

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Fishery products subject to trade restrictions pursuant to certification under the High Seas
Driftnet Fishing Moratorium Protection Act
OMB CONTROL NO. 0648-0651

Introduction

This request is for a revision of the current information collection pursuant to proposed rule 0648-BK86. NMFS is requesting OMB approval for the expanded information set on the paper form and the requirement for electronic submission of certain data elements from the form as part of entry filing through the Automated Commercial Environment (ACE). Importers would also be required to keep records of the form for a period of two years from the date of the import and obtain International Fisheries Trade Permit, if one is not already in possession, and include the permit number on the Certificate of Admissibility (COA) form. In addition, the proposed revisions would allow a foreign nation to use its own COA form, subject to approval by the National Marine Fisheries Service (NMFS).

Pursuant to the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act), the Marine Mammal Protection Act (MMPA), and the Atlantic Tunas Convention Act (ACTA), certain fish products may be excluded from U.S. markets. For example, if a nation is identified under the Moratorium Protection Act and fails to receive a positive certification decision from the Secretary of Commerce, certain fish or fish products from that nation may be prohibited from import to the United States. Similarly, if a nation does not receive a comparability finding for a fishery under the MMPA, products from that nation's fishery may also be prohibited. For ATCA, National Marine Fisheries Service (NMFS) is authorized to make determinations that fish subject to regulation or investigation by the International Commission for the Conservation of Atlantic Tunas (ICCAT) are ineligible for entry into the United States under specific circumstances. In each case, if certain fish or fish products of a nation are subject to import prohibitions (e.g., harvest of a particular fishery), NMFS requires that similar fish or fish products from that nation that are not subject to the import prohibitions must be accompanied by Certification of Admissibility (COA) fish harvest record form to be eligible for entry into the United States. A duly authorized official/agent of the applicant's Government must certify that the fish being imported into the United States are of a species, or from a fishery, not subject to the import restriction.

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This action requests the revision of an existing information collection. The information collection is currently approved for fish or fish products subject to trade measures under the authority of the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium

Protection Act; 16 USC 1826d-k) and the Marine Mammal Protection Act (MMPA; 16 USC 1361 et seq.). The Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 et seq) is now referenced under this information collection in order to standardize provisions across statutes.

The Moratorium Protection Act regulations at 50 CFR Part 300 Subpart N contain a procedure for identifying nations that have vessels engaged in illegal fishing, bycatch of protected living marine resources or unsustainable shark fishing. Identified nations must address the actions for which they were identified to avoid a negative certification, which may subject the nation to trade restrictions for fish and fish products harvested in the relevant fisheries. The MMPA regulations at 50 CFR Part 216 contain procedures for ensuring that nations exporting fish and fish products to the United States are not engaging in commercial fisheries operations that result in the bycatch of marine mammals that are not in excess of U.S. standards. Nations may receive a comparability finding to export fish and fish products to the United States by providing documentation that a nation's bycatch reduction regulatory program is comparable in effectiveness to that of the United States. A nation that does not receive a comparability finding for a particular commercial fishing technology or method from NMFS would be subject to trade prohibitions for the fish or fish products harvested using that technology or method. ATCA provides two mechanisms to impose trade restrictions on tuna and tuna-like species harvested in the convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT); those regulations are at 50 CFR § 635.240. Nations (members and non-members) whose vessels fish in a manner that undermines the conservation and management measures of ICCAT may be identified by the Commission and subjected to trade restrictions (see Recommendation by ICCAT Concerning Trade Measures at www.iccat.int/Documents/Recs/compendiopdf-e/2006-13-e.pdf). Also, NMFS may make a determination independent of the Commission that a nation is fishing in a manner that undermines the conservation and management measures of ICCAT and deny entry of certain fish products.

This information collection is necessary to ensure compliance with any trade restrictions imposed on foreign nations under the authority of the Moratorium Protection Act, MMPA, or ATCA. To facilitate enforcement of import prohibitions, NMFS will require that similar fish or fish products from that nation, not subject to the import prohibitions, must be accompanied by the COA fish harvest record form (i.e., certification that the imported products are not from the fishery subject to trade restrictions) to be eligible for entry into the United States.

