

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Tuna Tracking and Verification Program
OMB Control No. 0648-0335

Abstract

This request is for the revision and extension of OMB Control Number: 0648-0335, sponsored by the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS), Office of International Affairs, Trade, and Commerce (IATC). Currently, OMB Control Number 0648-0335 includes one information collection: the Fisheries Certificate of Origin (FCO; also known as the NOAA Form 370). The revision will transfer five (5) information collections included under OMB Control Number 0648-0387, sponsored by NMFS, West Coast Region (WCR), to 0648-0335. The purpose of this transfer is to more accurately reflect how the information is being managed. The five information collections being transferred will be removed from 0648-0387 during its next renewal process and included under 0648-0335 going forward. There are no substantive changes to either the Fisheries Certificate of Origin, or the five information collections being transferred from 0648-0387.

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 is a regular submission that includes a request for revision and extension of a currently approved information collection. The purpose of this collection of information is to comply with the requirements of the Marine Mammal Protection Act (MMPA¹; [16 U.S.C. 1361 et seq.](#)), and in particular, the International Dolphin Conservation Program Act ([IDCPA²; 16 U.S.C. 1411-1418](#)), which amended the Dolphin Protection Consumer Information Act ([DPCIA³; 16 U.S.C. 1385](#)). Implementing regulations are found at [50 CFR 216.24\(f\)](#)⁴ and at [50 CFR 216 Subpart H](#)⁵.

The MMPA, IDCPA, and the DPCIA authorize the Secretary of Commerce to promulgate regulations that restrict the fishing, sale, importation, and transportation of tuna, prohibit certain other fish and fish products harvested by large-scale high seas driftnets, by nations under embargo, or nations otherwise prohibited from exporting tuna to the United States, and implement the U.S. dolphin-safe labeling standards for tuna. Compliance with these requirements is maintained by the U.S. Tuna Tracking and Verification Program, which is the only program recognized by the U.S. government that legally satisfies all applicable federal regulations regarding dolphin-safe certification, through the collection of

¹ <https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&path=%2Fprelim%40title16%2Fchapter31&req=granuleid%3AUSC-prelim-title16-chapter31&num=0&saved=L3ByZWxpbUB0aXRzZTE2L2NoYXB0ZXIzMQ%3D%3D%7CZ3JhbnVsZWlkOIVTQy1wcmVsaW0tdGl0bGUxNi1jaGFwdGVyMzE%3D%7C%7C%7C0%7Cfalse%7Cprelim>

² <https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&path=%2Fprelim%40title16%2Fchapter31&req=granuleid%3AUSC-prelim-title16-chapter31-subchapter4&num=0&saved=L3ByZWxpbUB0aXRzZTE2L2NoYXB0ZXIzMQ%3D%3D%7CZ3JhbnVsZWlkOIVTQy1wcmVsaW0tdGl0bGUxNi1jaGFwdGVyMzE%3D%7C%7C%7C0%7Cfalse%7Cprelim>

³ <https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&path=%2Fprelim%40title16%2Fchapter31&req=granuleid%3AUSC-prelim-title16-section1385&num=0&saved=L3ByZWxpbUB0aXRzZTE2L2NoYXB0ZXIzMQ%3D%3D%7CZ3JhbnVsZWlkOIVTQy1wcmVsaW0tdGl0bGUxNi1jaGFwdGVyMzE%3D%7C%7C%7C0%7Cfalse%7Cprelim>

⁴ [https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216#p-216.24\(f\)](https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216#p-216.24(f))

⁵ <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-H>

information that documents the dolphin-safe status of tuna imports and domestic tuna product processing, as well as vessel fishing activities.

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 United States. Information currently collected by the U.S. Tuna Tracking and Verification Program with Paperwork Reduction Act (PRA) approval includes:

- Fisheries Certificate of Origin (FCO; NOAA Form 370)
- Monthly tuna receiving reports
- Monthly tuna storage removal reports
- Vessel arrival notification
- Tuna tracking form submission
- “Chain-of-custody” recordkeeping requirements

Additionally, under the DPCIA and the High Seas Driftnet Fisheries Enforcement Act, the Secretary of Commerce is authorized to determine whether a nation has vessels that use large-scale driftnets to fish on the high seas. Currently, no nation has such a determination. Therefore, there is currently no need for the fish and fish products listed at [50 CFR 216.24\(f\)\(2\)\(iii\)](#) to have an FCO accompany import shipments of these listed products.

