

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 02/05/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 11/22/2002.

TITLE: Bluefin Tuna Dealer Reporting Package

AGENCY FORM NUMBER(S): 88-144

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0239

EXPIRATION DATE: 02/28/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	12,150	433	1
New	14,464	526	1
Difference	2,314	93	0
Program Change		0	0
Adjustment		93	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	10. Abstract
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
BLUEFIN TUNA DEALER REPORTS
OMB CONTROL NO. 0648-0239**

A. JUSTIFICATION

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

This supporting statement is submitted as part of a Paperwork Reduction Act (PRA) request for renewal of the dealer reporting package for the Atlantic bluefin tuna fisheries. The purpose of the collection of information contained in this Dealer Package is to comply with the United States' obligations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 971 *et seq.*), the Atlantic Tunas Convention Act, (ATCA, 16 U.S.C. 1801 *et seq.*), the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP), and the HMS FMP implementing regulations at 50 CFR Part 635.

ATCA requires the Secretary of Commerce to promulgate regulations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). As a member nation of ICCAT, the United States is required to take part in the collection of biological statistics for research purposes. In addition to this requirement, the United States, as one of the three member nations fishing for bluefin tuna in the Western Atlantic Ocean, must abide by the specific quota assigned to it by ICCAT. Thus, collection of information through the forms in this Dealer Package serves three purposes of ICCAT: (1) it provides stock assessment and research information, (2) it monitors the catch so as not to exceed the country quota, (3) verify bluefin tuna import/export shipments in conjunction with the Bluefin Tuna Statistical Document (BSD) program. [Note that the BSD program applies to international trade in all bluefin tuna of the species Thunnus thynnus, regardless of the ocean area of catch. Thus, reports are required of both Atlantic and Pacific bluefin, although Pacific bluefin are not managed under ICCAT.]

The Atlantic bluefin tuna fishery is governed by quotas established by ICCAT. Each participating country, of which the United States is one, is allocated a quota which is quite restrictive. The bluefin tuna fishery is subject to a rebuilding schedule with the goal of recovering the western Atlantic population to Maximum Sustainable Yield (MSY) levels. The agency has distributed the quota among one recreational and five commercial user groups to ensure maintenance of optimum yield, as well as collection of scientific information. Besides quotas, other conservation measures include the closure of spawning areas such as the Gulf of Mexico, to any directed fishery.

In 1996, the United States Congress reauthorized the Magnuson-Stevens Act, the primary domestic legislation governing management of the nation's marine fisheries. The HMS FMP brought the management of Atlantic tunas under the authority of the Magnuson-Stevens Act as well. The Secretary of Commerce is authorized to manage HMS in the Atlantic, Gulf of Mexico and Caribbean Seas. By delegation, HMS are managed by the NMFS Office of Sustainable Fisheries (F/SF). One of the major responsibilities of F/SF is to allocate the limited bluefin

quota assigned to the United States by ICCAT among numerous and competing user groups. As management falls under Magnuson-Stevens Act, (as well as ATCA), and the National Environmental Protection Act (NEPA), data and analyses on the socio-economics of the U.S. bluefin tuna fishery constitute an integral part of the basis for rulemaking and FMP amendments, particularly in determining Optimum Yield and in preparing the mandatory Regulatory Impact Review (RIR), Environmental Impact Statement (EIS), and other documentation. Thus, the Dealer Package also provides essential information for management of the bluefin tuna fishery in the United States, particularly in terms of total quota and allocation decisions, which follow the ICCAT Recommendation and the National Standards of the Magnuson-Stevens Act (e.g., regarding traditional fishing patterns and socio-economic impacts to various user groups).

The 1992 ICCAT recommendation required that all contracting parties implement a statistical document requirement for all imported bluefin tuna so that contracting parties could better account for the origin of bluefin tuna introduced into their markets. The Bluefin Tuna Statistical Document (BSD) was implemented by the United States in 1994 in order to monitor bluefin tuna imports into the United States. [The BSD program is authorized separately under OMB 0648-0040.] Also, the United States provides BSDs to be completed by U.S. dealers who export bluefin tuna to foreign countries to facilitate entry into those markets. Only Federally licensed dealers are authorized to import/export bluefin tuna into or from the United States. The Dealer Package submitted under this request plays an integral role in verifying import/export documents such as the BSD, by creating a paper trail (biweekly report with tag numbers) and identifying the importer or exporter.

Section 971 d(c)(3) of ATCA provides the statutory authority to require the collection of information necessary to implement the recommendations of ICCAT. Section 635.5(b) of the Atlantic Highly Migratory Species regulations governing the domestic bluefin tuna fishery require all permitted bluefin tuna dealers to submit the reports (daily fax of landing cards for Atlantic bluefin, Atlantic Biweekly & Pacific Biweekly reports, and tagging of individual fish) contained in this Dealer Package.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If NOAA's Information Quality Guidelines apply, state this and confirm that the collection complies with the Guidelines.

The information collected by this Dealer Package is used by NMFS to monitor U.S. landings in relation to the quota, thereby ensuring that the United States complies with its international obligations to ICCAT. Other provisions of the domestic regulations are monitored through this collection of information, such as compliance with time/area closures, fishing seasons, subquotas by gear type and/or user group and the documentation of Atlantic and Pacific bluefin tuna imports and exports. This information collection provides landings data necessary to assess the status of the bluefin tuna resource. Assessments are conducted and presented to ICCAT annually. The data provide the basis for ICCAT management recommendations that become binding on member nations. In addition, the information collected through the Dealer Package provides essential information for domestic management policy and rulemaking with respect to impacts on prices, ex-vessel revenues, and fishing communities.

This information collection complies with applicable information quality guidelines. Information gathered herein has utility as discussed above. NOAA Fisheries' Highly Migratory Species Division will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for electronic information, confidentiality, and privacy. If disseminated in the future, the information dissemination product will be subject to review for compliance with applicable information quality guidelines.

The Dealer Package consists of two forms: the Daily Report or Landing Card, which is used for daily, real-time quota monitoring, and the Biweekly Report form, which is used to cross-check the Daily Report and to collect additional information related to the sale and disposition of the fish. In addition, uniquely numbered tail tags must be affixed to each bluefin tuna after which the tag numbers are recorded on all forms and shipping labels (tags optional for Pacific bluefin). Under regulation, only Atlantic bluefin measuring greater than 73 inches curved fork length (large medium and giant) may be sold. Smaller-sized Atlantic fish may be caught (subject to a minimum size) by recreational fishermen, but not sold, and are monitored through the NMFS Large Pelagic Survey, the Automated Catch Reporting System, and/or state level tagging programs (currently implemented in Maryland and North Carolina). Pacific bluefin of any size may be sold and, as Pacific bluefin are not managed under a quota system, daily landing cards do not apply.