For example, if a nation receives a comparability finding for a purse seine fishery harvesting yellowfin tuna, but does not receive a comparability finding for a longline fishery harvesting yellowfin tuna, a target import restriction will be placed on yellowfin tuna harvested in the longline fishery. Yellowfin tuna harvested in the purse seine fishery will be eligible for import, but will require certification from a government official of the exporting nation that the fish were not harvested in the prohibited longline fishery.

On August 3, 2016, NMFS issued a final rule (81 FR 51126) to require an electronic International Fisheries Trade Permit (IFTP) for import, export, or re-export of fishery products subject to the NOAA Fisheries trade monitoring programs. The IFTP facilitates the transitions from paper-based trade documentation to an electronic reporting system (Automated Commercial Environment – ACE) operated by the U.S. Customs and Border Protection (CBP).

Requested Revision

NMFS is requesting OMB approval for the expanded information set on the paper form and the requirement for electronic submission of certain data elements from the form as part of entry filing through ACE. Importers would also be required to keep records of the form for a period of two years from the date of the import and obtain International Fisheries Trade Permit, if one is not already in possession, and include the permit number on the COA form. In addition, the proposed revisions would allow for a foreign nation to use its own COA form, subject to approval by NMFS.

Hyperlinks to the statutes and regulations:

[High Seas Driftnet Fishing Moratorium Protection Act, 16 USC 1826d-k, 50 CFR Part 300.205](#)

[Marine Mammal Protection Act, 16 USC 1361 et seq., 50 CFR Part 216.24](#)

[Atlantic Tunas Convention Act, 16 U.S.C. 971 et seq., 50 CFR Part 635.40](#)

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

In the case in which a nation exports fish and fish products from multiple fisheries and not all of the exports are subject to import prohibitions, then to facilitate enforcement, NMFS may require products from fisheries not subject to the import prohibitions to be accompanied by the COA fish harvest record form. A duly authorized official/agent of the exporter's Government must certify that the products in shipments being imported into the United States are not subject to an import restriction of the United States. The exporter and the duly authorized official/agent of the exporter's Government must complete, sign and date the form.

In the event the United States imposes targeted trade restrictions pursuant to the statutes detailed above, NMFS will provide U.S. Customs and Border Protection a list of nations and Harmonized Tariff Schedule Codes to delineate the trade restrictions and those products eligible for entry only with the COA fish harvest record form. The U.S. Importer of Record must submit the certification to CBP by filing an electronic entry in ACE. The form must also be uploaded via the Document Image System (DIS). If the documentation is incomplete, fraudulent or missing, the entry will be denied and the lack of certification will cause the inbound shipment to not be released.

For information collected to date under the current information collection, NMFS has used the data to ensure compliance with trade restrictions on fish or fish products from identified fisheries.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

As already required under the currently approved information collection, the COA fish harvest record form must be completed and signed by a duly authorized official of the identified nation. The documentation must be associated with the entry and submitted by the importer of record via electronic filing in the CBP Automated Commercial Environment (ACE) by upload to the DIS.

In the revision to the information collection, selected data from the COA fish harvest record form is to be submitted electronically to CBP via the ACE. This electronic submission will automate the process for determining if shipments are eligible for entry into the U.S. market. If shipments are determined to be ineligible after release, NMFS will work with CBP to issue a redelivery order to the importer and require that the products be returned to the port of entry. The requirement for a signature by the exporting government official and U.S. importer of record precludes the use of fully automated technologies (i.e., electronic signature) for completing the form at this time.

NMFS is seeking approval of two additional methods to reduce burden:

- 1) Allow for the use of foreign-generated COA forms or aggregate catch documentation to satisfy reporting requirements. The use of such a form is subject to NMFS approval (explained in more detail in questions 7 and 17).
- 2) Allow for certain vessel and harvest data to be submitted in an aggregated format for the electronic message set and on the paper form. For example, a nation is not required to list unique vessel IDs for the fish or fish products when aggregated harvest report data are submitted.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2**

Fish or fish products may be subject to trade restrictions under the Moratorium Protection Act, MMPA, or ATCA. These products could overlap with imports authorized under the IFTP, which covers a range of programs, including Tuna Tracking and Verification (TTV), Seafood Import Monitoring (SIM), HMS International (HMS) Trade, and Antarctic Marine Living Resource (AMR). As shipments covered by these programs could be subject to COA requirements, there is potential for duplication in information requests. To identify and reduce duplication, NMFS can encourage software developers to make provisions for data entry interfaces to recognize when an import shipment pertains to multiple NMFS programs and subsequently parse those data into multiple message sets so that each requirement can be satisfied with the singular data entry.

