

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 02/14/2008

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Barry West
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 11/15/2007

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200710-0648-007
AGENCY ICR TRACKING NUMBER:
TITLE: Pacific Tuna Fisheries Logbook
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0148

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 02/28/2011

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	14,255	119	0
New	1,425	119	41
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-12,830	0	41
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Pacific Tuna Fisheries Logbook	NA	Seiner Fishing Record and Bridge Log	

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
PACIFIC TUNA FISHERIES LOGBOOK
OMB CONTROL NO.: 0648-0148**

A. JUSTIFICATION

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

United States participation in the Inter-American Tropical Tuna Commission (IATTC) results in certain record keeping requirements for U.S. fishermen who fish in the IATTC's area of management responsibility. Under Federal regulations ([50 CFR Part 300 Subpart C](#)), these fishermen must maintain a log of all operations conducted from the fishing vessel, entering the date, noon position (latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. This record keeping requirement may be met by using the bridge log, which is furnished and collected from fishermen by the IATTC. As a practical matter, all U.S. fishermen use the IATTC log rather than having to maintain two logbooks, and there is no separate National Marine Fisheries Service (NMFS) form now in use. The record keeping requirements provide information needed to determine the interests of U.S. fisheries and the impact of fishing on the tuna stocks. The authority to implement Federal rules to meet U.S. responsibilities to the IATTC is set forth in the [Tuna Conventions Act of 1950](#) (16 U.S.C. 951-962). The purpose of the Convention is to establish a mechanism for U.S. participation in tuna fisheries in the Convention area so that interests of the U.S. can be maintained in the context of management efforts to prevent overfishing of tuna stocks in the area.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The specific record keeping requirements are set forth in the regulations. Among the data entered daily are the date, the amount of fish on board by species, and the noon location of the vessel. The IATTC log form provides this information as well as additional information, which the fisherman may but is not required to record under the Federal regulations. U.S. fishermen in fact collect and record all the requested information on the IATTC form. These data are used with data from other fishing nations to monitor amounts and areas of catch by species and to assess annually the distribution and abundance of different tuna stocks. The information also is used to determine whether changes in management strategies can increase the yield from or productivity of the stocks, e.g., targeting larger fish to increase yield per recruit. The time of set is important so that the impacts of alternate strategies (e.g., time/area closures or time of day fishing restrictions) on the fisheries can be assessed. The type of school is important in determining yield potentials as fishing on certain kinds of schools may result in greater mortality of juvenile fish or fish of certain species. The specification of wells in which fish are placed is important because landings are sampled and catches by species and size or sexual condition can then be allocated by area and season of fishing to determine key spawning areas or possibly areas in which fishing should be restricted in the future to increase yields and values from the fishery.

Failure to provide the data could result in erroneous stock assessments and cause inappropriate responses in management in the future. The IATTC now sets binding quotas for some species of tuna in the Commission's regulatory area and catch reports are useful in monitoring progress toward quotas. In addition, current and former member nations are continuing to provide data to ensure that the time series of data is not broken. All nations recognize an ongoing interest in maintaining the ability to assess the status of stocks and conditions in the fisheries even in the absence of an active regulatory program.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response #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.

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.

No new information technology has been identified that would reduce the burden through electronic reporting, though this will likely be considered in the future. The information being submitted is the least necessary to carry out U.S. obligations as party to the Convention and is collected in the least burdensome manner known.

4. Describe efforts to identify duplication.

NMFS has sole Federal authority to obtain these data. NMFS has coordinated with the IATTC and the State of California to eliminate redundancy between the Federally-mandated reports and logbooks or landings reports required by the IATTC and the State respectively. The NMFS also coordinates with other private and public organizations collecting or compiling information on catches and effort in the regulatory area to prevent duplication. This is necessary because a large portion of U.S. vessels' catches are landed in ports outside California. The logbooks are an important component of this coordinated data collection program. There are no other programs that would result in the same information being available to the U.S. and the IATTC on the necessary schedule and which would satisfy U.S. reporting requirements.