The following information is collected on the bluefin tuna Daily Report (Landing Card):

- a) Dealer name and permit number identify the dealer.
- b) The date the fish was landed is collected for research and for quota monitoring purposes.
- c) Gear type used to capture the tuna. This information is important for estimating catch per unit effort as part of stock assessment.
- d) The length and weight of the fish and the method of measurement (curved or straight, round or dressed) provide information necessary to assess the status of the resource. Length and weight data are used to determine the age of the fish and therefore, the population structure. Total weight data are used to monitor the quota which is specified in terms of metric tons.
- e) The tail tag numbers are used to identify the fish and to cross-reference this Daily report with the Biweekly report (and eventually the BSD, if the fish is exported).
- f) Area caught provides information on the timing and location of the migrating schools and aids enforcement of the regulations in the event that a particular area is closed.
- g) Port landed identifies the principle ports for the fishery which allows for planning of enforcement and monitoring resources, and provides more detail on location and

migration of the schools. This information is also useful in setting domestic policies on time/area closures.

h) Fisherman and vessel names, permit number and signature. Permits are required for all vessels participating in the bluefin tuna fishery, and the harvester must be identified to monitor daily catch limits and to assess the relative activity of each user group.

The following information is collected on the bluefin tuna dealer bi-weekly forms:

a) Biweekly reporting period.

b) Dealer name and permit number identify the dealer.

c) The date the fish was landed or imported.

d) Vessel permit number.

e) The tail tag numbers are used to identify the fish and to cross-reference this Daily report with the Biweekly report (and eventually the BSD, if the fish is exported).

f) The weight of the fish and the processing condition (round or dressed) relative to price received.

g) Nature of the sale, dockside or consignment. The form allows dealers to report both consignment and dockside transactions and provides ample time for all prices to be reported (one week grace period in completing and sending in the form). The type of sale is requested as it is important to determine whether the fish was sold on consignment or at dockside. This information is useful for assessing relative importance of the Japanese and U.S. domestic markets.

i) Price per pound is an integral source of information on the economic contribution of the fishery and of individual user groups, important for NMFS' preparations of analyses (e.g., RIRs, EISs, and other documentation) that serve as the basis for rulemaking and FMP amendments.

j) Quality rating and condition is requested in order to better assess how regulations, as well as other factors, affect the price of the fish. For example, time/area closures may affect the price received for bluefin tuna, and the effect of these policies can only be assessed if quality ratings are available. The quality measures indicated on the form are precisely those used by dealers.

k) Destination of the fish. This information allows an assessment of the relative importance of the foreign market in the economic contribution of the fishery, which foreign countries in particular are a market for bluefin tuna, and how other variables (exchange rates, tariffs, transportation costs, etc.) can affect the market for bluefin tuna.

The Pacific biweekly dealer report covers only import and export of Pacific bluefin tuna, not domestic purchases from U.S. vessels that remain in the U.S. Individual fish price data are not collected because Pacific bluefin are not subject to the same level of domestic regulation (quotas, closures, user group allocation) and aggregate price data are available from other sources. Additional data elements on the Pacific version of the biweekly report form include:

- a) State and Landing Documentation Number is requested for Pacific dealers completing a Pacific Biweekly report in order to export shipments of Pacific bluefin tuna. The documentation number identifies the vessel landing the Pacific bluefin tuna, bound for export. The documentation number is required for reporting purposes on the ICCAT BSD.
- b) Condition (fresh/frozen) corresponds to the two possible item numbers listed on the harmonized tariff schedule.
- c) Bluefin Statistical Document number for cross-reference with the trade data received from Customs.

If this information collection were not conducted, the United States could not comply with international obligations under ICCAT, in violation of ATCA and the Magnuson-Stevens Act. The status of the resource would be indeterminable since approximately 55 percent of the western Atlantic catch is landed by U.S. fishermen and the conservation and management objectives of ATCA would be jeopardized. Furthermore, it would be impossible for the United States to formulate domestic policy consistent with the Magnuson-Stevens Act, and which is based on sound socio-economic and biological data and analyses. NMFS would be unable to prepare documents such as the RIR, EIS, etc., as required under the Magnuson-Stevens Act, NEPA, and other applicable laws.

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.

Bluefin tuna data collection requires timely and specific information from the dealers as they are the sole agents who are capable of monitoring every fish landed in this fishery. Prior to July 1, 1999, bluefin tuna dealers were required to fax copies of their Daily reports to the NERO for quota monitoring purposes, as well as mail them, within 24 hours of purchasing an bluefin tuna. NMFS has implemented FAX/OCR technology for dealer reporting of bluefin tuna. The Daily report has been modified to be readable by the OCR system. Dealers fax in the form, which is read via OCR. Data fields are extracted and applied to Oracle data tables. Implementation of this capability has improved Atlantic bluefin tuna quota monitoring. Better quota monitoring keeps the fishery open for a longer period because the reduced lag time for data entry shortens the period over which catch must be projected. This provides better service to fishermen by avoiding premature closures and unscheduled reopenings. Prior to implementation of this capability, data from all Daily reports were entered manually. Eliminating manual data entry has eliminated about two man months worth of work for the HMS Management Division (F/SF1).

The public, i.e., dealers and fishermen, have also benefitted as now data can be reported back to them in a more timely manner. In addition, the FAX/OCR system has multiple phone line ports available 24 hours a day, thus reducing busy signals and the subsequent need to resubmit documents. The FAX/OCR system has allowed NMFS to eliminate the requirement for dealers to mail-in these Daily reports.

NMFS has also implemented a permitting and reporting system developed under contract which allows for issuance of vessel permits and catch and landing reports. NMFS is currently investigating the feasibility of collecting dealer data over the internet as well.

4. Describe efforts to identify duplication.

The agency is now collecting the minimum amount of information essential to monitoring the domestic quota for the bluefin tuna fishery. Coordination with existing programs is always explored to avoid unnecessary duplication of effort. No other collections require this information. All of the tuna dealers recognize that these report forms are used exclusively to monitor bluefin tuna catches.

For Atlantic bluefin tuna, Daily Reports must be faxed in every day in order to monitor quota adherence as precisely as possible. The Biweekly report requests additional market data (price, quality, destination) which are not available upon landing. Some duplication between the two forms is required (e.g., weight and tag number) in order to cross-check the Daily Reports and increase quota monitoring accuracy. The U.S. is bound by ATCA to abide by ICCAT recommendations and must make very effort possible to meet quota restrictions.

Atlantic and Pacific Biweekly reports are used to verify import/export bluefin tuna shipments that are registered on the BSD. The biweekly report creates a paper trail that links the BSD documented shipment with a U.S. dealer. The agency relies on this paper trail for exported fish when pursuing management and enforcement issues that relate to the BSD program.

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

The Dealer Package does not have a significant impact on small businesses, organizations or government bodies.

Small businesses will be the respondents of this data collection of which the following methods will minimize burden:

- a. Daily report forms are provided free of charge in bound logbooks.
- b. Each Daily report form is easily removed for faxing.

- c. On both forms, the information requested is presented in a format that is compatible with the dealer/processor operation of landing, purchase, grading, and processing of bluefin tuna.
- d. Daily reports are printed on carbon copy forms so that the dealer automatically has an account of transactions for business records.

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

Failure to accurately collect bluefin tuna landing data on a real-time basis or to collect BSD data in an expeditious manner could jeopardize the United States' ability to comply with ICCAT obligations. Given the relatively high degree of overcapitalization in this fishery, weekly landing reports could imply a significant quota overage in a fishing category. It is essential to have daily reporting of landings, followed up with bi-weekly confirmation of these reports, in order to follow ICCAT recommendations, as required by ATCA.

