western Pacific, Indian, eastern and western Atlantic, other) [This information is used to determine whether the tuna may be subject to an embargo since yellowfin tuna caught using a purse seine in the ETP or tuna caught using a high seas drift net may be subject to an embargo];
  - vi) Catcher vessel [Information used to track tuna back to the vessel of capture];
  - vii) Trip dates [Information used to correlate tuna fish to observer and vessel records];

- viii) Carrier name [Information used to monitor and track origin of tuna];
  - ix) Unloading dates [Correlates tuna to unloading records to facilitate monitoring and tracking of tuna];
  - x) Location of unloading [Correlates tuna to unloading records to facilitate monitoring and tracking of tuna.]; and
  - xi) Fisheries Certificate of Origin for each imported receipt of tuna [Required to track and monitor imported tuna.].
- 3) Monthly tuna storage removal reports: Canned tuna processors must provide on a monthly basis a report of the amounts of ETP-caught tuna that is removed from cold storage to the Regional Administrator, NMFS, West Coast Region. These reports may be submitted by fax, email or mail before the last day of the month following the month being reported. The information provided in the reports is already generated by the canneries to internally track tuna throughout the entire canning process. This information is used to monitor and track dolphin-safe tuna and non-dolphin-safe tuna. The following information must be provided in the report:
- i) Date of removal [Information used to track and monitor tuna];
  - ii) Storage container numbers [Information needed by cannery to track tuna throughout the process];
  - iii) “Dolphin safe” or “non-dolphin safe” designation [Information needed to track the classification of tuna being processed]; and
  - iv) Disposition of fish (canning, sale, rejection, etc) [Information needed to track the disposition of tuna. Records already kept by cannery to account for tuna disposition].
- 4) Any exporter, transshipper, importer, processor, or wholesaler/distributor of any tuna or tuna products labeled as “dolphin safe” must produce documentary evidence concerning the origin of the tuna or products within 30 days of receiving a written request from the Regional Administrator, NMFS, West Coast Region. Documentary evidence may include, but is not limited to, such documents as invoices, packing lists, cannery production logs, and U.S. Customs and Border Protection forms filed at the time of importation.

NOAA is unaware of any domestic tuna processor, other than canning operators, that labels tuna product as dolphin-safe. Therefore, no monthly tuna receiving reports or monthly tuna storage reports are expected to be submitted by tuna processors, other than tuna canners.

There is no standardized form for the submission of the above reports. Respondents usually submit the information in an electronic spreadsheet format.

The information collected will not be disseminated to the public since the individual reports contain no information useful to anyone outside of the Federal Government. The main purpose of the reports is to satisfy the legal mandates of Congress.

NMFS will retain control over the information and safeguard it from improper use, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. 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 monthly tuna reporting requirements are authorized to be submitted electronically via email, fax or hard copy mail. Respondents are encouraged to provide electronic copies to NMFS via email. Currently, about 50% of the responses are received electronically via email.

The Web site for the West Coast Regional Office of NMFS at <http://www.westcoast.fisheries.noaa.gov/> is used to inform the public about the collection of information necessary to comply with management program requirements. The required forms and instructions for commercial fishery permits are available online for downloading, filling and mailing, at [http://www.westcoast.fisheries.noaa.gov/permits/commercial\\_fishing\\_research\\_permits.html](http://www.westcoast.fisheries.noaa.gov/permits/commercial_fishing_research_permits.html).

Required forms and instructions to obtain an IMO number are available and may be submitted online at <http://www.imonumbers.lrfairplay.com>.

**4. Describe efforts to identify duplication.**

There is no duplication within federal or state fisheries. Permittees under the High Seas Fishing Compliance Act, 16 USC 45501 et seq., complete the same logbook as those for this information collection, and one completion is sufficient for both programs.

Some of the vessel information required under the TCA is collected via the HSFCA, the Pacific HMS Fishery Management Plan, the ETP Vessel Permit, by the USCG, and by the third party administrator of the IMO ship identification number scheme. The forms used for the described in Question 2, are designed to avoid duplication: only information not already collected under existing mechanisms is collected. The form used to collect information necessary to apply for an IMO number is specified by the third party administrator of the IMO ship number identification scheme, and the information is not collected by NMFS. NOAA and NMFS have no control over the information that is required to obtain an IMO number and so it is possible that information submitted for that purpose duplicates information submitted to NMFS for other purposes.

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

Approximately 140 of the 144 respondents, or 97%, are estimated to qualify as small business, assuming vessel operators have that status even as an employee of a larger company. The

owners of small purse seine vessels all qualify, and most of the canned tuna processors and other exporters and transshippers qualify as well. Not all of the information collections apply to all respondents, so the average burden per respondent is lower than 1/144 x 179 (1.25 hours). The two permit application forms in this collection are included in the National Permit System, so that fishermen may submit applications online, thus reducing some of the burden on those respondents.