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

A U.S. Importer of Record/Agent may be a small business. To minimize the burden of the information collection on small businesses, the COA fish harvest record form only requires the importer to provide contact information and a signature validating that the fish or fish products contained in the shipment are accurately described on the form (responsibility of exporter) to the best of the importer's knowledge and belief. Verifying the contents and value of an import shipment is an essential business practice necessary to avoid fraud, so the incremental burden on importers is minor – they need only report on the results of a verification activity that is already being undertaken.

In addition, the new IFTP and electronic message set requirements may affect small businesses. NMFS will mitigate the burden on such individuals by only requiring the COA dataset when mandated by law pursuant to the authority of the Moratorium Protection Act, MMPA, or ATCA. When required in such cases, however, NMFS cannot implement any practice that would modify the required information collection in an effort to reduce any burden.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The frequency of the information collection is on a per shipment basis. Not collecting or less frequent collection of, this information would not provide NMFS with data it must have to ensure that fish and fish products subject to import prohibitions do not enter United States commerce. NMFS and CBP could not enforce the import prohibitions without this collection of information

In the alternative, NMFS would have to implement an import ban on all fish or fish products that could be harvested in the foreign export fishery, regardless of whether the fish were harvested in that fishery. As the United States is a member of the World Trade Organization, there are obligations to ensure that import requirements are non-discriminatory and do not impose restrictions on foreign suppliers that are not imposed on domestic producers. A blanket prohibition on fishery products from all of a nation's fisheries would be discriminatory and raise issues of unequal national treatment. Use of the COA fish harvest record form allows NMFS to tailor a trade measure to the specific fishery with unaddressed issues, while allowing continued access to the U.S. market for products from other fisheries that are deemed eligible to export by virtue of a positive certification or comparability finding.

The requirement to submit information via ACE electronic message set will facilitate further transition to electronic reporting. This paradigm shift will enhance enforcement of trade restrictions while still allowing for entry of admissible products.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection is inconsistent with the requirement that information should not be collected more frequently than quarterly. The Moratorium Protection Act, MMPA and ATCA and implementing regulations allow for NMFS to make a determination about admissibility more frequently than quarterly. Quarterly submission of the information would not allow for shipment-by-shipment determinations. If the information were collected quarterly, shipments would have to be held at the border and cleared on a quarterly basis, resulting in excessive cold storage and demurrage costs to importers.

In addition, there is a possibility that foreign nations may generate COA fish harvest record forms or aggregate catch documentation that will not display the OMB control number or expiration date. NMFS seeks approval for this exemption from OMB guidelines. Otherwise, products would be prohibited from import while meeting all other entry requirements. Returning a COA fish harvest record form to the country of interest to reprocess the form may not be possible as the fish or fish products could spoil during that time. This minor exemption is therefore the most practical approach to limit burden on small businesses/entities while still having the same functional output for admitting the imports in question.

The use of a foreign-generated COA fish harvest record form or aggregate catch documentation will only be approved by NMFS if the proposed form meets the data set requirements outlined above. U.S. importers that make use of a foreign-generated COA form must, if not present, add and sign the conformance declaration (entitled “U.S. Importer Certification” on the provided COA form).

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

NMFS published an Advance Notice of Proposed Rulemaking (ANPR) to alert the trade community of the intention to automate entry of the COA in ACE and to seek comment on the data programming needs on the part of the trade. See the ANPR published on July 25, 2022 (87 FR 44078) or the docket at <https://www.regulations.gov/docket/NOAA-NMFS-2022-0057>. NMFS received a number of comments in response to the ANPR and has taken them into account in the development of this proposed rule. Some comments go beyond the scope of this rulemaking, which is solely focused on automated entry filing of COA related to import prohibitions under the MMPA, Moratorium Protection Act, or ATCA. Some comments were issued regarding the information collection itself, those are detailed below (see proposed rule for the summary of all comments/responses)

Comment 1: NMFS should create a separate and independent reporting system similar to the toothfish pre-approval application; then only the approval number will need to be submitted by the importer to ACE.