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

The frequency in which data is collected in the Dealer Package is inconsistent with OMB guidelines that "do not require respondents to report information more often than quarterly." The agency recognizes that in order to accurately monitor the domestic quota allocation among a diverse group of users, bluefin tuna landing data must be collected on a real-time basis. Failure to maintain the current reporting frequency could jeopardize the agencies' ability to close segments of the fishery prior to exceeding a fishing category's allocation.

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 Federal Register Notice (copy attached) solicited public comment on this collection. No comments were received.

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

The agency does not provide gifts or payment to respondents involved in bluefin tuna dealer reporting.

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

There is a Paperwork Reduction Act Notice printed on the front cover of the Daily Report logbook and on the Biweekly Report forms. It is Agency policy not to release confidential data, other than in aggregate form, as the Magnuson-Stevens Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the Agency ensures that information identifying the pecuniary business activity of a particular dealer is not identified.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

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

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

Based on 524 permits issued for 2001, the estimated number of Atlantic bluefin dealers is 525 per year. The number of daily reports submitted via fax per dealer depends on how many fish the dealer will purchase, which in turn depends upon total landings. Since the fishery is managed by a quota, the maximum number of responses can be estimated. The total number of Atlantic bluefin tuna sold to dealers in 2001 was approximately 6,038 fish. The actual number of fish landed depends not only on the total quota but also on the average size of the fish since the quota is based on tonnage. Thus, assuming the total quota and average size remain close to 2001 levels, approximately 6,038 fish would be landed and, on average, each of the 525 dealers would complete approximately 11.5 Daily Reports by fax.

In addition to domestic purchases, imports must be listed on the Atlantic biweekly form. Thus, the total number of fish entered on the 683 Atlantic biweekly reports submitted in 2001 was 10,488, including the 6,038 domestic landings and 4,450 imported fish. The average Atlantic bluefin dealer would submit approximately 1.3 Biweekly Report per year, though the actual range is from 0 to about 10 reports, depending on the level of activity of the dealer. For the estimated 525 dealers, this would amount to an estimated 683 Atlantic biweeklies per year.

Based on 50 annual permits issued in 2001, the estimated number of Pacific Dealers is 50. No landing cards are required for Pacific bluefin because that fishery is not managed by quota. The number of biweekly responses per dealer depends on how many Pacific bluefin tuna import or export shipments the dealer will make. Based on 205 biweeklies received in 2001 from Pacific dealers, the total number of Pacific bluefin tuna shipments is estimated to be 205 per year. Thus, the average dealer would import and/or export approximately 4 shipments, and would submit 4.1 Biweekly Reports per year.

The response time for the forms is estimated at 2 minutes per response for the Daily Report, 15 minutes for the Atlantic Biweekly report, and 8 minutes for the Pacific Biweekly report, as explained in Attachment 1.

It is estimated that dealers require one minute to affix a tail tag to the carcass of a bluefin tuna, record the number on the Daily or Biweekly report (as appropriate), and label the tail tag number on the shipment container if the bluefin tuna is cut into portions and transported for the domestic market or exported from the United States. Note that imported bluefin are not required to be tagged by U.S. dealers (though they may already be tagged by foreign exporters). Excluding the entries on the 2001 Biweekly Reports associated with imports, the annual total number of fish to be tagged is estimated at 6,038 Atlantic bluefin and 1,511 Pacific bluefin.

Atlantic bluefin tuna dealers purchased approximately 6,038 bluefin tuna in 2001. Since the average Atlantic bluefin dealer would tag approximately 12 bluefin tuna, the average time per response to tag and record these bluefin tuna is 12 minutes per dealer per season. Pacific bluefin tuna dealers exported 205 shipments of Pacific bluefin tuna in 2001, with a total of 1,511 fish purchased for export. For the most part, Pacific bluefin are smaller and shipped in bulk rather than individual carcasses. Therefore, tail tags are optional and most of the Pacific bluefin exporters do not tag individual fish. However, the burden if all fish (domestic purchases for export) were tagged would amount to 129 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

The estimated total annual burden for dealer reporting (for bluefin tuna) is 526 hours. All forms are provided, and pre-addressed. All postage costs will be paid by the respondents. Because Daily reports no longer need to be mailed-in, the estimate of total cost of postage (assumed average cost of \$0.50) for approximately 895 Biweekly reports (assuming a similar number of responses to that in 2001) would be \$447.50. The requirement to fax Daily reports has not changed in the past several years; at approximately \$0.15 report, total annual costs for Atlantic bluefin tuna dealers is approximately \$903.75.

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

Federal printing costs are assumed to be the same as in 2001. Agency cost for printing 525 logbooks for Atlantic bluefin tuna dealers, at a cost of \$5.06 each, is \$2,656.50. NMFS creates and copies the Biweekly reports for the approximately 500 Atlantic and Pacific bluefin tuna dealers, at a cost of \$0.05 per report. Dealers are responsible for making copies themselves. Therefore, agency cost for Biweekly reports is \$25.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The changes are adjustments from re-estimates.

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

Information collected from the Dealer Package will be published in EAs, EISs, and RIRs. The data will be presented in aggregate form, that will not lead to the identification of individual dealers. In some cases, aggregate data as summarized in published reports will be posted on various internet sites maintained by NMFS or by contractors. Interim updates on bluefin landings and/or prices may also be posted on web sites, though always in aggregate form.

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.

N/A.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information will not employ statistical methods.

Attachment 1

Bluefin Dealer Reporting - Estimate of Public Burden Hours

Report Forms	# of Respondents	Avg # of Resp. per Respondent	Total # of Responses	Average Response time	Total Annual Response Time in hours
Atlantic Daily Report	525	11.5	6038	0.033	199
Atlantic Biweekly Report	525	1.3	683	0.25*	171
Pacific Biweekly Report	50	4.1	205	0.13**	27

Tail Tags	# of Respondents	Responses per Respondent	Total Responses Expected	Hours per Response ¹	Total Annual Response Time in Hours
Atlantic Affix, Label & Record	525	11.5	6038	.017	103
Pacific Affix, Label & Record	50	30	1511	.017	26

Annual burden for bluefin dealer reporting: $199 + 171 + 27 + 103 + 26 = 526$ hours

Annual responses: $6038 + 683 + 205 + 6038 + 1511 = 14,464$

* The average time per response for the Atlantic Biweekly report has been re-calculated on the following basis: In 2001, NMFS received 690 Atlantic Biweekly reports with a total of 10,475 entries (including imports and domestic purchases), for an average of 15.1 entries per Biweekly report. We assume that each entry on the Atlantic Biweekly report takes approximately one minute (0.17 hours). Therefore, each Atlantic Biweekly is filled out in approximately 15 minutes (0.25 hours).

** The average time per response for the Pacific Biweekly report has been re-calculated on the following basis: In 2001, we received 205 Pacific Biweekly reports with a total of 1562 entries (including imports and domestic purchases for export), for an average of 7.6 entries per Biweekly report. We assume that each entry takes the same amount of time as an entry on the Atlantic Biweekly report (one minute, or 0.17 hours). Therefore, each Biweekly takes approximately 8 minutes (0.13 hours).