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

The Secretary of Commerce would not be able to meet the mandates of the applicable laws if the information collection was not conducted. Litigation against the Federal Government would likely ensue. U.S. tuna purse seine vessels and operators would not be able to fish for tuna and tuna like species within the ETP, causing an economic hardship to the industry. Annual vessel and operator permits are necessary, because NMFS must certify to the International Review Panel that vessels requesting a DML are eligible to receive a DML and have all of the required dolphin safety gear. In addition, annual permits and notifications provide an accurate estimate of the number of vessels and operators actively participating in the IDCP and fishing for tuna within the ETP. This information is necessary for maintaining the U.S. tuna purse seine fleet within the capacity limits.

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

This information collection is consistent with OMB guidelines (5 CFR 1320.6).

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

A proposed rule for the revision and extension of the information collection will be published coincident with this request. Comments will be invited from the public on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency; (b) the accuracy of the agency's estimate of burden; (c) ways to enhance utility and clarity of information; and (d) ways to minimize the burden of collection.

NMFS also recently sought and received feedback from representatives of the main fishing fleets subject to this information collection, particularly regarding the accuracy of estimated burdens. Responses were received from several stakeholders of two vessel industry associations expressing agreement with the NMFS' estimate of burdens. The input received from stakeholders has not warranted changes to the information collection.

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



No payments or gifts are provided.

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

Information collected under the DPCIA is considered confidential and is treated as such in accordance with NOAA Administrative Order 216-100 as stated in [50 CFR 216 subpart H](#). Information collected is handled in compliance with agency filing and retention policy.

**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 questions of a sensitive nature are included in this information collection.

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

The **current** total number of respondents is 144, the total number of annual responses is 318, and the recordkeeping and reporting burden to the general public for the vessel and operator permit requirements, Vessel Register requirements, and the tuna tracking and verification program is estimated to be 180 hours per year.

**Respondents**

Owners/managers of large purse seine vessels (applicants for ETP vessel permits):	18
Vessel operators (individuals; applicants for operator permits):	44
Owners/managing owners of purse seine vessels requesting a transit waiver (that do not have an ETP vessel permit):	2
Owners/managing owners of small purse seine vessels (requesting active status):	18*
Owners/managing owners of small purse seine vessels (requesting inactive status):	1
Owners/managing owners of large purse seine vessels (requesting inactive status):	1
Canned tuna processors (includes those that submit monthly tuna storage removal reports and monthly tuna receiving reports):	20
Exporters, transshippers, importers, processors, and wholesaler/distributors (who must submit documentary evidence at the request of the NMFS Assistant Administrator; may or may not include any of the 20 processors who submit monthly reports):	40
<b>TOTAL</b>	<b>144*</b>

**\* Adding 5 respondents, most probably in the small purse seine category, will change the**

**current total to 149.**

(There is a small amount of duplication of respondents: the one small purse seine vessel requesting inactive status, and any overlap among the last two categories, which cannot be determined.)

The number of respondents required to apply for an IMO number will depend on the number of *new* respondents that do not already have an IMO number issued for their vessel. Based on the current estimates of vessels, NMFS estimates that ten respondents will initially be subject to this element of the collection. Because this element will be a one-time requirement, subsequently only *new* vessels (and that are at least 100 GRT or GT in size and that do not already have an IMO number) will be subject to this element of the collection. It is projected that the number of such vessels will be approximately two per year. For the first three years of this element of the collection, then, NMFS expects a total of 14 respondents, each providing just one response, or an average of five respondents per year.

Total respondents: 10 in first year, up to 2 per year after. Total of up to an estimated 14 in first 3 years.

Following are the estimates of the burden associated with the collection of information process for IMO number application:.

5 vessels x 1 response per vessel x 30 minutes per response = 2.5 hr/yr

Total estimated burden per year = 2.5 (3) hours

Total estimated responses per year = 5 @ 30 minutes.

IMO exemption request: 1 response every three years at 30 minutes per response (annualized to 10 minutes).

Total estimated responses per year including the exemption: 6; hours: 3 hours, 10 minutes (3 hours).

**For the entire collection including the IMO requirement:**

The total responses are **324 (318 + 5 + 1)**.

The total hours are **183 (180 + 3)**.

The total labor costs are **\$4,575 (\$25 x 183)**.

**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).**

**The current estimated annual recordkeeping/reporting cost to the public for items (a) through l) is \$4,572. There are no capital or start-up costs associated with this information collection. There will be an additional \$5 per year (\$1.00 internet access cost per response) and postage of \$.049 for an exemption request, with the total costs increasing to \$4,578.**

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

The estimated annual costs for processing vessel and operator permit applications as well as responding to the notification and reporting requirements to the Federal government is determined by calculating the total time necessary for staff to complete the response and multiplying the amount by \$35 per hour. The total annual estimated cost is **\$2,060. No additional costs are anticipated for the IMO requirement.**

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

**Program Change:**

An increase of 5 respondents and 6 responses, an increase of 3 hours, and an increase of \$6.

This program change is necessary in order for the United States to comply with the recent decision of the IATTC to require its members to ensure that IMO numbers are issued for all fishing vessels at least 100 GRT or GT in size that are authorized to fish for tuna and tuna-like species in within the IATTC Convention Area. This addition to the information collection resulted in an increase of in recordkeeping/reporting costs per year.

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

Not Applicable.

**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.**

Not Applicable.

**18. Explain each exception to the certification statement.**

Not Applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.