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

All practicable steps to minimize the burden on large and small entities have been taken. Record keeping requirements are directly proportional to each firm's level of activity. Thus, occasional, part-time or local vessels harvesting small amounts of tuna spend less time collecting and reporting data than the larger firms. As a practical matter, the U.S. fleet operating in the eastern

tropical Pacific has declined in recent years both overall and through the shift of many participants to the Western Pacific. The remaining vessels are generally of comparable size and are affected in a similar manner.

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

If these data were not collected, there would be a significant gap in the database needed by the IATTC and the U.S. to complete stock assessments, determine U.S. interests in the fishery, and conduct evaluations of fishery management strategies to achieve the maximum economic yield from the fishery. The U.S. would be less able to protect or enhance U.S. benefits from fishing under the Convention. The U.S. also would not meet its commitments under the Tuna Conventions Act. The risk of erroneous stock assessments and inappropriate management also would be increased.

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

The information collection is conducted in a manner consistent with the Office of Management and Budget (OMB) guidelines.

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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice, published June 6, 2007, solicited public comment on this renewal. No comments were received.

Consultations on data collection and reporting (among other matters) take place annually at the meeting of IATTC, the latest such meeting having been in June 2004. Feedback from the Commission staff and from industry is the primary means for considering possible changes in the collection. In addition, the Department of State has chartered a General Advisory Committee to advise the U.S. Commissioners to the IATTC and the Department of State on management issues facing the IATTC, including data submission and reporting needs. Among the members, are representatives of the U.S. tuna fishing and processing industries and non-governmental organizations.

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

No payments or gifts are made to any respondents.

10. Describe any assurance or confidentiality provided to respondents and the basis for

assurance in statute, regulation, or agency policy.

Individual firm data are submitted to the IATTC and are not released to the public; only aggregated data or data with vessel identifiers removed are releasable. These procedures are consistent with NOAA Administrative Order 216-100 governing the management of confidential data. The data also are maintained as confidential by the IATTC as they reveal the business practices of individual firms, and release of the data could be harmful to the firm involved.

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 sensitive questions are asked.

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

The burden estimate for record keeping and reporting is 119 hours per year, derived as follows: Five full time and fifteen part time vessels.

5 vessels x 195 reports (one per day fished per year) = 975 responses x 5 minutes per entry = 81 hours

15 vessels x 30 reports (one per day fished per year) = 450 responses x 5 minutes per entry = 38 hours

Respondents = 5 + 15 = 20.

Responses = 975 + 450 = 1,425.

Hours = 81 + 38 = 119.

Logbook records are maintained on a daily basis. The average vessel makes between three and four trips per year; thus, three or four submissions of logbooks (one per trip, including an entry for each day of that trip) would be made for each vessel if the IATTC form is used. The above estimate incorporates time for assembling and delivering the logbook data.

The estimated annual cost to respondents is estimated at \$2,380, which was derived as follows:

119 hours x \$20.00/hr (including overhead) = \$2,380.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

There are no start-up or capital costs; forms are provided by the IATTC and no equipment purchases are necessary. Mail costs are estimated \$41.00 per year (100 trips x \$0.41 = \$41.00) (based on 5 trips per vessel per year, although as stated above, 3-4 trips may be all that are made).

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

The estimated cost to the U.S. government is negligible. Logbooks are provided by the IATTC and forms are processed by IATTC. U.S. scientists participate in stock and fishery assessments but rely on IATTC to provide logbook data.

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

The increase in annual cost burden is due to increase in postage rates.

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

The data are used in the computation of stock assessments and fishery condition reports by NMFS scientists and IATTC scientists. The results are compiled and analyzed IATTC reports, typically in time for the IATTC annual meeting in June each year, but no time frame is set for other publications in scientific journals or government reports.

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.

A request for OMB approval not to display the expiration date is based on the fact that there is no Federal government form used, and therefore there is no form on which to display the expiration date.

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

The form used will not provide respondents with information on the purpose of the collection, the estimated burden, etc. Again, this information will not be provided because the logbook to be used is not a NOAA form and will not be obtained from NOAA. The OMB approval number for the regulatory section is displayed in 15 CFR 902.1.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not involve any use of sampling.