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.

As mentioned in Q1, the information collected under OMB Control Number 0648-0335 now includes six items. Other than consolidating these collections under 0648-0335, there are no changes to the currently approved information collection requirements. This section details how, by whom, and for what purpose the information under each of these individual collections are to be used.

Fisheries Certificate of Origin

The FCO, and attached certifications if applicable, provides NMFS with information concerning the origin, type, and quantity of imported tuna and tuna products. The FCO also provides a mechanism for foreign exporters and government officials to document and certify the fishing method and dolphin-safe status of the accompanying shipment. It requires U.S. importers to provide this information electronically to the U.S. Customs and Border Protection (CBP) prior to, or at the time of importation, for every importation of frozen and/or processed tuna or tuna products. This assists CBP in preventing tuna products from entering the United States without proper documentation. All importers that submit FCOs are required to retain a copy of the FCO for a period of two years and to provide such copies to NMFS within thirty days of receiving a written request.

If an importation includes frozen tuna and/or tuna products harvested by fishing vessels other than large purse seine vessels fishing in the eastern tropical Pacific Ocean (ETP) or large-scale high seas driftnet vessels (the latter for which entry into the United States is prohibited), in any fishery for which the NMFS Assistant Administrator has not determined that there is a regular and significant mortality or serious injury to dolphins and/or a regular and significant association occurring between dolphins and tuna, NMFS regulations require valid documentation by 1) the captain of the vessel, and where applicable, documentation by either a qualified and authorized observer or an authorized representative

of a nation participating in the observer program, certifying that no purse seine net or other fishing gear was intentionally deployed on or used to encircle dolphins during the fishing trip and that no dolphins were killed or seriously injured in the sets in which the tuna were caught; and 2) the captain of the vessel certifying completion of the NMFS dolphin-safe captain's training course. The training course is available online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/dolphin-safe-captains-training-course>. These requirements pertain to tuna declared as 5B(1), 5B(2), and 5B(4) on the FCO.

If the importation includes tuna and/or tuna products harvested in the ETP by a large purse seine vessel (defined as having a carrying capacity greater than 400 short tons (362.8 metric tons)), *i.e.*, tuna declared as 5B(5) on the FCO, then valid documentation signed by a representative of the appropriate International Dolphin Conservation Program (IDCP)-member nation must be attached to the FCO certifying that: 1) there was an IDCP-approved observer on board the vessel during the entire trip; 2) no purse seine net was intentionally deployed on or to encircle dolphins during the fishing trip and no dolphins were killed or seriously injured in the sets in which the tuna were caught; and 3) a listing of the numbers for the associated Tuna Tracking Forms which contain the captain's and observer's certifications has been provided.

If the importation includes tuna caught in a fishery in which the NMFS Assistant Administrator has determined that either a regular and significant association between dolphins and tuna (similar to the association between dolphins and tuna in the ETP) or a regular and significant mortality or serious injury of dolphins is occurring, a written statement, executed by the captain of the vessel and an observer participating in a national or international program acceptable to the Assistant Administrator, unless the Assistant Administrator determines an observer statement is unnecessary. On September 28, 2016, the Assistant Administrator for Fisheries [issued a determination](#)⁶—under the Dolphin Protection Consumer Information Act—of regular and significant mortality and serious injury of dolphins in gillnet fisheries harvesting tuna by vessels flagged under the governments of India, Iran, Mozambique, Pakistan, Oman, Saudi Arabia, Sri Lanka, Tanzania, the United Arab Emirates, and Yemen. This determination triggered additional documentation requirements for tuna products marketed or labeled as dolphin-safe that were harvested on fishing trips that began on or after November 28, 2016. Additional documentation requirements include an observer statement. Currently, the NMFS Assistant Administrator has not determined any observer programs for gillnet fisheries and tuna vessels in the above-named governments to be acceptable (see [Determination of Observer Programs as Qualified and Authorized by the Assistant Administrator for Fisheries](#)⁷). Therefore, until a notice is published in the *Federal Register* (FR) where the NMFS Assistant Administrator has determined that an observer program in the above listed fisheries is acceptable, importation of such tuna into the United States will be unable to satisfy current documentary requirements for dolphin-safe tuna products. Should the NMFS Assistant Administrator make such a determination in the future, the determination will be published as a notice in the *Federal Register*. It should be noted that the current version of the FCO is already set to accommodate such an import as the fishery would be described in section 5B(3) of the form.