¹ The time per response for Atlantic and Pacific dealers to affix a tail tag, label containers, and record tail tag numbers on Daily reports is estimated at one minute (0.17 hours) per tail tag. Tail tags are affixed to domestic fish only, not imports, so only domestic purchases appear in the lower table.

Attachment 2

Reporting Forms and Instructions

NOAA 88-144

OMB 0648-0239
(Expires xx/xx/xxxx)



DOC/NOAA/NMFS
Highly Migratory Species
One Blackburn Drive
Gloucester, MA 01930-2298

DEALER PERMIT NUMBER: _____

DEALER REPORT FORM FOR LARGE MEDIUM AND GIANT ATLANTIC BLUEFIN TUNA

Pursuant to 16 U.S.C. 971, 16 U.S.C. 1801, and 50 CFR Part 635

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in this logbook is mandatory for the purpose of managing the Atlantic bluefin tuna fishery. The data is used to monitor landings of Atlantic bluefin tuna. Reporting burden for the collection of information is estimated to average 3 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, tagging the fish, and completing and submitting the information. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. It is the policy of the National Marine Fisheries Service not to release confidential data, other than in aggregate form, as the Magnuson Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the NMFS ensures that information identifying the pecuniary business activity of a particular dealer is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Highly Migratory Species Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.



INTRODUCTION

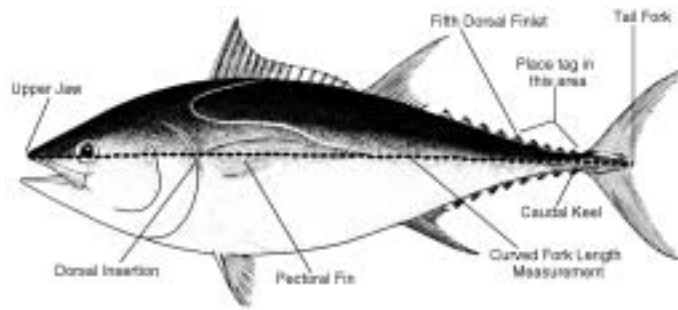
The Atlantic Tunas Convention Act of 1975 provides authority to the Secretary of Commerce to enact regulations which implement recommendations made by the International Commission for the Conservation of Atlantic Tunas (ICCAT). The Secretary has delegated this authority to the Assistant Administrator of the National Marine Fisheries Service (NMFS).

Present regulations (50 CFR Part 635) require any person purchasing or receiving Atlantic bluefin tuna for a commercial purpose to obtain a dealer permit. This permit is obtained by filling out an application provided by the NMFS, One Blackburn Dr., Gloucester, Massachusetts 01930-2298. Once a permit is issued it must be kept at the place of business and be available for inspection at all times. This permit needs to be renewed annually. It continues in effect for that calendar year unless otherwise revoked or terminated by the Regional Director, or upon any changes or alterations of company ownership, name or place of business. When any changes such as these occur the owner should notify the NMFS immediately and complete a new application. Should a permit be misplaced, the owner should notify the NMFS and a duplicate will be prepared and mailed. (It is not necessary to complete a new application). The logbook which you have been issued is necessary in order to obtain catch information from the vessel whose fish you are buying or receiving. Both the permit and the logbook as well as your premises are subject to inspection by an authorized official.

Permits issued under Subpart A, 50 CFR, Part 635, Atlantic Tunas, can be suspended for non-compliance with the regulations. Also, civil penalties are provided for violations of the regulations in accordance with NOAA Civil Administrative Penalty Schedule, as amended, May 30, 1997. For a copy of the regulations or the Penalty Schedule please contact the NMFS, Highly Migratory Species Division (HMS) at One Blackburn Dr., Gloucester, Massachusetts 01930-2298 or call (978) 281-9140.

INSTRUCTIONS

1. You are required to complete a LARGE MEDIUM-GIANT ATLANTIC BLUEFIN TUNA LANDING REPORT form contained in this logbook each time you purchase or receive a large medium or giant Atlantic bluefin tuna. The *original* top, white copy of the completed form should be faxed immediately to **(978) 281-9393**.
2. Your dealer number is the number on the cover of this logbook. Please be sure to write it on every form (both the Atlantic bluefin tuna landing report and the Bi-weekly summary Report).
3. If more than one fish is purchased by you in a day, you need a complete form for each fish.
4. The gear used in catching each large medium or giant tuna must be specified as one of the following: Handline, Harpoon, Rod and Reel, Longline, Purse Seine, and Other (check only one). If checking Other, write in the specific gear type on the form.
5. Total curved fork length is the sole criterion for determining the size class of whole (head on) Atlantic bluefin tuna. Total curved fork length is a measurement taken in line tracing the contour of the body of the tuna from the tip of the upper jaw to the fork of the tail, which abuts the dorsal side of the pectoral fin and the dorsal side of the caudal keel. For any Atlantic bluefin tuna with the head removed, it is determined that the tuna, when caught, fell into a size class in accordance with the following formula: Total curved fork length equals pectoral fin curved fork length multiplied by a factor of 1.35. The pectoral fin curved fork length multiplied by 1.35 will be the sole criterion for determining the size class of a beheaded Atlantic bluefin tuna. For this purpose, all measurements must be taken in a line tracing the contour of the body from the dorsal side of the pectoral fin to the fork of the tail, which abuts the dorsal side of the caudal keel. The dotted line shows the curved measure.



6. Write in exact round or dressed weight whenever possible. If estimating weight, please indicate by putting “est” next to the weight.
7. Every large medium or giant tuna must be tagged in the narrow part of the body between the fifth dorsal finlet and the caudal keel with one of the metal or plastic tail tags provided for that purpose. It is unlawful for a person to be in possession of and to buy or sell Atlantic bluefin tuna 73 inches or more in length which does not have this tag affixed to it per these instructions.
8. In completing “area where caught”, check the box corresponding to the number of the area where the fish was caught (see following maps).
9. You are required to inspect the vessel’s Atlantic tunas permit and write the vessel’s permit number on the form, as well as the vessel’s name. The vessel’s master or owner must also sign and date the bottom of the form.
10. Additional logbooks or tags may be obtained by contacting the NMFS/HMS, One Blackburn Dr., Gloucester, Massachusetts 01930-2298; or by calling (978) 281-9140.

ADDITIONAL REPORTING REQUIREMENTS

In addition to the individual reporting forms for each large medium or giant tuna purchased or received, you are required to maintain, on a bi-weekly basis, a summary report for each two (2) weeks during the season for all Atlantic bluefin tuna you purchase or receive or import. Bi-weekly Reports *MUST* be *postmarked* and mailed *within 10 days* to NMFS/HMS after each 2-week reporting period in which bluefin tuna were purchased, received or *imported*. **NO** faxes accepted. **NOTE:** Ensure that the price per pound provided matches the correct form of the fish (either dressed or whole).

Dealers **exporting** bluefin tuna *MUST* attach an *original* United States Bluefin Statistical Document (BSD), from the unique numbered series issued to the exporting dealer, to the shipment on route to its final destination. *Copies* of the BSDs accompanying the shipments must be *postmarked* and mailed *OR* faxed by the dealer to NMFS/HMS within *24 hours of export*. Fax number: (978) 281-9340.