SEINER FISHING RECORD

AND

BRIDGE LOG

INTER-AMERICAN TROPICAL TUNA COMMISSION

La Comisión Interamericana del Atún Tropical (CIAT) fue establecida en 1950 por un convenio firmado por Costa Rica y los Estados Unidos. El convenio está abierto a la adhesión del gobierno de toda nación cuyos ciudadanos estén involucrados en la pesquería de atunes tropicales en el Océano Pacífico oriental. Actualmente (junio de 2001), los países miembros son Costa Rica, Ecuador, El Salvador, Francia, Guatemala, Japón, México, Nicaragua, Panamá, los Estados Unidos, Vanuatu, y Venezuela.

La Comisión es responsable de la investigación científica de los stocks de atunes de las cuales depende la industria atunera. Científicos de mucha experiencia llevan a cabo programas de investigación y recomiendan acciones ideadas para mantener las capturas máximas sostenibles. Cierta información fundamental sobre la pesca es esencial para estos programas.

Registros de las áreas de operación, de las capturas de atunes, y de las observaciones relacionadas a la pesca son de gran importancia para el personal de la Comisión y para la flota atunera, ya que esta información, recogida por la flota entera a través de muchos años, es la mejor base sobre la cual medir cambios en la abundancia de los atunes y las causas de los mismos. También se usan los datos en estudios de la biología de los atunes, esenciales al bienestar de la industria atunera en el futuro.

Sus registros serán tratados de forma confidencial. El cuaderno de bitácora del barco, y los datos de él recopilados, serán divulgados únicamente a los representantes autorizados de la Comisión, de quienes se exige que mantengan altamente confidencial toda información acerca de las actividades de barcos individuales. La bitácora es propiedad del barco; los representantes de la Comisión recopilarán la información necesaria del cuaderno y se lo devolverán. La bitácora es un registro privado y personal de la actividad de su barco, y será tratado de forma correspondiente.

The Inter-American Tropical Tuna Commission (IATTC) was established in 1950 by a convention signed by Costa Rica and the United States. The convention is open to adherence by all governments whose nationals are involved in the fishery for tropical tunas in the eastern Pacific Ocean. As of June, 2001, the member nations are Costa Rica, Ecuador, El Salvador, France, Guatemala, Japan, Mexico, Nicaragua, Panama, the United States, Vanuatu and Venezuela.

The Commission is responsible for the scientific investigation of the stocks of tunas upon which your industry depends. A staff of experienced scientists conduct research programs and recommend actions designed to maintain maximum sustained catches. Certain basic information about the fishery is essential to these programs.

Records of areas of operation, catches of tunas, and observations related to fishing are of great importance to the Commission staff and to the fishing fleet, because such information, collected by the entire fleet over a period of years, is the best basis for measuring changes in the abundance of tunas and the causes of such changes. The data are also used in studies of the biology of tunas, knowledge of which is essential to the future welfare of the tuna industry.

Your records will be kept confidential. The vessel's logbook, and the data copied from it, will not be made available to anyone except authorized representatives of the Commission, who are required to keep all information regarding the operations of individual vessels strictly confidential. The logbook remains the vessel's property; Commission representatives will copy the necessary information from the logbook and return it to you. The logbook is a private and personal record of your vessel's operations, and will be treated accordingly.

ESTE CUADERNO ES PROPIEDAD DEL BARCO
REPRESENTANTES DE LA CIAT COPIARAN LA INFORMACION PRECISADA
TODA INFORMACION ACERCA DE LA ACTIVIDAD DEL BARCO SERA TRATADA DE FORMA ESTRICTAMENTE CONFIDENCIAL

Este cuaderno está ideado para servir como registro de bitácora y de pesca, y al mismo tiempo brindarle un medio conveniente para anotar la información precisada por los científicos de la CIAT. Mantener un registro de la actividad del barco es ventajoso no sólo para los estudios científicos de la CIAT sino también para su propio negocio.

Al completar la bitácora, use una página para cada día en el mar.