NMFS has made use of the FCO in documenting the dolphin-safe status of imported frozen and/or processed tuna into the United States for decades. The last collection-of-information change to the FCO occurred in 2016 where enhanced documentation was required for attached certifications. It is also noted that the enhanced documentation was expanded to apply to all tuna fisheries worldwide, with the exception of the large purse seine fishery in the ETP.

⁶ <https://www.federalregister.gov/documents/2016/09/28/2016-23333/taking-and-importing-of-marine-mammals-and-dolphin-safe-tuna-products>

⁷ <https://www.federalregister.gov/documents/2014/07/14/2014-16455/determination-of-observer-programs-as-qualified-and-authorized-by-the-assistant-administrator-for>

The information collected on the FCO will not be disseminated to the public since the DPCIA mandates at [16 U.S.C. 1385\(f\)](#) that the Secretary of Commerce “establish appropriate procedures for ensuring the confidentiality of proprietary information.” This mandate was implemented into regulation at [50 CFR 216.93\(h\)](#). The main purpose of the FCO is to satisfy the legal mandates of Congress regarding the dolphin-safe status of imported tuna products. However, NMFS has at times used the information collected on the FCO in litigation, fisheries management decisions, and international negotiation decisions.

Monthly tuna receiving reports

Canned tuna processors must submit a report to NMFS 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. These monthly reports must be submitted to NMFS before the last day of the month following the month being reported on. The information collected 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. A copy of the Fisheries Certificate of Origin for each imported receipt of tuna is required. Monthly reports must contain the following information:

- **Species:** identifies species of tuna, particularly yellowfin tuna, which may be subject to an embargo
- **Condition:** describes the tuna in product form (round, loin, dressed, gilled and gutted, other)
- **Weight:** specifies weight of tuna received, in short tons, to the fourth decimal place. Used to track quantity of tuna processed
- **Ocean area of capture:** used to determine where the tuna was harvested, and whether the tuna may be subject to an embargo. Ocean areas include the eastern tropical Pacific (ETP), western Pacific, north and south Pacific, eastern and western Atlantic, Indian, Caribbean Sea, and other
- **Catcher vessel:** used to track tuna back to the harvesting vessel
- **Trip dates:** used to correlate a tuna harvest event with observer and vessel records
- **Carrier name:** used to monitor and track the origin of the tuna
- **Unloading dates:** facilitates monitoring and tracking of tuna when it arrives at processor
- **Location of unloading:** identifies location of processor where tuna is unloaded
- **Dolphin-Safe Status:** describes whether the tuna is eligible to be labeled dolphin-safe under §216.91
- **Fisheries Certificate of Origin:** required for each imported receipt of tuna to track and monitor imported tuna

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, and West Coast Region. These reports may be submitted before the last day of the month following the month being reported. The canneries to internally track tuna throughout the entire canning process already generate the information provided in the reports. This information is used to monitor and track dolphin-safe tuna and non-dolphin-safe tuna, and is typically submitted in conjunction with the receiving reports. The following information must be provided in the report:

- **Date of removal:** used to track and monitor tuna
- **Storage container numbers:** used by the cannery to track tuna throughout the canning process

- Dolphin-safe or non-dolphin-safe designation: used to track the classification of tuna being processed
- Disposition of fish: used to track the disposition of tuna, such as canning, sale, rejection, etc.