NOTE: If the dealer who first bought the fish does not export it, but transfers it to another dealer, then:

(A) The dealer who first bought the fish must: (1) Submit a Landing Form from the logbook as normal, (2) Contact the last dealer handling the fish and determine whether the fish was sold domestically or exported, and the price per pound for either dressed or whole weight and, (3) Submit a Bi-weekly Report indicating whether the fish was sold domestically or exported.

(B) The last dealer, who finally exports the fish, must complete *one of their own assigned BSDs*, and submit a copy to HMS within *24 hours of export*. (If not exported, no BSD is used). No Bi-weekly Report from this last dealer should be submitted.

Dealers **re-exporting** bluefin tuna *MUST* attach the original BSD from the foreign country with the shipment on route to its final destination. *Copies* of BSDs attached to the shipments must be *postmarked* and mailed *OR* faxed to NMFS/HMS within *24 hours of re-export*. Fax number: (978) 281-9340.

Dealers **importing** bluefin tuna, *and* the U.S. is the final destination, must *postmark* and mail the *original* BSDs from the foreign country to HMS within *24 hours of import*.

BI-WEEKLY ATLANTIC BLUEFIN TUNA DEALER REPORT INSTRUCTION SHEET

Dear Bluefin Tuna Dealer:

Pursuant to regulations governing recordkeeping and reporting for the Atlantic bluefin tuna (BFT) fishery [50 CFR §635.5 (b)(2)] Atlantic bluefin tuna dealers are required to submit bi-weekly* reports to the Regional Director on forms supplied by the National Marine Fisheries Service (NMFS). Bi-weekly reports must be postmarked and mailed, at the dealer's expense, within 10 days after the end of each 2-week reporting period in which BFT were purchased, received or imported.

Please use this instruction sheet as a guideline to complete the bi-weekly report by entering the requested data in the appropriate column for each case in which BFT are purchased, received or imported.

- (1) **Two Week Reporting Period:** Indicate the two week period of the month for which you are reporting purchase, receipt or import of BFT. The biweekly reporting periods are defined as the first day through the 15th day of each month and the 16th day through the last day of the month.
- (2) **Dealer:** Indicate the name of the dealer reporting purchase, receipt or import of BFT.
- (3) **Permit Number:** Indicate the dealer's permit number issued by NMFS.
- (4) **Person Filling Out Report:** Indicate the name of the individual completing the bi-weekly report.
- (5) **Date of Landing:** Indicate the date the BFT was landed.
- (6) **Atlantic Tunas Vessel Permit Number:** Indicate the NMFS Atlantic tunas vessel permit number of the vessel that landed the BFT.
- (7) **Tail Tag Number:** Indicate the serial number of the plastic tail tag that was affixed to the BFT carcass.
- (8) **Weight:** Indicate the weight, in pounds, of the BFT according to the form, either **Round** or **Dressed**, in which the carcass was purchased. NOTE: Enter the weight of one BFT in one sub-column, only.

(9) Nature of Sale: Indicate whether the sale was **Consignment** or **Dockside**. NOTE: Choose one, only.

(10) Price Per Pound: Indicate the price per pound in the appropriate sub-column according to the form, either **Round** or **Dressed**, in which the BFT was purchased. (The price per pound should reflect the balance paid to the fisherman) NOTE: Enter the price per pound of the one BFT in one sub-column, only.

(11) Quality Rating:** BFT should receive grade from dealers according to four quality factors that include: Freshness, Fat Content, Color, and Shape of the BFT. Dealers should assign a grade of A, high quality; B, above average quality; or C, average quality to rate each of the four quality factors.

(12) Destination of Fish: Indicate the destination of the BFT by assigning a **U** to shipments bound for the United States domestic market, or an **X** to designate shipments exported from the United States.

(13) Page Number: Indicate the number of pages, if more than one bi-weekly report is used to record BFT purchased, received or imported during a two week reporting period. The page number and total pages should be noted, in sequence, at the bottom of the bi-weekly report.

Completed bi-weekly reporting forms should be mailed to the following address:
DOC/NOAA/NMFS, HMS Division, One Blackburn Drive, Gloucester, MA 01930-2298.

* Copies of each bi-weekly report should be maintained, by the dealer, for a period of two years from the date on which each report was required to be submitted to the Regional Director.

** Quality rating is subjective and will vary from dealer to dealer. Though quality rating is optional, dealers are encouraged to complete these columns as price and quality information may be used by NMFS in assessing the impacts of management regulations.

BI-WEEKLY ATLANTIC BLUEFIN TUNA DEALER REPORT

Check One

This report is for the two-week period from the 1st to the 15th of the month: _____
 Or, this report is for the two-week period from the 16th to the end of the month. _____

All bi-weekly reports must be postmarked within 10 days of the end of this period.

Dealer _____ Permit Number _____ Person Filling Out Report _____

Date of Landing or Import Month/Day/Year	Vessel Atlantic Tunas Permit #	Plastic Tail Tag #	Weight (Pounds) (Enter only the weight used to determine price)		Nature of Sale: <small>D=dockside, C=consignment</small>	Price per Pound (Enter in only one column)		Quality Rating <small>(Enter A, B or C grade for each quality factor)</small>				Destination of Fish: <small>U = U.S. market, I = Import X = Export RE = Re-Export</small>
			Round	Dressed		Round	Dressed	Freshness	Fat	Color	Shape	U, X, I or RE

ALL PRICES MUST BE ENTERED. PLEASE USE ADDITIONAL SHEETS FOR ADDITIONAL SALES.

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in the dealer report form logbook is mandatory for the purpose of managing the bluefin tuna fishery. The data is used to monitor landings of Atlantic bluefin tuna. Reporting burden for the collection of information is estimated to average 15 minutes per completed form, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. It is the policy of the National Marine Fisheries Service not to release confidential data, other than in aggregate form, as the Magnuson Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the NMFS ensures that information identifying the pecuniary business activity of a particular dealer is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Highly Migratory Species Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.

BI-WEEKLY PACIFIC BLUEFIN TUNA DEALER REPORT INSTRUCTION SHEET

Pursuant to regulations governing dealer recordkeeping and reporting for the Pacific bluefin tuna (PBT) fishery (50 CFR Parts 300 and 635), bluefin tuna dealers are required to submit bi-weekly* reports to the Regional Director on forms supplied by the National Marine Fisheries Service (NMFS). Bi-weekly reports must be postmarked and mailed within 10 days after the end of each two-week reporting period in which Pacific bluefin were imported or exported.

Please use this instruction sheet as a guideline to complete the bi-weekly report by entering the requested data in the appropriate column for each case in which Pacific bluefin were imported or exported.