El registro de lances es la parte más esencial de la bitácora para los estudios científicos de la CIAT; no obstante, son también de gran valor detalles de otras posiciones, información oceanográfica, y sus observaciones sobre el tiempo, el uso del equipo del barco, y la pesca en general. Se le ruega anotar toda la información precisada en el cuaderno. Se ofrecen las sugerencias siguientes para completar los registros:

- a. **POSICION DEL LANCE:** Registre la latitud y longitud, o el nombre del banco de pesca, o la distancia y orientación de un punto conocido.
- b. **TIPO DE CARDUMEN:** Anote brisa, palo, saltadores, mancha negra, burbujeo, delfín (indique la especie de delfín), o lo que corresponda.
- c. **HORA DEL LANCE (COMIENZO/FIN):** Use hora local.
- d. **CAPTURA:** Registre el tonelaje de aleta amarilla ("yellowfin") y barrilete ("skipjack") capturado en la columna adecuada. En la columna de "OTRO" registre pescado que no sea aleta amarilla o barrilete; anote la especie y el tonelaje capturado. Si se capturan dos o más especies en el lance, registre el tonelaje de cada especie capturada por separado. Registre además pescado desechado de la cubierta o la red en un apunte separado en la columna de "COMENTARIOS." Es importante anotar no sólo los lances con captura sino también aquellos sin.
- e. **BODEGAS:** Registre las bodegas en las cuales se cargó el pescado de cada lance.
- f. **TEMPERATURA DEL AGUA:** Registre la temperatura superficial del mar en todo caso posible.
- g. **USO HELI/AVION (SI/NO):** Indique si se usó un helicóptero o avión durante el lance.
- h. **USO RADAR DE AVES (SI/NO):** Indique si se usó el radar de pájaros para detectar aves asociadas con los atunes.
- i. **USO SONAR (SI/NO):** Indique si se usó el sonar para detectar los atunes.
- j. **COMENTARIOS:** Registre cualquier otro dato de interés sobre la captura (incluso capturas no registradas en las columnas de "CAPTURA"), el tiempo, el uso del equipo, peces marcados, otros barcos observados, detalles de pescado transbordado a o recibido de otros barcos, etc.
- k. **OTRAS POSICIONES:** Registre la posición en las horas indicadas, o por lo menos una vez al día (preferiblemente al mediodía), junto con la hora, la temperatura del agua, datos del viento y el estado del mar y, bajo "OBSERVACIONES," cualquier dato adicional sobre el tiempo, uso o averías del equipo, heridas, llegadas o salidas de puerto, y transbordos y/o descargues de pescado.

THIS LOGBOOK IS THE PROPERTY OF THE VESSEL
IATTC REPRESENTATIVES WILL COPY THE INFORMATION DESIRED
ALL INFORMATION REGARDING VESSEL OPERATIONS WILL BE KEPT STRICTLY CONFIDENTIAL

This book has been designed to serve as a bridge log and fishing record, as well as to provide a convenient means of recording information required by IATTC scientific staff. It is to your advantage to keep a record of your operations, not only for our scientific studies, but also for your own business.

When completing the log, use one page for each day at sea.

The record of sets made is the most essential part of the daily log for our scientific studies; however, non-fishing positions, oceanographic information, and your observations regarding weather, equipment usage, and fishing are extremely valuable. Please record all requested data in the logbook. The following suggestions are for use in filling out this log:

- a. **FISHING POSITIONS:** Record latitude and longitude, or name of bank, or bearing and distance from a landmark.
- b. **TYPE OF SCHOOL:** Enter breezer, log, jumpers, black spot, foamers, dolphin (indicate species of dolphin), etc.
- c. **SET START/SET FINISH:** Enter local time.
- d. **CATCH:** Record tons of yellowfin and skipjack caught in the appropriate column. In the "OTHER" column record fish caught other than yellowfin and skipjack: indicate the species and the tonnage. If two or more species of fish are caught in the set, list the tonnage of each species caught separately. Also record fish dumped from the deck or net in a separate note in the "REMARKS" column. It is important that you record both successful and unsuccessful sets.
- e. **WELLS:** Record the wells in which the fish from each set is loaded.
- f. **WATER TEMP.:** Record sea surface temperature whenever possible.
- g. **HELI/PLANE USED (Y/N):** Indicate whether a helicopter or plane was used during the set.
- h. **BIRD RADAR USED (Y/N):** Indicate whether bird radar was used to detect birds associated with the school of tuna set on.
- i. **SONAR USED (Y/N):** Indicate whether sonar was used to detect the school of tuna set on.
- j. **REMARKS:** Record any other significant information regarding catch (including catches not already recorded in the "CATCH" columns), weather, equipment usage, tagged fish, other vessels sighted, details of fish given or received from other vessels, etc.
- k. **NON-FISHING POSITIONS:** Record your position at the times indicated, or at least once a day (preferably at noon), along with the time, water temperature, wind and sea state data and, under "OBSERVATIONS," any additional information regarding weather, equipment usage or malfunctions, injuries, arrivals/departures from port, and transshipping and/or unloading of fish.