Response: The toothfish preapproval system is unique in that there is a relatively small number of toothfish shipments that are also covered by the centralized catch documentation system adopted by the Commission for the Conservation of ANtarctic Marine Living Resources (CCAMLR). NMFS has determined that the COA is an appropriate process to facilitate entry of non-prohibited fish or fish products that are from a nation subject to an import prohibition under the MMPA, Moratorium Protection Act, or ATCA.

Comment 2: NMFS should harmonize the information set called for by the COA fish harvest record form and other information collection programs for importing fish or fish products, such as highly migratory species, tuna tracking, seafood import monitoring, and Antarctic resources programs.

Response: Some trade restrictions may be temporary and require specific harvest data to narrowly target the fishing activity of concern, while other trade monitoring programs have information requirements that are agreed multilaterally and are more durable. As the longevity of trade restrictions and scope of information to be collected varies substantially, it is not feasible to harmonize the information set collected by all import programs.

Comment 3: NMFS should use the Seafood Import Monitoring Program to achieve electronic reporting as needed for COA with minimal disruption to industry/current practices.

Response: Not all seafood products are currently included in the Seafood Import Monitoring Program and trade restrictions may need to be targeted on a range of fish or fish products produced by specific fishing gear/methods/areas. Also, trade restrictions requiring use of the COA may be temporary depending on responsive actions taken by the exporting nation.

Comment 5: NMFS should fully digitize the COA data reporting into ACE (no paper forms).

Response: ACE is designed to receive a prescribed format message set for use by CBP and other partner government agencies. Creating a data entry interface for the COA within ACE would require a major change in functionality and would affect all partner government agency programs.

Comment 6: One commenter recommended that NMFS adopt a Government-to-Government approach to allow electronic transfers of the catch certificate. Another commenter stated that foreign nations that have electronic catch documentation systems in place can certify admissibility through their systems and can provide documents/certificates to NMFS that have less exposure to fraud or misrepresentation.

Response: The U.S. imports seafood from over 130 nations. Developing a system for catch certification that could be supported by all nations would require considerable time and resources and is beyond the scope of this rulemaking. As proposed, the COA fish harvest record form requires validation by the exporting nation. This proposed rule specifies that nations subject to import prohibitions may use their own form, if NMFS finds that it satisfies all requirements of this subpart and is the functional equivalent of NMFS' COA fish harvest record form. Thus, nations with electronic catch certificates

can work with NMFS to see if the COA program requirements can be met through use of their electronic catch documentation system.

Comment 7: The automated COA should not become a redundant message set layered over the current NOAA message sets used for other trade monitoring programs.

Response: NMFS cannot anticipate all of the situations that may lead to a trade restriction based on the concerns about particular foreign fisheries under various statutory authorities. Likewise, the particular fish or fish products subject to trade restrictions cannot be determined in advance of a determination about the fishery of concern. A situation may arise in which fish or fish products subject to COA are also subject to other NMFS trade monitoring programs. Customs brokers and importers should work with their software developers to avoid repetitive data entry of common elements while generating the individual ACE message sets for each respective NMFS program applicable to the particular shipment.

Comment 11: In some nations, export product may be derived from aggregate fisheries involving several vessels. These nations may make use of a grouping feature for the issuance of simplified catch certificates that will not provide the details for each vessel involved in a certified catch but will keep all the information behind the certificate available in the database. Would entering the name of the grouping of vessels rather than each vessel individually be acceptable to meet the requirements for the COA procedures?

