

**SUPPORTING STATEMENT**  
**ANTARCTIC MARINE LIVING RESOURCES CONSERVATION AND**  
**MANAGEMENT MEASURES**  
**OMB CONTROL NO. 0648-0742**

This is a resubmission, with the final rule, of the request for approval of a temporary new information collection due to an associated rule **[RIN 0648-BB86]**. Once approved, it will be merged with OMB Control No. 0648-0194. There are no changes to this submission, either in response to public comment or for any other reason.

Under the Antarctic Marine Living Resources Convention Act, 16 U.S.C. 2431 *et seq.* (the Act), the Secretary of Commerce is responsible for promulgate regulations that are necessary and appropriate to implement the Act. Regulations are codified in 50 CFR Part 300, Subparts A and G.

The National Marine Fisheries Service (NMFS) revising and updating the regulations that implement conservation measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR or Commission). These revisions are in addition to those proposed in 80 FR 81251 (December 29, 2015) and finalized in 81 FR 51126 (August 3, 2016) which revised procedures and requirements for filing import, export, and re-export documentation for certain fishery products, to integrate the collection of trade documentation within the government-wide International Trade Data System (ITDS) and require electronic information collection. Approval of the information collection requirements associated with the ITDS have been handled separately.

The final rule changes, and adds to, the current information collection approved under OMB No. 0648-0194. The rule results in some procedural changes, including:

- 1) shifts deadlines for notice of intended fishing activities and accompanying vessel permit application;
- 2) creates the permitting requirements for first receivers from dealers of Antarctic marine living resources (AMLR);
- 3) reduces the time for advance notice of imports of *Dissostichus* species; and
- 4) amends transshipment notification requirements.
- 5) In addition, the rule implements the following revised elements of CCAMLR conservation measures that affect the collection of information:
  - A requirement that Contracting Parties provide the International Maritime Organization (IMO) number for their flagged vessels that it authorizes to fish in the CCAMLR area;
  - Terminology changes to the *Dissostichus* Catch Documentation Scheme and providing for the use of an electronic reporting system; and
  - Specifications on the identification markings to be put on vessels.

### *Advance notice deadline for toothfish imports*

The application for a pre-approval certificate to import frozen toothfish is changed from 15 to 10 working days prior to the importation to provide a more reasonable timeframe for such advance notice while still allowing time for NMFS to verify information.

### *Deadline for notice of intended fishing activities*

This final rule revises the deadline for notification of intent to participate in a *new fishery* to ensure that NMFS is able to satisfy the requirements of Conservation Measure 21-01 (Notification that members are Considering Initiating a New Fishery). Per this rule, the deadline is changed from July 1 to April 1 of the year of the intended start of fishing activity. This revision provides NMFS time to review the information provided by the applicant before submittal to the Commission Secretariat. Because Conservation Measure 21-01 requires that Commission members submit to the Commission Secretariat information about the vessel proposing to participate in a new fishery, this rule requires that the notification be accompanied by a complete vessel permit application, which includes the requisite vessel information.

Similarly, this rule revises the deadline for notification of intent to participate in an *exploratory fishery* to ensure that NMFS is able to satisfy the requirements of Conservation Measure 21-02 (Exploratory Fisheries). The deadline is changed from July 1 to April 1 prior to the fishing season (generally December 1 to November 30) of the year in which the fishing activity is intended to take place. This revision provides NMFS time to review the information prior to submission to the Commission Secretariat. Because Conservation Measure 21-02 requires that Commission members submit information about the vessel proposing to participate in an exploratory fishery to the Commission Secretariat, this rule requires that the notification shall be accompanied by a complete vessel permit application, which includes the requisite vessel information. The rule also requires that additional information be submitted with the notification so that the United States can comply with Conservation Measure 21-02 when notifying the Commission about the intent to participate in an exploratory fishery.

### *Revised terminology on application forms required for trade of toothfish*

“Dissostichus export document (DED)” and “Dissostichus re-export document (DRED)” are added to implement revisions to Conservation Measure 10-05. Currently, the regulations use the term “Dissostichus catch document” to include export and re-export documents, as well as documentation of harvest, transshipment, and landing. With the new terminology, the DED documents export information and the DRED documents re-export information. The Dissostichus catch document or DCD is defined as a document that includes information related to the harvest, transshipment, and landing.