VESSEL: **MARIA**

DATE: **MARCH 2, 1990**

TUNA FISHING ----- RECORD OF SETS

FISHING POSITIONS LATITUDE - LONGITUDE	TYPE OF SCHOOL	SET START	SET FINISH	CATCH (TONS)			WELLS	WATER TEMP	HELI PLANE USED (Y/N)	BIRD RADAR USED (Y/N)	SONAR USED (Y/N)	REMARKS IMPORTANT: Record tag numbers of all tagged fish
				YELLOWFIN	SKIPJACK	OTHER						
7°03'N 81°58'W	PORP SPOTTERS	0845	1100	25	-	-	S-8 P-8	82.5	Y	Y	N	Large Fish 50+ lbs. Only got 1/2 of school. Radar spotted birds from 10 miles. Log sighted during set.
7°08'N 81°55'W	LOG	1140	1350	30	20		P-8	83.0	N	N	Y	Full load. 5-10 lb. Fish. Gave 10 tons SJ to Mar Azul. 1 tagged Skipjack #P1742, approx 8 lbs.
TOTAL TONS TO DATE THIS TRIP				692	325	20 BE						

EXAMPLE IN ENGLISH

NON-FISHING POSITIONS LATITUDE - LONGITUDE	POSITION TIME	WATER TEMP.	WIND		SEA STATE	OBSERVATIONS
			DIRECTION	FORCE		
0600 7°00'N 81°50'W	0600	82.0	W	3	4	Looking for fish. Good signs
1200 7°08'N 81°55'W	1200	83.0	W	4	3	In set. Cook received burn – To see doctor in Panama.
1800 7°18'N 82°41'W	1800	82.5	NW	3	3	BND Panama to transship fish on Reefer Star for Spain and Italy

ADDITIONAL COMMENTS:

VESSEL: _____

DATE: _____

TUNA FISHING ----- RECORD OF SETS

FISHING POSITIONS LATITUDE - LONGITUDE	TYPE OF SCHOOL	SET START	SET FINISH	CATCH (TONS)			WELLS	WATER TEMP	HELI PLANE USED (Y/N)	BIRD RADAR USED (Y/N)	SONAR USED (Y/N)	REMARKS IMPORTANT: Record tag numbers of all tagged fish
				YELLOWFIN	SKIPJACK	OTHER						
		TOTAL TONS TO DATE THIS TRIP										

NON-FISHING POSITIONS LATITUDE - LONGITUDE	POSITION TIME	WATER TEMP.	WIND		SEA STATE	OBSERVATIONS
			DIRECTION	FORCE		

ADDITIONAL COMMENTS:

§ 300.15

(xiii) The marks and the background must be maintained in good condition at all times.

[64 FR 15, Jan. 4, 1999]

§ 300.15 Prohibitions.

In addition to the prohibitions in section 300.4, it is unlawful for any person to:

(a) Use a high seas fishing vessel on the high seas in contravention of international conservation and management measures.

(b) Use a high seas fishing vessel on the high seas, unless the vessel has on board a valid permit issued under section 300.13.

(c) Use a high seas fishing vessel on the high seas that is not marked in accordance with § 300.14.

[61 FR 35550, July 5, 1996, as amended at 64 FR 15, Jan. 4, 1999]

§ 300.16 Penalties.

(a) Any person, any high seas fishing vessel, the owner or operator of such vessel, or any person who has been issued or has applied for a permit, found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions, permit sanctions, and forfeiture provisions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws.

(b) Permits under this subpart may be subject to permit sanctions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws if any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue.

[64 FR 15, Jan. 4, 1999]

§ 300.17 Reporting.