Vessel arrival notification

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 NMFS or the IATTC contact designated by NMFS, at least 48 hours in advance of a vessel's arrival in port at the conclusion of a fishing voyage ([50 CFR 216.93\(c\)\(1\)\(ii\)](#)) 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:

- The name of the vessel and operator
- Port of arrival where fish will be unloaded
- Date and time of unloading
- Schedule of unloading

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. For the duration of the vessel assignment, the observer retains the tuna tracking forms until the vessel arrives in port, at which time the captain signs the forms. If the vessel arrives in a U.S. port, the observer submits the completed tuna tracking forms to the NMFS representative in person who will transmit a scanned copy and the originals to the IATTC. In the event the vessel does not arrive in a U.S. port or the observer does not submit the tuna tracking forms to the NMFS representative, the observer returns the forms to the IATTC as soon as practicable upon the trip's conclusion. The tuna tracking forms include the following information:

- Well numbers containing dolphin-safe and non-dolphin-safe tuna: used to monitor and track dolphin-safe and non-dolphin-safe tuna from time of capture
- Weights by species composition and estimated tons loaded into each fish well: used to track weights of tuna at time of capture
- Set number and date of loading. used to track weights and location of tuna at time of capture
- Trip number and Trip dates: correlates the fish with observer and vessel records. Can be used to verify whether marine mammals were encircled, killed, or seriously injured during fishing operations
- Observer name and signature: certification from fisheries observer, used for validating accuracy of information present on the forms
- Name of captain, captain's signature, and name of vessel: certification from vessel captain, used for validating accuracy of information

“Chain-of-custody” recordkeeping requirements.

In 2016, NMFS issued an interim final rule ([RIN 0648–BF73⁸](#)) to revise regulations implementing the

⁸ <https://www.federalregister.gov/documents/2016/03/23/2016-06450/enhanced-document-requirements-and-captain-training-requirements-to-support-use-of-the-dolphin-safe>

DPCIA and enhance the requirements for documentation that demonstrates the accuracy of dolphin-safe labels on tuna products. NMFS incorporated the approach for the “chain-of-custody” requirements implemented by this interim final rule in a manner consistent with the Seafood Import Monitoring Program (RIN 0648-BF09⁹, December 9, 2016). The interim final rule requires U.S. processors and importers of record to collect and retain for two years, information on each point in the chain-of-custody regarding the shipment of the tuna or tuna product to the point of entry into U.S. commerce as a recordkeeping requirement on the part of that U.S. processor or importer of record. The information must be maintained at the place of business, or be accessible from that place of business. This is to ensure that information is readily available to NMFS to allow it to trace the tuna or tuna product back to the point of harvest. Such information includes records regarding each custodian of the tuna or tuna product, including, as applicable, Trans shippers, processors, storage facilities, and wholesalers/distributors. The retained information must be provided to NMFS upon request and be sufficient for NMFS to conduct a traceability audit to verify that the tuna product certified as dolphin-safe to NMFS, in fact, meets the dolphin-safe labeling requirements for such certification. NMFS expects that typical supply chain records that are kept in the normal course of business, including declarations by harvesting and carrier vessels, bills of lading and forms voluntarily used or required under foreign government or international monitoring programs, which include such information as the identity of the custodian, the type of processing, and the weight of the product, provides sufficient information for NMFS to conduct a traceability audit. In addition, the information maintained must be sufficient in order to trace any non-dolphin-safe tuna loaded onto the vessel back to one or more storage wells or other storage locations for a particular fishing trip to prove that such non dolphin-safe tuna was kept physically separate from dolphin-safe tuna through unloading. These chain-of-custody requirements augment existing U.S. dolphin-safe requirements that dolphin-safe tuna shall, from the time of capture, during unloading, storage, transfer, and processing, be kept separate from non-dolphin safe tuna.

Table: Information Requirements and Needs and Uses of Information Collected

Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
1	Fisheries Certificate of Origin	16 U.S.C. 1361 et seq.; 16 U.S.C. 1385	50 CFR 216.24(f); 50 CFR 216 Subpart H	NOAA Form 370	Used by the public to document the dolphin-safe status of a tuna import. Used by NMFS to verify compliance of tuna imports with statute and regulation.
2	Monthly tuna receiving reports	16 U.S.C. 1385	50 CFR 216.93(d)(2)	N/A	Used by U.S. canners to document the dolphin-safe status and traceability information of domestically produced canned tuna product. Used by NMFS to verify compliance of domestically produced canned tuna product with statute and regulation.
3	Monthly tuna storage removal reports	16 U.S.C. 1385	50 CFR 216.93(d)(3)	N/A	Used by U.S. canners to document the dolphin-safe status and traceability information of domestically produced canned tuna product. Used by NMFS to verify compliance of domestically produced canned tuna product