- (1) **Two-week Reporting Period:** Indicate the two-week period for which you are reporting import or export of PBT. The first bi-weekly reporting period begins at 0001 hours on the first day of the month and continues through 2400 hours on the 15th day of the month. The second bi-weekly report begins at 0001 hours on the 16th day of the month and continues through 2400 hours on the last day of the month.
- (2) **Dealer:** Indicate the name of the dealer reporting import or export of PBT.
- (3) **Permit Number:** Indicate the dealer's permit number issued by NMFS.
- (4) **Person Filling Out Report:** Print or type the name of the individual who completes the bi-weekly report.
- (5) **Date of Landing:** Indicate the date the PBT was imported/exported.
- (6) **Tail Tag Number:** Indicate the serial number of the tail tag that is affixed to the PBT carcass, if appropriate.
- (7) **Bluefin Statistical Document Number:** Indicate the document number of the BSD that accompanied the fish when it was imported/exported.
- (8) **Condition:** Enter "Fresh" or "Frozen."
- (9) **Weight:** Indicate the weight, in kilos, of the PBT according to the form, either Round or Dressed, in which the carcass is purchased. NOTE: If the fish is tagged, enter the weight of only one PBT per row, using the appropriate sub-column.
- (10) **State and State Landing Document Number:** Enter state and state landing document number for PBT that are being exported.
- (11) **Destination:** Enter City and Country of final destination of PBT.
- (12) **Page Number:** Indicate the number of pages, if more than one form is used to complete a bi-weekly report. The page number and total pages should be noted, in sequence, at the bottom of the form.

* Copies of each bi-weekly report should be maintained, by the dealer, for a period of two years from the date on which each report is submitted to the Regional Director.

Mail completed forms to: SW Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.
Questions concerning the form may be directed to: SW Region, NMFS, (562) 980-4033; FAX (562) 980-4047.

BI-WEEKLY PACIFIC BLUEFIN TUNA DEALER REPORT

Check One

This report is for the two-week period from the 1st to the 15th of the month: _____
 Or, this report is for the two-week period from the 16th to the end of the month.

All bi-weekly reports must be postmarked within 10 days of the end of this period.

Dealer _____ Permit Number _____ Person Filling Out Report _____

Date of Landing Month/Day/Year	Tail Tag Number	Bluefin Statistical Document Number	Condition (Fresh/Frozen)	Weight (Kilos)		State and State Landing Document Number	Final Destination
				Round	Dressed		

PLEASE USE ADDITIONAL SHEETS FOR ADDITIONAL TRANSACTIONS.

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in the dealer report form logbook is mandatory for the purpose of managing the bluefin tuna fishery. Reporting burden for the collection of information is estimated to average 8 minutes per completed form, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. It is the policy of the National Marine Fisheries Service not to release confidential data, other than in aggregate form, as the Magnuson Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the NMFS ensures that information identifying the pecuniary business activity of a particular dealer is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: SW Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

Attachment 3

Applicable Regulations at 50 CFR part 35

shark LAP will not entitle an owner or operator to use the permitted vessel to fish in the Atlantic tunas fishery with pelagic longline gear.

(m) *Renewal*—(1) *General*. Persons must apply annually for a vessel or dealer permit for Atlantic tunas, sharks, and swordfish, and HMS Charter/Headboats. Persons must apply annually for an Atlantic tunas or HMS Charter/headboat vessel permit. A renewal application must be submitted to NMFS, at an address designated by NMFS, at least 30 days before a permit's expiration to avoid a lapse of permitted status. NMFS will renew a permit provided that the specific requirements for the requested permit are met, including those described in §635.4 (1)(2), all reports required under the Magnuson-Stevens Act and ATCA have been submitted, including those described in §635.5, and the applicant is not subject to a permit sanction or denial under paragraph (a)(6) of this section.

(2) *Shark, swordfish, and tuna longline LAPs*. As of June 1, 2000, the owner of a vessel of the United States that fishes for, possesses, lands or sells shark or swordfish from the management unit, or takes or possesses such shark or swordfish as incidental catch or that fishes for Atlantic tunas with longline gear must have the applicable limited access permit(s) issued pursuant to the requirements in §635.4, paragraphs (e) and (f). However, any ILAP that expires on June 30, 2000, is valid through that date. Only valid limited access permit holders in the preceding year are eligible for renewal of a limited access permit(s). Limited access permits that have been transferred according to the procedures of paragraph (1) of this section are not eligible for renewal by the transferor.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37703, July 13, 1999; 65 FR 47238, Aug. 1, 2000; 66 FR 30652, June 7, 2001]

EFFECTIVE DATE NOTE: At 64 FR 29137, May 28, 1999, §635.4 was added. Paragraph (b) has information collection requirements and will not become effective until Office of Management and Budget approval.

§ 635.5 Recordkeeping and reporting.

Information on HMS vessel and dealer reporting requirements may be ob-

tained from the Division Chief or where otherwise stated in this part.

(a) *Vessels*—(1) *Logbooks*. If an owner of an HMS Charter/Headboat vessel, an Atlantic Tunas vessel, or a commercial shark or swordfish vessel, for which a permit has been issued under §635.4(b), (d), (e), or (f), is selected for logbook reporting in writing by NMFS, he or she must maintain and submit a fishing record on a logbook specified by NMFS. Entries are required regarding the vessel's fishing effort and the number of fish landed and discarded. Entries on a day's fishing activities must be entered on the form within 48 hours of completing that day's activities and, for a 1-day trip, before offloading. The owner or operator of the vessel must submit the logbook form(s) post-marked within 7 days of offloading all Atlantic HMS.

(2) *Weighout slips*. If an owner of a permitted vessel is required to maintain and submit logbooks under paragraph (a)(1) of this section, and Atlantic HMS harvested on a trip are sold, the owner or operator must obtain and submit copies of weighout slips for those fish. Each weighout slip must show the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category. A weighout slip for sharks prior to or as part of a commercial transaction involving shark carcasses or fins must record the weights of carcasses and any detached fins. The owner or operator must also submit copies of weighout slips with the logbook forms required to be submitted under paragraph (a)(1) of this section.

(3) *BFT not sold*. If a person who catches and lands a large medium or giant BFT from a vessel issued a permit in any of the commercial categories for Atlantic tunas does not sell or otherwise transfer the BFT to a dealer who has a dealer permit for Atlantic tunas, the person must contact a NMFS enforcement agent, at a number designated by NMFS, immediately

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upon landing such BFT, provide the information needed for the reports required under paragraph (b)(2)(i) of this section, and, if requested, make the tuna available so that a NMFS enforcement agent or authorized officer may inspect the fish and attach a tag to it. Alternatively, such reporting requirement may be fulfilled if a dealer who has a dealer permit for Atlantic tunas affixes a dealer tag as required under paragraph (b)(2)(ii) of this section and reports the BFT as being landed but not sold on the reports required under paragraph (b)(2)(i) of this section. If a vessel is placed on a trailer, the person must contact a NMFS enforcement agent, or the BFT must have a dealer tag affixed to it by a permitted Atlantic tunas dealer, immediately upon the vessel being removed from the water. All BFT landed but not sold will be applied to the quota category according to the permit category of the vessel from which it was landed.

(b) *Dealers.* Persons who have been issued a dealer permit under § 635.4 must submit reports to NMFS, to an address designated by NMFS, and maintain records as follows:

(1) *Atlantic HMS.* (i) Dealers that have been issued an Atlantic tunas, swordfish and/or sharks dealer permit under § 635.4 must submit to NMFS all reports required under this section.

(ii) Dealers that import bluefin tuna and/or swordfish must report all such species imported on forms available from NMFS.