(a) *General.* The operator of any vessel permitted under this subpart must report high seas catch and effort information to NMFS in a manner set by

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this section. Reports must include: identification information for vessel and operator; operator signature; crew size; whether an observer is aboard; target species; gear used; dates, times, locations, and conditions under which fishing was conducted; species and amounts of fish retained and discarded; and details of any interactions with sea turtles or birds.

(b) *Reporting options.* (1) For the following fisheries, a permit holder must maintain and submit the listed reporting forms to the appropriate address and in accordance with the time limits required by the relevant regulations:

(i) Antarctic—CCAMLR Logbook (50 CFR 300.107);

(ii) Atlantic—Fishing Vessel Log Reports (50 CFR 648.7(b));

(iii) Atlantic Pelagic Longline—Longline Logbook (50 CFR 630.5);

(iv) Atlantic Purse Seine—Purse Seine Logbook (50 CFR 285.54);

(v) Pacific Pelagic Longline—Longline Logbook (50 CFR 660.14(a));

(vi) Eastern Pacific Purse Seine—IATTC Logbook (50 CFR 300.22); or

(vii) Western Pacific Purse Seine—South Pacific Tuna Treaty Logbook (50 CFR 300.34).

(2) For the albacore troll fisheries in the North and South Pacific, a permit holder must report high seas catch and effort by maintaining and submitting the log provided by the Regional Administrator, Southwest Region, NMFS.

(3) For other fisheries, a permit holder must report high seas catch and effort by maintaining and submitting records, specific to the fishing gear being used, on forms provided by the Regional Administrator of the NMFS Region which issued the permit holder's HSFCA permit.

(c) *Confidentiality of statistics.* Information submitted pursuant to this subpart will be treated in accordance with the provisions of 50 CFR part 600 of this title.

[64 FR 15, Jan. 4, 1999]

Subpart C—Pacific Tuna Fisheries

AUTHORITY: 16 U.S.C. 951–961 and 971 *et seq.*

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§ 300.20 Purpose and scope.

The regulations in this subpart implement the Tuna Conventions Act of 1950 (Act) and the Atlantic Tunas Convention Act of 1975. The regulations provide a mechanism to carry out the recommendations of the Inter-American Tropical Tuna Commission (IATTC) for the conservation and management of highly migratory fish resources in the Eastern Tropical Pacific Ocean so far as they affect vessels and persons subject to the jurisdiction of the United States. They also carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas for the conservation of bluefin tuna, so far as they affect vessels and persons subject to the jurisdiction of the United States.

[64 FR 44430, Aug. 16, 1999]

§ 300.21 Definitions.

In addition to the terms defined in § 300.2, in the Act, the Convention for the Establishment of an Inter-American Tropical Tuna Commission, and the International Convention for the Conservation of Atlantic Tunas, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Conventions, the definition in this section shall apply.

Bigeye tuna means the species *Thunnus obesus*.

Bluefin tuna means the fish species *Thunnus thynnus* that is found in any ocean area.

Commission's Yellowfin Regulatory Area (CYRA) means the waters bounded by a line extending westward from the mainland of North America along the 40° N. latitude parallel, and connecting the following coordinates:

40° N. lat., 125° W. long.;
20° N. lat., 125° W. long.;
20° N. lat., 120° W. long.;
5° N. lat., 120° W. long.;
5° N. lat., 110° W. long.;
10° S. lat., 110° W. long.;
10° S. lat., 90° W. long.;
30° S. lat., 90° W. long.; and then eastward along the 30° S. latitude parallel to the coast of South America.

Convention Area means the waters within the area bounded by the mainland of the Americas, lines extending

westward from the mainland of the Americas along the 40° N. lat. and 40° S. lat., and 150° W. long.

Fish aggregating device (FAD) means a manmade raft or other floating object used to attract tuna and make them available to fishing vessels.

Fishing trip means a period of time between landings when fishing is conducted.

Fishing vessel means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for fishing or for assisting or supporting a vessel engaged in fishing, except purse seine skiffs.

Floating object means any natural object or FAD around which fishing vessels may catch tuna.

Incidental catch or *incidental species* means species caught while fishing with the primary purpose of catching a different species. An incidental catch is expressed as a percentage of the weight of the total fish on board.