⁹ <https://www.federalregister.gov/documents/2016/12/09/2016-29324/magnuson-stevens-fishery-conservation-and-management-act-seafood-import-monitoring-program>

					with statute and regulation.
4	Arrival notification	16 U.S.C. 1385	50 CFR 216.93	N/A	Used by NMFS to track unloading activities for large ETP purse seine fishing trips.
5	Tuna tracking form	16 U.S.C. 1385	50 CFR 216.93(a)	N/A	Used to fulfill tracking requirements for the amount and location of dolphin-safe and non-dolphin-safe tuna as it is loaded into fish wells aboard the vessel.
6	“Chain-of-custody” recordkeeping requirements	16 U.S.C. 1385	50 CFR 216.91(a)(5)(i) (A); 50 CFR 216.91(a)(5)(i) (B)	N/A	Help authorities verify that the fish or fish products were lawfully acquired by providing information that traces each import shipment from point of harvest to entry-into commerce.

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.

NMFS published a proposed rule (RIN 0648-AX63) ([80 FR 81251](https://www.federalregister.gov/documents/2015/12/29/2015-32743/trade-monitoring-procedures-for-fishery-products-international-trade-in-seafood-permit-requirements)¹⁰, December 29, 2015) to establish a government-wide International Trade Data System (ITDS) as an electronic means of collecting NMFS-required catch and trade data at the point of entry for imports subject to existing trade monitoring programs. The SAFE Port Act (Public Law 109-347¹¹) requires all Federal agencies with a role in import admissibility decisions to collect information electronically through ITDS (single window). Customs and Border Protection (CBP) developed the Automated Commercial Environment (ACE) to act as a single window system for the trade community to report imports and exports electronically and allow the government to determine admissibility of goods.

NMFS is a partner government agency in the ITDS project due to the agency’s role in monitoring trade of certain fishery products. Electronic collection of seafood trade data through a single portal has resulted in an overall reduction of the public reporting burden and the agency’s data collection costs, improved timeliness and accuracy of admissibility decisions, increased effectiveness of applicable measures to exclude products of illegal fishing, decreasing incidence of seafood fraud, and improved verification of dolphin-safe labeling on tuna products.

FCO submission has been 100% electronic to CBP since September 2016 as per regulation at [50 CFR 216.24\(f\)\(2\)](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-216/subpart-216.24/section-216.24(f)(2)). U.S. importers either choose to use third-party vendor software to upload electronically the FCO directly to CBP’s ACE Document Imaging System, or may transmit via email. CBP allows for a variety of approved electronic file formats, but the vast majority of electronic FCO submissions use the PDF file format. ITDS communicates automatically with ACE on a nightly basis to retrieve electronic FCOs.

In the previous renewal, the FCO form layout was slightly altered to facilitate use of Optical Character Recognition (OCR) software to scan submitted forms and allow for the automatic upload of the form’s data into the agency’s database. This did not affect the amount and type of information being collected. For this renewal, the FCO format remains mostly the same, but contains an addition of two rows in

¹⁰ <https://www.federalregister.gov/documents/2015/12/29/2015-32743/trade-monitoring-procedures-for-fishery-products-international-trade-in-seafood-permit-requirements>

¹¹ <https://www.congress.gov/109/plaws/publ347/PLAW-109publ347.pdf>

Section 4 to allow more space for vessel trips. The instructional page of the form, which does not require any data collection, has been updated with additional resources for importers and provides clearer instructions for filling out the form. The instructional page has also been updated to include the latest contact information for the Tuna Tracking and Verification Program. A new version of the FCO is attached to this renewal application.

Information collections related to monthly tuna receiving reports and tuna storage removal reports, vessel arrival notifications, and tuna tracking form submission, may be completed by email or telephone.

Respondents maintain the majority of chain-of-custody documentation electronically, as part of the normal business practice.

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

The FCO was one of the first forms developed by NMFS to document information regarding the importation of tuna products, to certify that certain fishery products were not harvested using large-scale, high seas driftnets, and to declare the dolphin-safe status of the tuna import. The same or similar information is not available through any other known information collection.