Response: Under the proposed rule, NMFS would consider the use of foreign nation catch certificates provided they meet the requirement to certify admissibility relative to the trade restriction that is imposed. In addition, the proposed rule allows certain vessel information (vessel name, vessel authorization, and vessel number) to be omitted in aggregate reporting. NMFS seeks further comment on the issue of vessel identifiers and grouping so that trade prohibitions can be effectively enforced while minimizing the burden to the exporting nation and the trade community.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are made.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Regulations at [50 CFR 600 Subpart E](#) govern the confidentiality of commercial or financial information submitted under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#). These regulatory protections can be applied to protect the confidentiality of commercial or financial information collected under the Moratorium Protection Act, the MMPA, and ATCA.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency

considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Using data provided by U.S. Customs and Border Protection on the number of COA entries received during 2019, 2020 and 2021, NMFS calculated an average of 2,657 entries per year. In speculating that import prohibitions could increase, we estimate that 5,000 entries will be the upper bound and we used that number for the calculations made in this document. NMFS, therefore, estimates that, in the event of import restrictions imposed on 10 foreign export fisheries, responses would be required of 100 respondents (“a” in the below table), each of which would submit an average of 50 responses per year (“b” in the below table), to yield a total of 5,000 responses (certified shipments) per year (“c” in the below table). As previously noted, this estimate of 5,000 responses is the upper bound of our estimate.

Completion of COA Fish Harvest Record Form and Data set submission in ACE/ITDS

The estimated time to complete the COA fish harvest record form and submit the electronic message set via the Customs Automated Commercial Environment at the time of entry filing is 18 minutes. NMFS estimated an increase to 18 minutes (up from 10 minutes in previous estimates) to allow for the electronic submission of the message set. This estimate includes gathering supporting documentation (e.g., landing reports, processor receipts) that are readily available to parties in the relevant business transactions. The 5,000 current responses (from approximately 100 respondents) represent a burden of 1500 hours and a total annual labor cost of \$54,195.00 at an estimated \$36.13/hour labor rate for buyers and purchasing agents as estimated by the U.S. Bureau of Labor Statistics (May 2022, BLS occupational code 13-1020).

Post-release Submission to the ACE DIS

NMFS estimates the time required to validate the COA fish harvest record form and upload to the Document Image System is 10 minutes. This is based upon the current requirements for this information collection, which was renewed in June 2022 with a new expiration of June 30, 2025. The 5,000 responses (from approximately 100 respondents) represents a burden of 833.33 hours and a total annual labor cost of \$30,108.21 at an estimated \$36.13/hour labor rate for buyers and purchasing agents as estimated by the U.S. Bureau of Labor Statistics (May 2022, BLS occupational code 13-1020).

International Fisheries Trade Permit

Based on recent trade data, NMFS estimates approximately 2,867 International Fisheries Trade Permits will be issued annually. In speculating that import prohibitions could increase under the various statutory authorities, it is possible that additional IFTPs will need to be obtained by importers of record. As described above, we estimate approximately 100 respondents will be subject to the information collection. As many importers may already have an IFTP for importing fish or fish products under other programs, this value represents the upper bound of the estimate.

The online permit application process is estimated to require 20 minutes on average for the initial application and less for the abbreviated renewal process. For the 100 respondents, this represents a burden of 33.33 hours and a total annual labor cost of \$695.60 at an estimated \$20.87/hour labor rate for clerical work as defined by the U.S. Bureau of Labor Statistics (secretaries and administrative assistants, BLS occupational code 43-6014).

Recordkeeping

Import shipments of fish or fish products subject to this program may be selected for inspection and/or the information or records supporting entry may be selected for verification, on a pre- or post-release basis, in order to validate the information submitted at entry. To support such verifications, the importer must retain records of the information reported at entry in electronic or paper format, and make them available for inspection by a means specified by NMFS, for a period of two years from the date of the import. NMFS estimates that retrieving and submitting records to NMFS takes approximately 30 minutes per event on average. NMFS estimates that no more than 10% of entries will be subject to verification. With 5,000 annual respondents, this yields 500 verifications. This represents a burden of 250 hours and a total annual labor cost of \$5,217.50 at an estimated \$20.87/hour labor rate for clerical work as defined by the U.S. Bureau of Labor Statistics (secretaries and administrative assistants, BLS occupational code 43-6014).