(iii) Reports of Atlantic tunas, Atlantic swordfish, and/or Atlantic sharks received by dealers from U.S. vessels, or reports of bluefin tuna and swordfish imported, on the first through the 15th of each month, must be postmarked not later than the 25th of that month. Reports of such fish received or imported on the 16th through the last day of each month must be postmarked not later than the 10th of the following month. For swordfish imports, a dealer must attach a copy of each certificate of eligibility to the report required under paragraph (b)(1)(ii) of this section. If a dealer issued an Atlantic tunas, swordfish or sharks dealer permit under § 635.4 has not received any Atlantic HMS from U.S. vessels during a reporting period as specified in this

section, he or she must still submit the report required under paragraph (b)(1)(i) of this section stating that no Atlantic HMS were received. This negative report must be postmarked for the applicable reporting period as specified in this section. This negative reporting requirement does not apply for BFT.

(iv) The reporting requirement of paragraph (b)(1)(i) of this section may be satisfied by a dealer if he or she provides a copy of each appropriate weighout slip or sales record, provided such weighout slip or sales record by itself or combined with the form available from NMFS includes all of the required information and identifies each fish by species.

(v) The dealer may mail or fax such report to an address designated by NMFS or may hand-deliver such report to a state or Federal fishery port agent designated by NMFS. If the dealer hand-delivers the report to a port agent, a dealer must deliver such report no later than the prescribed postmark date for the reporting period.

(2) *Requirements for bluefin tuna—(i) Dealer reports—(A) Landing reports.* Each dealer issued an Atlantic tunas permit under § 635.4 must submit a completed landing report on a form available from NMFS for each BFT received from a U.S. fishing vessel. Such report must be submitted by electronic facsimile (fax) to a number designated by NMFS not later than 24 hours after receipt of the BFT. The landing report must indicate the name and permit number of the vessel that landed the BFT and must be signed by the permitted vessel's owner or operator immediately upon transfer of the BFT. The dealer must inspect the vessel's permit to verify that the required vessel name and vessel permit number as listed on the permit are correctly recorded on the landing report.

(B) *Bi-weekly reports.* Each dealer issued an Atlantic tunas permit under § 635.4 must submit a bi-weekly report on forms supplied by NMFS for BFT received from U.S. vessels and for imports of bluefin tuna. For BFT received from U.S. vessels and for bluefin tuna imported on the first through the 15th of each month, the dealer must submit the bi-weekly report forms to NMFS

postmarked not later than the 25th of that month. Reports of BFT received and bluefin tuna imported on the 16th through the last day of each month must be postmarked not later than the 10th of the following month.

(ii) *Dealer Tags.* NMFS will issue numbered dealer tags to each person issued a dealer permit for Atlantic tunas under §635.4. A dealer tag is not transferable and is usable only by the dealer to whom it is issued. Dealer tags may not be reused once affixed to a tuna or recorded on a package, container, or report.

(A) *Affixing dealer tags.* A dealer or a dealer's agent must affix a dealer tag to each BFT purchased or received from a U.S. vessel immediately upon offloading the BFT. If a vessel is placed on a trailer, the dealer or dealer's agent must affix the dealer tag to the BFT immediately upon the vessel being removed from the water. The dealer tag must be affixed to the BFT between the fifth dorsal finlet and the caudal keel.

(B) *Removal of dealer tags.* A dealer tag affixed to any BFT under paragraph (b)(2)(ii)(A) of this section or a BSD tag affixed to an imported bluefin tuna must remain on the fish until it is cut into portions. If the bluefin tuna or bluefin tuna parts subsequently are packaged for transport for domestic commercial use or for export, the number of the dealer tag or the BSD tag must be written legibly and indelibly on the outside of any package containing the tuna. Such tag number also must be recorded on any document accompanying the shipment of bluefin tuna for commercial use or export.

(3) *Recordkeeping.* Dealers must retain at their place of business a copy of each written report required under paragraphs (b)(1)(i) through (b)(1)(iii) and paragraph (b)(2)(i) of this section for a period of 2 years from the date on which each report was required to be submitted.

(c) *Anglers.* The owner of a vessel permitted in the Atlantic tunas Angling or Atlantic tunas or HMS Charter/Headboat category must report all BFT landed under the Angling category quota to NMFS through the automated catch reporting system by calling 1-888-USA-TUNA within 24 hours of the land-

ing. Alternative BFT reporting procedures may be established by NMFS in cooperation with states and may include such methodologies as telephone, dockside or mail surveys, mail in or phone-in reports, tagging programs, or mandatory check-in stations. A census or a statistical sample of persons fishing under the Angling category may be used for these alternative reporting programs, and owners of selected vessels will be notified by NMFS or by the cooperating state agency of the requirements and procedures for reporting BFT. Each person so notified must comply with those requirements and procedures. Additionally, NMFS may determine that BFT landings reporting systems implemented by the states, if mandatory, at least as restrictive, and effectively enforced, are sufficient for Angling category quota monitoring. In such case, NMFS will file with the Office of the Federal Register for publication notification indicating that compliance with the state system satisfies the reporting requirement of this paragraph (c).

(d) *Tournament operators.* A tournament operator must notify NMFS of the purpose, dates, and location of the tournament conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, at least 4 weeks prior to commencement of the tournament. NMFS will notify a tournament operator in writing, when his or her tournament has been selected for reporting. The tournament operator that is selected must maintain and submit to NMFS a record of catch and effort on forms available from NMFS. Tournament operators must submit completed forms to NMFS, at an address designated by NMFS, postmarked no later than the 7th day after the conclusion of the tournament and must attach a copy of the tournament rules.

(e) *Inspection.* Any person authorized to carry out enforcement activities under the regulations in this part has the authority, without warrant or other process, to inspect, at any reasonable time, catch on board a vessel or on the premises of a dealer, logbooks, catch reports, statistical records, sales receipts, or other records and reports required by this part to be

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made, kept, or furnished. An owner or operator of a fishing vessel that has been issued a permit under § 635.4 must allow NMFS or an authorized person to inspect and copy any required reports and the records, in any form, on which the completed reports are based, wherever they exist. An agent of a person issued a vessel or dealer permit under this part, or anyone responsible for off-loading, storing packing, or selling regulated HMS for such permittee, shall be subject to the inspection provisions of this section.

(f) *Additional data and inspection.* Additional data on fishing effort directed at Atlantic HMS or on catch of Atlantic HMS, regardless of whether retained, may be collected by contractors and statistical reporting agents, as designees of NMFS, and by authorized officers. A person issued a permit under § 635.4 is required to provide requested information about fishing activity, and a person, regardless of whether issued a permit under § 635.4, who possesses an Atlantic HMS is required to make such fish or parts thereof available for inspection by NMFS or its designees upon request.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37704, July 13, 1999; 66 FR 30653, June 7, 2001; 66 FR 42804, Aug. 15, 2001]

§ 635.6 Vessel and gear identification.

(a) *Vessel number.* For the purposes of this section, a vessel's number is the vessel's official number issued by either by the U.S. Coast Guard or by the appropriate state agency.

(b) *Vessel identification.* (1) An owner or operator of a vessel for which a permit has been issued under § 635.4, other than a permit for the Atlantic tunas Angling category, must display the vessel number—

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(ii) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(iii) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) in length; at least 10 inches (25.4 cm) in height for all other vessels over 25 ft

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(7.6 m) in length; and at least 3 inches (7.6 cm) in height for vessels 25 ft (7.6 m) in length or less.