The data to be collected for dolphin-safe tuna product is in addition to the information required by CBP as part of normal entry processing via the ACE portal. To avoid duplication, NMFS will accept existing documentation used in the normal course of business such as declarations by harvesting and carrier vessels, bills of lading and forms voluntarily used or required under foreign government or international monitoring programs to help satisfy chain-of-custody requirements.

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

Collection of the FCO and the information contained therein does not have a significant impact on small entities. The FCO is considered by the global tuna industry as foundational for establishing the dolphin-safe tuna status of a tuna shipment. NMFS has been made aware of many instances over the years of the FCO being voluntarily used by industry, when the tuna product is not destined for the United States. Therefore, the use and submission of the FCO does not negatively affect small businesses or small entities as global tuna product manufacturers provide an FCO to U.S. importers as part of importation documentation protocol.

Information collections related to monthly tuna receiving reports and tuna storage removal reports, pursuant to regulations at 50 CFR 216.93(d), apply to all domestic tuna canners regardless of size. However, the burden of these reports is small, and has been characterized by some canners as helpful in tracking their product for both internal tracking purposes and for fulfilling other agency requirements.

Information collections related to vessel arrival notifications, and tuna tracking form submission, do not have a significant impact on small entities.

Chain-of-custody recordkeeping requirements will apply to both small and large entities. Separate requirements based on size of business will not be developed since the documentation that satisfies chain-of-custody recordkeeping requirements will rely on existing documentation from the normal course of business.

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 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.

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

There are no foreseeable circumstances that would cause the information collections to be conducted in a manner inconsistent with the eight OMB guidelines.

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.

On May 21, 2025, NMFS published in the Federal Register, a notice of the information collection and made a request for comment within 60 days of the publication date. The FR citation is [90 FR 21752¹²](#). No public comments, including those pertaining to cost and hour burden, were received.

Additionally, NMFS consulted with three affected stakeholders, the three large-scale U.S. canneries, to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported. No input was received within the survey period.

Lastly, NMFS Tuna Tracking and Verification Program (TTVP) staff regularly field inquiries by the tuna importing industry and other involved parties on these information collections. NMFS staff takes these opportunities to discuss the utility and integrity of these documents, as well as how they are collected, and has regularly worked with affected parties on streamlining the reporting process. Company representatives do not typically provide comment on the cost and hour burden of the collection.

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

Payments and gifts to respondents are not provided.

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.

Information collected under the DPCIA is considered confidential and is treated as such in accordance

¹² <https://www.federalregister.gov/documents/2025/05/21/2025-09084/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>

with NOAA Administrative Order 216-100¹³, pursuant to regulations at [50 CFR 216.93\(h\)](#), and is handled in compliance with agency filing and retention policy. The FCO reiterates this policy in the “General Information” section on page 2 of the form. It should be noted that NMFS is currently in the process of revising existing regulations pertaining to confidentiality of information requirements under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA) and intends to replace NAO 216-100 with updated internal control procedures.

Consistent with OMB’s guidance implementing the Privacy Act of 1974, “an agency record-keeping system on firms it regulates may contain “records” (i.e., personal information) about officers of the firm incident to evaluating the firm’s performance. Even though these are clearly “records” under the “control of” an agency, they would not be considered part of a system as defined by the Act unless the agency accessed them by reference to a personal identifier (name, etc.). That is, if these hypothetical “records” are never retrieved except by reference to company identifier or some other nonperson indexing scheme (e.g., type of firm) they are not a part of a system of records.” NOAA believes that this guidance speaks directly to this scenario and suggests that while the information system certainly will collect and maintain personally identifiable information (PII), they are not maintained in a system of records.

NMFS has a PIA titled NOAA4000 Fisheries WAN and Enterprise Services¹⁴. This system functions as a general data processing system for NOAA and NMFS headquarters located in Silver Spring, MD. It provides resources to support scientific operations and research, data and information management, fisheries surveys, statistical analysis, stock assessments, socio-economic analysis, ecosystem management, other national program database and applications development, and management decisions needs. The user base of this system reaches across different headquarter offices and across regions and science centers within NMFS. Many of these automated systems are built in support of the NMFS mission.

