

Documentary Evidence Requests by Administrator

The Assistant Administrator will determine, on an annual basis, whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation or by the IDCP and the IATTC, and will publish the finding in the Federal Register. A finding will remain valid for 1 year or for such other period as the Assistant Administrator may determine. An affirmative finding will be terminated if the Assistant Administrator determines that the requirements of this paragraph are no longer being met. Every 5 years, the government of the harvesting nation must submit such documentary evidence directly to the Assistant Administrator and request an affirmative finding. Documentary evidence must be submitted by the harvesting nation for the first affirmative finding application. The Assistant Administrator may require the submission of supporting documentation or other verification of statements made in connection with requests to allow importations. An affirmative finding applies to yellowfin tuna and yellowfin tuna products that were harvested by vessels of the nation after March 3, 1999. To make an affirmative finding, the Assistant Administrator must find that:

1. The harvesting nation participates in the IDCP and is either a member of the IATTC or has initiated (and within 6 months thereafter completed) all steps required of applicant nations, in accordance with article V, paragraph 3, of the Convention establishing the IATTC, to become a member of that organization;
2. The nation is meeting its obligations under the IDCP and its obligations of membership in the IATTC, including all financial obligations;

Documentary Evidence and Compliance with the IDCP

1. **Documentary Evidence.** The Assistant Administrator will make an affirmative finding under [paragraph \(f\)\(8\)\(i\)](#) of this section only if the government of the harvesting nation provides directly to the Assistant Administrator, or authorizes the IATTC to release to the Assistant Administrator, complete, accurate, and timely information that enables the Assistant Administrator to determine whether the harvesting nation is meeting the obligations of the IDCP, and whether ETP-harvested tuna imported from such nation comports with the tracking and verification regulations of [subpart H of this part](#).
2. **Revocation.** After considering the information provided under [paragraph \(f\)\(8\)\(ii\)\(A\)](#) of this section, each party's financial obligations to the IATTC, and any other relevant information, including information that a nation is consistently failing to take enforcement actions on violations that diminish the effectiveness of the IDCP, the Assistant Administrator, in consultation with the

Secretary of State, will revoke an affirmative finding issued to a nation that is not meeting the obligations of the IDCP.

A harvesting nation may apply for an affirmative finding at any time by providing to the Assistant Administrator the information and authorizations required in paragraphs (f)(8)(i) and (f)(8)(ii) of this section, allowing at least 60 days from the submission of complete information to NMFS for processing.

The Assistant Administrator will make or renew an affirmative finding for the period from April 1 through March 31 of the following year, or portion thereof, if the harvesting nation has provided all the information and authorizations required by paragraphs (f)(8)(i) and (f)(8)(ii) of this section, and has met the requirements of paragraphs (f)(8)(i) and (f)(8)(ii) of this section.

Reconsideration of finding. The Assistant Administrator may reconsider a finding upon a request from, and the submission of additional information by, the harvesting nation, if the information indicates that the nation has met the requirements under paragraphs (f)(8)(i) and (f)(8)(ii) of this section.

Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0648-0387. Without this approval, we could not conduct this information collection. Public reporting burden for this collection of information is estimated to average 30 minutes (0.5 hours) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary but required for harvesting nations to obtain or maintain an affirmative finding authorizing the importation of yellowfin tuna and yellowfin tuna products harvested in the Eastern Tropical Pacific Ocean pursuant to 50 CFR § 216.24(f)(8) and the Marine Mammal Protection Act (16 U.S.C. 1371 *et seq.*). The purpose of this collection is to allow harvesting nations to submit documentary evidence (or authorize the IATTC to release documentation) directly to the Assistant Administrator to demonstrate participation in and compliance with the International Dolphin Conservation Program (IDCP), IATTC obligations, and tuna tracking/verification regulations. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden, to National Marine Fisheries Service at: Sustainable Fisheries Division, West Coast Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802, or via email to wcr.permit@noaa.gov.