### *AMLR first receiver permit application*

The provisions related to AMLR dealer permits and preapprovals were combined. This final rule clearly separates these processes because the preapproval process applies only to imports of frozen *Dissostichus* spp. and not to imports of fresh *Dissostichus* spp. or other AMLR species.

As explained above, this rule revises the definition of a “dealer” and establishes a definition for “first receiver.” This will enable NMFS to apply different requirements for dealer activities (importing/exporting/re-exporting AMLR) and first receiver activities (i.e., receiving AMLR from vessel licensed under 300.107 at a U.S. port of landing). Through the rulemaking for electronic reporting of trade documentation (81 FR 51126, August 3, 2016) NOAA established an International Fisheries Trade Permit (IFTP) for the import, export, and re-export of AMLR and other regulated seafood commodities that are subject to trade monitoring programs of regional fishery management organizations or arrangements and/or subject to trade documentation requirements under domestic law. The IFTP replaced the AMLR dealer permit. The IFTP covers activities currently authorized under an AMLR dealer permit but would not apply to first receivers of AMLR. Accordingly, this rule establishes a permit procedure for first receivers of AMLR that is distinct and separate from the procedure for AMLR dealers. This will enable NMFS to continue to monitor and obtain information about first receiver activities.

Public reporting burden for this requirement is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

### *Notification of transshipments in the Convention Area.*

This rule adds a requirement that a vessel operator provide advance notification of any transshipment within the Convention Area, of AMLRs or of any other goods or materials, to the CCAMLR Secretariat directly and to submit a confirmation of such notification to NMFS Headquarters.

Public reporting burden for this proposed requirement is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

### *IMO number requirement*

For NMFS to accept a vessel permit application, this rule requires the vessel to have been issued an International Maritime Organization or IMO number. This new requirement implements a Commission adopted revision to Conservation Measure 10-02 regarding the licensing of vessels. IMO numbers are unique vessel identifiers that remain with the vessel and allow for tracking of the vessel regardless of any changes to its name, call sign, flag or other identifying information.

## *Vessel identification markings*

This rule revises existing regulations to implement Commission adopted revisions to Conservation Measure 10-01 related to the marking of fishing vessels and fishing gear. Previously, this conservation measure required that fishing vessels be marked so that they can be readily identified, in accordance with internationally recognized standards such as the FAO Standard Specifications and Guidelines for the Marking and Identification of Fishing Vessels. Revisions to the conservation measure now specify the location, coloring, size, and maintenance requirements for vessel and gear markings, and the proposed rule includes these requirements.

### **JUSTIFICATION**

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

The 1982 [Convention for the Conservation of Antarctic Marine Living Resources](#) established the [Commission for the Conservation of Antarctic Marine Living Resources](#) (CCAMLR) for the purpose of protecting and conserving the marine living resources in the waters surrounding Antarctica. The Convention is based upon an ecosystem approach to the conservation of marine living resources and incorporates standards designed to ensure the conservation of individual populations and species and the Antarctic marine ecosystem as a whole.

The United States is a contracting party to the Convention and a member of CCAMLR and the Scientific Committee established by the Commission.

On November 8, 1984, the President signed Public Law 98-623, the [Antarctic Marine Living Resources Convention Act](#) (the Act). The Act directs and authorizes the United States to take actions necessary to meet its treaty obligations as a contracting party to the Convention.

This temporary new information collection adds to and revises elements of OMB Control No. 0648-0194 per Final Rule 0648-BB86, as described in the Introduction.

#### **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 reporting requirements included in this collection relate to scientific research in the CAMLR Convention Area, U.S. harvesting permit applicants and/or harvesting vessel operators, and U.S. importers and re-exporters of AMLR.

U.S. regulations require permits of U.S. individuals engaged in AMLR harvesting, transshipping, and importing or re-exporting AMLR to apply for and hold a permit for such activities. Individuals involved in certain scientific research in the CAMLR Convention Area are required to report information.