(2) The owner or operator of a vessel for which a permit has been issued under § 635.4 must keep the vessel's number clearly legible and in good repair and ensure that no part of the vessel, its rigging, its fishing gear, or any other material on board obstructs the view of the vessel's number from an enforcement vessel or aircraft.

(c) *Gear identification.* (1) The owner or operator of a vessel for which a permit has been issued under § 635.4 and that uses a handline, harpoon, longline, or gillnet, must display the vessel's name, registration number or Atlantic Tunas permit number on each float attached to a handline or harpoon and on the terminal floats and high-flyers (if applicable) on a longline or gillnet used by the vessel. The vessel's name or number must be at least 1 inch (2.5 cm) in height in block letters or arabic numerals in a color that contrasts with the background color of the float or high-flyer.

(2) An unmarked handline, harpoon, longline, or gillnet, is illegal and may be disposed of in an appropriate manner by NMFS or an authorized officer.

(3) In addition to gear marking requirements in this paragraph (c)(1), provisions on gear marking for the southeast U.S. shark gillnet fishery to implement the Atlantic Large Whale Take Reduction Plan are set forth in § 229.32(b) of this title.

[64 FR 29135, May 28, 1999, as amended at 66 FR 42804, Aug. 15, 2001]

§ 635.7 At-sea observer coverage.

(a) *Applicability.* NMFS may select for observer coverage any vessel that has an Atlantic HMS, tunas, shark or swordfish permit issued under § 635.4. Vessels permitted in the HMS Charter/Headboat and Atlantic Tunas Angling and Charter/Headboat categories will be requested to take observers on a voluntary basis. When selected, vessels issued any other permit under § 635.4 are required to take observers on a mandatory basis.

(b) *Selection of vessels.* NMFS will notify a vessel owner, in writing, when his or her vessel is selected for observer coverage. Vessels will be selected to

Attachment 4

Atlantic Tunas Convention Act



-CITE-

16 USC Sec. 971d

01/02/01

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971d. Administration

-STATUTE-

(a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement

The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In

-SOURCE-

(Pub. L. 94-70, Sec. 6, Aug. 5, 1975, 89 Stat. 387; 1978 Reorg. Plan No. 2, Sec. 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784; Pub. L. 101-627, title II, Sec. 206, 207, Nov. 28, 1990, 104 Stat. 4461; Pub. L. 104-43, title III, Sec. 303(3), 305, Nov. 3, 1995, 109 Stat. 384, 385; Pub. L. 105-384, title II, Sec. 202(b)(1)(C), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

-REFTEXT-

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c)(1)(C), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (Sec. 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (d)(1), was subsequently amended, and section 3(16) no longer defines the term 'large-scale driftnet fishing'. However, such term is defined elsewhere in that section.

-MISC2-

AMENDMENTS

Subsec. (d). Pub. L. 101-627, Sec. 207, amended subsec. (d) generally, substituting provisions relating to recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish for provisions relating to Commission recommendations concerning bluefin tuna and issuance of regulations.

-TRANS-

TRANSFER OF FUNCTIONS

'Director of the Office of Personnel Management' substituted for 'Civil Service Commission' in subsec. (a) pursuant to Reorg. Plan No. 2 of 1978, Sec. 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in the Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

-MISC5-

USE OF AIRCRAFT IN ATLANTIC BLUEFIN TUNA FISHING

Pub. L. 106-553, Sec. 1(a)(2) (title VI, Sec. 634), Dec. 21, 2000, 114 Stat. 2762, 2762A-114, provided that: 'None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to issue or renew,

for any fishing vessel, any general or harpoon category fishing permit for Atlantic bluefin tuna that would allow the vessel -

''(1) to use an aircraft to locate, or otherwise assist in fishing for, catching, or possessing Atlantic bluefin tuna; or

''(2) to fish for, catch, or possessing (sic) Atlantic bluefin tuna located by the use of an aircraft.''

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971e, 971j of this title.



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Attachment 5

Federal Register Notice

Dated: August 12, 2002.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 02-21175 Filed 8-19-02; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081502A]

Proposed Information Collection; Comment Request; Bluefin Tuna Dealer Reporting Package

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before October 21, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6608, 14th and Constitution Avenue, NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Brad McHale, Highly Migratory Species Management Division (F/SF1), Office of Sustainable Fisheries, NMFS, One Blackburn Dr., Gloucester, MA 01930; phone (978) 281-9260.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), NOAA is responsible for management of the Nation's marine fisheries. In addition, NOAA must comply with the United States' obligations under the Atlantic Tunas Convention Act (16 U.S.C. 1801 *et seq.*). NOAA Fisheries collect information via dealer reports to monitor the U.S. catch of tuna in relation to the quota, thereby ensuring

that the United States complies with its international obligations to the International Commission for the Conservation of Atlantic Tunas (ICCAT). Provisions of the domestic regulations are also monitored through this collection of information, such as compliance with closures, fishing seasons, and subquotas by gear type and/or user group. This information provides the catch data necessary to assess the status of tuna resources. Assessments are conducted and presented to ICCAT annually. The data provide, in part, the basis for ICCAT management recommendations that become binding on member nations. In addition, dealer reports provide essential information for domestic management policy and rule-making. This collection also includes imports of Pacific bluefin tuna.

II. Method of Collection

Dealers who buy, sell, or receive for commercial purposes any large medium or giant size class Atlantic bluefin tuna are required to report all transactions to NOAA Fisheries via daily and biweekly reporting forms. These forms collect certain information for each Atlantic bluefin tuna that is sold at landing. Dealers who purchase any other types or sizes of Atlantic tunas, or Pacific coast dealers who export or import bluefin tuna, are required to submit biweekly reports only. Dealers must affix a tag to the tail of each bluefin tuna, record these tag numbers to the label of any packages of tuna parts to be transported for domestic use or export. Anglers who catch giant or large-medium size class Atlantic bluefin tuna must also submit daily reports.

III. Data

OMB Number: 0648-0239.

Form Number: NOAA 88-144.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations (tuna dealers), individuals or households.

Estimated Number of Respondents: 541.

Estimated Time Per Response: 2 minutes for daily reports; 15.5 minutes for biweekly Atlantic bluefin tuna reports; 43 minutes for the Pacific biweekly report; and 1 minute for tagging and recording the tag number of bluefin tuna.

Estimated Total Annual Burden Hours: 1,468.

Estimated Total Annual Cost to Public: \$1,096.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information

is still necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 13, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02-21174 Filed 8-19-02; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

[I.D. 081402B]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Gear-Marking Requirements for Atlantic Large Whale Take Reduction Plan.

Form Number(s): None.

OMB Approval Number: 0648-0364.

Type of Request: Regular submission.

Burden Hours: 2,572.

Number of Respondents: 4,506.

Average Hours Per Response: 0.6 minutes.

Needs and Uses: Persons setting lobster trap or gillnet gear in specified areas of the Atlantic Ocean are required to mark their gear with one color designating the type of gear and the area where the gear is set. The shark gillnet fishery requires their gear to be marked with two color codes, one color designating the type of gear and the other designating the area where the gear is set. The designated areas are critical right whale habitat or areas where right whales are seen on a regular basis. The purpose of the requirement is