The FCO and some chain of custody information is stored on a NMFS database system called the International Trade Data System (ITDS), for which the information collection is covered under OMB Control Number 0648-0732. ITDS is used to support a number of NMFS offices/programs to monitor imports of fisheries products. Types of Business Identifiable Information (BII) data collected are name of business, address, contact information, and product information. The data is collected by CBP and provided to NMFS via Secure File Transfer Protocol (SFTP) for inclusion in the CBP ITDS database. Reasons for the NMFS database: (1) The CBP ITDS is an inter-agency, distributed system that allows businesses to submit trade data to a single agency (*i.e.*, CBP). CBP then makes these data available to participating ITDS agencies via secure, system integration; (2) The NMFS component of the ITDS is an import monitoring system designed to improve the efficiency and accuracy of NMFS trade monitoring programs by utilizing the data and services provided by CBP via the national ITDS architecture. NMFS trade monitoring programs supported by the NMFS ITDS include the Antarctic Marine Living Resources (AMLR) program, the Highly Migratory Species (HMS) International Trade program, the Seafood Import Monitoring Program (SIMP), and the Tuna Tracking and Verification Program (TTVP), and is also used to check for Certificates of Admissibility (COAs), and by the NOAA Office of Law Enforcement (OLE) for enforcement efforts. The NMFS ITDS is also integrated with the NMFS National Permit System (NPS) to provide international trade permit data to NMFS trade monitoring programs and to CBP.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior

¹³ <https://www.noaa.gov/organization/administration/nao-216-100-protection-of-confidential-fisheries-statistics>

¹⁴ <https://www.commerce.gov/sites/default/files/2024-08/NOAA4000%20PIA%20FY24%20SAOP%20Approved%20Delegated.pdf>

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.

No questions of a sensitive nature are included in this information collection.

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

The below data is pulled primarily from calendar year 2024. The hourly wage was obtained from the Bureau of Labor Statistics (BLS) web site (see <https://www.bls.gov/bls/blswage.htm>) for an estimated 2024 national median hourly wage of “office and administrative support workers” (43-9199) and “farming, fishing, and forestry occupations”(45-1011).

For the FCO, NMFS program data shows approximately 600 different respondents submitted approximately 15,000 FCO responses in 2024. Therefore, each respondent averaged approximately 25 responses per year. NMFS has estimated that each FCO response averages 25 minutes (0.42 hrs.), including records retention and making electronic copies as needed. Therefore, the estimate of the burden for this collection of information is 6,300 hours per year. The estimated annualized cost to respondents for this collection of information is \$139,482.

Receipt of 48-hour arrival notifications and tuna tracking forms are dependent on the number of authorized large ETP purse seine vessels and the number of trips in the ETP they take each year. One notification and tuna tracking form submission will be made for each trip. In 2024, 14 authorized vessels made 56 trips. The burden timing was estimated based on how long it takes affected industry to fill out their portion of the tuna tracking form and submit their arrival notification to NMFS/IATTC, which was multiplied by the hourly rate to generate the annual wage burden.

Regarding “chain-of-custody” requirements, the Tuna Tracking and Verification Program conducts retail market spot check audits by purchasing tuna products available to consumers and tracking the tuna back to its point of origin. On average, about 6 samples are collected each year, associated with 6 respondents. It takes respondents an estimated 2 hours of work to produce required documentation and provide it to NMFS upon request.

The monthly tuna receiving reports and monthly tuna storage removal reports were combined into one item for the purposes of this question because canneries include the information required under both of these items in a single report. In 2024, there were 12 participating U.S. tuna canneries: 3 large-scale canneries and 9 small-scale canneries. Each of the 12 canneries typically submits 1 report each month for a total of 144 reports received each year. The amount of time it takes to compile this information varies widely depending on a cannery’s capacity for report automation and how much product they are processing. On average, it takes about 1 hour to assemble and submit a monthly report.

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)
Fisheries Certificate of Origin	Tuna Importer - Admin Support	600	25	15,000	25 min	6,250	\$22.14	\$138,375
Arrival Notification	Fisherman	14	4	56	5 min	5	\$17.67	\$88
Chain of Custody	Tuna Importer - Admin Support	6	1	6	2	12	\$22.14	\$266
Monthly Tuna Receiving and Storage Removal Reports	Cannery Staff - Admin Support	12	12	144	1	144	\$22.14	\$3,188
Tuna Tracking Form	Admin Support	14	4	56	13 min	12	\$22.14	\$266
Totals				15,262		6,423		\$142,183

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).