The regulations comply with and give effect to the Convention. Members of the Convention are required to provide, in the manner and at such intervals as may be prescribed, information about harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled.

Members agree in Article XX of the Convention to take advantage of opportunities to assess the impact of harvesting. Members are also required to provide information to the Commission on steps to be taken to implement the conservation measures adopted by the Commission. Article XXI requires the Contracting Parties to take appropriate action to ensure compliance with the Convention and with the conservation measures adopted by the Commission. Each Contracting Party is required to transmit to the Commission information on these actions, including the imposition of sanctions for any violation.

The Department of Commerce (DOC) has reviewed the Convention and the conservation measures adopted by the Commission and concluded that a permit system is the most effective way to monitor Antarctic resources, provide treaty data to the Commission, meet international obligations, and ensure compliance, without unduly burdening harvesting and trade activities. U.S. regulations govern the harvest and trade with the United States of any AMLR, part or product, by any person subject to the jurisdiction of the United States, including U.S. citizens and those wishing to import into the United States.

The U.S. regulations are modified to incorporate recent changes to conservation measures that were adopted by the Commission. These changes include requiring Contracting Parties to provide the International Maritime Organization number for their flagged vessels that it authorizes to fish in the CCAMLR area; terminology changes to the Dissostichus Catch Documentation Scheme and providing for the use of an electronic reporting system; and specifications on the identification markings to be put on harvesting vessels.

Deadlines are moved from June 1 to April 1 for applications or notifications related to fishing in the Convention area, to allow for time for NMFS to review information from vessel permit applicants before providing required information to the CCAMLR Secretariat by its deadline of June 1.

The application for a pre-approval certificate to import frozen toothfish is changed from 15 to 10 working days prior to the importation to provide a more reasonable timeframe for such advance notice while still allowing time for NMFS to verify information.

In accordance with CCAMLR requirements, a vessel operator is being required to provide advance notification of any transshipment within the Convention Area, of AMLRs or of any other goods or materials, to the CCAMLR Secretariat directly and to submit a confirmation of such notification to NMFS Headquarters.

Related to the establishment of the IFTP, this final rule establishes a permit procedure for first receivers of AMLR that is distinct and separate from the procedure for AMLR dealers. This enables NMFS to continue to monitor and obtain information about first receiver activities.

## **Information Quality Guidelines**

NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet 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.**

Applicants are required to submit the the advance notification of transshipments to the CCAMLR Secretariat and to NMFS electronically.

The application for the first receiver permit will be a fillable pdf form that will then need to be mailed or faxed to the NMFS Headquarters.

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

There is no duplication with collection efforts.

This rulemaking is in addition to the changes made through 81 FR 51126 (August 3, 2016), that revised procedures and requirements for filing import, export, and re-export documentation for certain fishery products, integrating the collection of trade documentation within the government-wide International Trade Data System (ITDS) and requiring electronic information collection. Approval of the information collection requirements associated with the ITDS is handled separately.

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

Since all of the respondents are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data are requested.

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

No or less frequent collection of data would not provide DOC/NOAA with data it must have for adequate and timely monitoring and reporting on the harvesting and importation of AMLR resources. NMFS and the U.S. Coast Guard could not enforce the fisheries management

measures and CCAMLR Inspectors could not conduct effective gear inspections, if the gear and vessel are not marked.

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

Not Applicable.

**8. Provide a copy of 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, RIN 0648-BB86, was published for public comment, coincident with this request. Two comments were received. Further explanations, as detailed below, are provided in the preamble of the final rule to address the two comments.

A commenter expressed concern over the removal of the list of CCAMLR Ecosystem Monitoring Program (CEMP) sites from the rule.

Response: This final rule removes the list of CEMP sites because these sites (Seal Islands, South Shetland Islands and Cape Shirreff and the San Telmo Islands) are no longer protected under CCAMLR conservation measures.

NMFS received a comment from United States Seafoods, LLC suggesting that NMFS consider its experience on managing fisheries under the Magnuson-Stevens Fishery Conservation and Management Act to establish a stable regulatory environment for U.S. vessels that intend to fish in the CCAMLR Convention Area.