Total Burden

The total hourly burden of this information collection represents approximately \$90,216.31. This value was calculated by summing the above categories.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Completion of COA Fish Harvest Record Form and data set submission in ACE/ITDS	Foreign Country Exporters, Foreign government officials, U.S. importers and U.S. customs broker	100	50	5000	18 min	1500	\$36.13	\$54,195.00
Post-release Submission to the ACE DIS	U.S. importers and U.S. customs broker	100	50	5000	10 min	833	\$36.13	\$30,108.21
International Fisheries Trade Permit Application	U.S. Secretaries and Administrative Assistants	100	1	100	20 min	33	\$20.87	\$695.60
Verification Response	U.S. Secretaries and Administrative Assistants	100	5	500	30 min	250	\$20.87	\$5,217.50
Totals		400		10,600		2,616		\$90,216.31

13. **Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

International Fisheries Trade Permit

NMFS has calculated a cost recovery fee of \$49 per IFTP to cover administrative expenses associated with issuing the annual permit. Based on the number of permits expected to be issued as a result of this information collection, the total annual cost burden to the estimated 100 permit holders would be \$4,900. Some firms may have IFTP already, so this is an upper bound of the permitting cost.

Recordkeeping

For firms that maintain paper copies, the cost of organizing, filing, and storing a single piece of paper is estimated at \$4 per year. Firms may choose to digitize which would reduce this burden, meaning this is likely a conservative overestimate of the cost of maintaining the documents.

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Response (h)	Total Annual Cost Burden (i) = (c) x (h)
Int'l Fisheries Trade Permit	100	1	100	\$49	\$4,900
Recordkeeping	100	50	5,000	\$4	\$20,000
TOTALS			1500		\$24,900

14. **Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

NMFS estimates, in the event that import restrictions are imposed, the estimated Federal costs for public notice of import restrictions, processing forms, assisting importers, and facilitating CBP enforcement are as shown below. These estimates are inclusive of any recordkeeping responses that may result as this information collection is implemented.

The Rest of U.S. locality rate was used since NOAA employees are geographically dispersed. The upper bound for a ZA-3, Interval 1 was used with a 1.5 multiplier to obtain the loaded salary.
https://www.commerce.gov/sites/default/files/2024-01/CAPS_rpStandard_2024.pdf

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZA - Band 3, Step 1	\$135,825	30%		\$40,747.50
Other Costs:	FRN Printing	-	-	-	\$2,000
TOTALS					\$42,747.50

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

Adjustment to the burden estimate is based on recent prior year experience with import restrictions and speculation on a potential increase under the statutory authorities. As part of the proposed rulemaking, the increased hourly burden is also a result of the new requirement to electronically enter information to the ACE portal and obtain an International Fisheries Trade Permit.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Completion/Submission of COA Fish Harvest Record Form and Data set	100	100	5,000	5,000	1,500	835	adjustment to the burden estimate is based on recent prior year experience with import restrictions and speculation on a potential increase under the statutory authorities
Post-release Submission to the ACE DIS	100	-	5,000	-	833	-	New Requirement
International Fisheries Trade Permit Application	100	-	100	-	33	-	New Requirement
Verification Response	100	-	500	-	250	-	New Requirement
Total for Collection	400	100	10,600	5,000	2,616	835	

Information Collection	Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	
Int'l Fisheries Trade Permit	4,900	-	New Requirement
Recordkeeping	20,000	33,800	Electronic submission have decrease misc. costs.
Total for Collection	24,900	33,800	
Difference	-8,900		

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This agency has no intentions to publish results from this collection.

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

Information copied from prompt 7 – “In addition, there is a possibility that foreign nations may generate COA fish harvest record forms or aggregate catch documentation that will not display the OMB control number or expiration date. NMFS seeks approval for this exemption from OMB guidelines. Otherwise, products would be prohibited from import while meeting all other entry requirements. Returning a COA fish harvest record form to the country of interest to reprocess the form may not be possible as the fish or fish products could spoil during that time. This minor exemption is therefore the most practical approach to limit burden on small businesses/entities while still having the same functional output for admitting the imports in question.

The use of a foreign-generated COA fish harvest record form or aggregate catch documentation will only be approved by NMFS if the proposed form meets the data set requirements outlined above. U.S. importers that make use of a foreign-generated COA form must, if not present, add and sign the conformance declaration (entitled “U.S. Importer Certification” on the provided COA form).”

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

The only exception would be to Section (g) “(vi) Need to display currently valid OMB control number.” Details on the potential need for this exception are outlined above in prompt 17.