There are no capital costs or operating and maintenance costs associated with this information collection. This is because responses to this collection of information are almost entirely electronic and tuna importing companies, vessels, and canneries, already possess computer and typical software (e.g., Microsoft Windows operating system and Microsoft Office), Internet access, and email capabilities as part of their operational necessity. NMFS also estimates the recordkeeping burden to be at zero. An FCO and other chain of custody documentation would be kept with other necessary documents associated with that tuna importation (e.g., invoice, bill of lading, etc.). Therefore, any additional recordkeeping burden is *de minimis*. Monthly cannery reports are electronic and stored in existing business computers and databases. 48-hour notices are stored in emails. Tuna Tracking Forms are transmitted electronically and are maintained by the Inter-American Tropical Tuna Commission’s Onboard Observer Program.

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.

Staff supporting this information collection consists of both federal and contracted labor. Standard office federal and contracted “loaded” labor rates are used. There are no associated operational expenses such as special equipment, overhead or printing costs. All documents are received electronically and are viewed on standard issue government devices already used by agency employees and affiliates.

The methodology for calculating the figures in this table has been adjusted and streamlined due to bringing five additional information collections under 0648-0335 and having more staff directly involved with this effort than in years past. The effort, represented as a percentage of time spent on the aggregate of all of these information collections, is multiplied against the standard loaded salary for the two federal and two contract positions that work on these information collections regularly, then added together to output the grand total. For example, for one of the assigned contractors, in a 40 hour work week, on average, 34 hours (or 85%) of their time are spent processing the information received in the course of the six information collections. This holds true for much of the year and is therefore extrapolated to the annual level. The federal rates were obtained using the Commerce Alternative Personnel System (CAPS) pay tables¹⁵ for the Rest of U.S. locality as NOAA staff are geographically dispersed. A 1.5 multiplier was then used to calculate the loaded salary.

Cost Descriptions	Grade/Step	Loaded Salary / Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Lead	ZP-III	\$175,000	30%		\$52,500
Federal Lead	ZP-III	\$175,000	30%		\$52,500
Contractor		\$80,000 ¹⁶	85%	N/A	\$68,000
Contractor		\$80,000 ¹⁷	85%	N/A	\$68,000
Travel					0
Other Costs					0
TOTAL					\$241,000

¹⁵ https://www.commerce.gov/sites/default/files/2024-01/CAPS_rpStandard_2024.pdf

¹⁶ NMFS estimated the contractor's loaded salary for the associated costs to the government. Contractor loaded salary is considered proprietary information by the contracting company that is not available to the agency.

¹⁷ *Ibid.*

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

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	
Fisheries Certificate of Origin	600	540	15,000	14,000	6,250	5,833	Adjustments are due to an increase of both respondents and responses.
Arrival Notification	14	0	56	0	5	0	Adjustments are due to normal fluctuations in respondents and responses. IC transferred from 0648-0387.
Chain of Custody	6	0	6	0	12	0	Adjustments are due to changes in calculation methodology. IC transferred from 0648-0387.
Monthly Tuna Receiving and Storage Removal Reports	12	0	144	0	144	0	Adjustments are due to changes in calculation methodology. These 2 reports were combined here because they are submitted as one unit. IC transferred from 0648-0387.
Tuna Tracking Form	14	0	56	0	12	0	Adjustments are due to normal fluctuations in respondents and responses. IC transferred from 0648-0387.
Total for Collection	646	540	15,262	14,000	6,423	5,833	
Difference	106		1,262		590		

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.

NMFS will not publish results of the information collection. The information will be used internally, primarily for monitoring compliance with fishing, canning, and importing activities.

In the event summarized information is used to support publicly disseminated information, then, as explained in the preceding paragraphs, the information gathered can be shown to have utility. NMFS will retain control over the information and safeguard it from improper use, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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.

The agency plans to display the expiration date for OMB approval of the information collection.

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

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).