Response: NMFS believes that this final rule and engagement with prospective applicants, as necessary, during the vessel permit application process will provide a stable regulatory environment for U.S. vessels that intend to fish in the Convention Area. This rule provides that NMFS may implement annual and biennial measures adopted by CCAMLR as conditions to vessel permits instead of through regulations. The rule defines “annual or biennial measure” as a conservation measure that: (1) applies to the operation of the Convention’s commercial or exploratory fisheries such as gear, catch, and effort restrictions and time and area closures; (2) generally expires after one or two fishing season(s); and (3) does not require the development of policy options or a regulatory framework. This approach will apply only to conservation measures that do not require the development of policy options or a regulatory framework.

NMFS will provide for notice-and-comment rulemaking when implementation of a conservation measure implicates other requirements of domestic law or when NMFS needs to interpret or expand upon a conservation measure.

NMFS adopted this approach in part because U.S. fishing vessels have not operated within the Convention Area for over a decade. Given the lack of U.S. industry participation, NMFS determined that its resources would be better utilized by identifying the applicable measures through the vessel permit application process and including those measures as conditions in a vessel permit rather than codifying in regulations the measures that apply to a range of different CCAMLR fisheries. Moreover, annual and biennial measures, along with all CCAMLR conservation measures currently in force are updated every year following the Commission's annual meeting and made available on the Commission's website, [www.ccamlr.org](http://www.ccamlr.org). If and when a U.S. fishing vessel intends to fish in one of several CCAMLR's fisheries, NMFS may issue a vessel permit which contains the terms and conditions implementing the measures that are relevant to the fishery of interest and are in effect at that time, as well as U.S. obligations as a flag state. In addition, under this final rule an application for a vessel permit must be submitted by April 1 for the fishing season that will commence on or after December 1 of that year. Therefore, as part of the vessel permit application process and through the permit itself once issued by NMFS, the applicant would have notice of applicable measures in advance of the start of the fishing season. Lastly, NMFS notes that if participation by U.S. fishing vessels increases or becomes recurrent, NMFS will consider codifying the relevant conservation measures in regulations.

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

No payments or gifts are provided under this program at this time.

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

The data collected will be kept confidential as required by section 402(b) of the [Magnuson-Stevens Act](#) and [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and will not be released.

**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.**

This information collection does not require the submission of information of a sensitive nature.

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

The application for the AMLR first receiver permit procedure is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. *In order to register burden in ROCIS, we have rounded up to 1 hour.*

As for the advance notification of any transshipment within the Convention Area, of AMLRs or of any other goods or materials, to the CCAMLR Secretariat directly and to submit a confirmation of such notification to NMFS Headquarters, public reporting burden is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

As there are no U.S. vessels currently operating under the AMLR regulations, the total estimates include 1 application for the AMLR first receiver permit and 5 advance notifications of transshipments per year.

Thus the total annual burden estimate is 2.25 (2) hours.

Assuming that the labor costs are \$40.00 per hour, the estimate of total time necessary for the AMLR first receiver application and the notifications of transshipments is \$60.00.

There is no cost or burden associated with including the IMO number on the vessel permit application. For the other items that are being revised, the burden estimates are covered under OMB Control No. 0648-0194.

**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).**

As there are no U.S. vessels operating under the AMLR regulations, the total estimates include 1 applicant for the AMLR first receiver permit and 5 advance notifications of transshipments per year.

The first receiver permit applicant may provide its application via fax or through regular mail. The higher cost would be via fax which is estimated to be \$5.00. The advance notifications of transshipments would be through electronic communication, likely via email, through existing means on a vessel. There is likely no cost associated with the emails.

For the other items that are being revised, the cost burden estimates are covered under OMB Control No. 0648-0194.

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

There will be no additional Federal staff costs incurred as a result of implementation of these changes.

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

This is a new collection. After the information collection request is approved, NMFS would combine this collection with OMB Collection 0648-0194.

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

There are no plans for publishing.

**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 identified.**

Not Applicable.

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

This collection does not employ statistical methods.