Land or *Landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish on board the vessel are counted as part of the landing.

Observer means an individual placed aboard a fishing vessel under the IATTC observer program or any other international observer program in which the United States may participate.

Pacific bluefin tuna means the subspecies of bluefin tuna *Thunnus thynnus orientalis* that is found in the Pacific Ocean.

Regional Administrator means the Administrator, Southwest Region, NMFS, or his designee.

Tag means the dealer tag, a flexible self-locking ribbon issued by NMFS for the identification of bluefin tuna under § 300.26, or the BSD tag specified under § 635.42 (a)(2) of this title.

Tender vessel means a vessel that does not engage in purse seine fishing but tends to FADs in support of tuna fishing operations.

Transship means to unload fish from a vessel that caught fish to another vessel.

Transshipment receiving vessel means any vessel, boat, ship, or other craft

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that is used to receive fish from a fishing vessel.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999; 64 FR 44430, Aug. 16, 1999]

§ 300.22 Yellowfin tuna—Record-keeping and written reports.

The master or other person in charge of a fishing vessel, or a person authorized in writing to serve as the agent for either person, must keep an accurate log of all operations conducted from the fishing vessel, entering for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish on board, by species. The record and bridge log maintained at the request of the IATTC shall be sufficient to comply with this paragraph, provided the items of information specified are accurately entered in the log.

§ 300.23 Yellowfin tuna—Persons and vessels exempted.

This subpart does not apply to:

(a) Any person or vessel authorized by the IATTC, the Assistant Administrator, or any state of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 300.24 Pacific bluefin tuna—Dealer permits.

(a) *General.* A dealer importing Pacific bluefin tuna, or purchasing or receiving for export Pacific bluefin tuna first landed in the United States, must have a valid permit issued under this section.

(b) *Application.* A dealer must apply for a permit in writing on an appropriate form obtained from NMFS. The application must be signed by the dealer and be submitted to NMFS at least 30 days before the date upon which the dealer desires to have the permit made effective. The application must contain the following information: Company name, principal place of business, owner's or owners' names, applicant's name (if different from owner or owners) and mailing address and telephone number, and any other information required by NMFS.

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(c) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, NMFS will issue a permit within 30 days of receipt of a completed application.

(2) NMFS will notify the applicant of any deficiency in the application. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(d) *Duration.* Any permit issued under this section is valid until December 31 of the year for which it is issued, unless suspended or revoked.

(e) *Alteration.* Any permit that is substantially altered, erased, or mutilated is invalid.

(f) *Replacement.* NMFS may issue replacement permits. An application for a replacement permit is not considered a new application.

(g) *Transfer.* A permit issued under this section is not transferable or assignable; it is valid only for the dealer to whom it is issued.

(h) *Inspection.* The dealer must keep the permit issued under this section at his/her principal place of business. The permit must be displayed for inspection upon request of any authorized officer, or any employee of NMFS designated by NMFS for such purpose.

(i) *Sanctions.* The Assistant Administrator may suspend, revoke, modify, or deny a permit issued or sought under this section. Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(j) *Fees.* NMFS may charge a fee to recover the administrative expenses of permit issuance. The amount of the fee is calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook, available from NMFS, for determining administrative costs of each special product or service. The fee may not exceed such costs and is specified on each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of the permit. Payment by a commercial instrument later determined to be insufficiently funded shall invalidate any permit.

(k) *Change in application information.* Within 15 days after any change in the information contained in an application submitted under this section, the

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dealer issued a permit must report the change to NMFS in writing. The permit is void if any change in information is not reported within 15 days.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999]

§ 300.25 Pacific bluefin tuna—Dealer recordkeeping and reporting.

Any person issued a dealer permit under § 300.24:

(a) Must submit to NMFS a biweekly report on bluefin imports and exports on forms supplied by NMFS.

(1) The report required to be submitted under this paragraph (a) must be postmarked within 10 days after the end of each 2-week reporting period in which Pacific bluefin tuna were exported. The bi-weekly reporting periods are defined as the first day to the 15th day of each month and the 16th day to the last day of the month.

(2) Each report must specify accurately and completely for each tuna or each shipment of bulk-frozen tuna exported: Date of landing or import; any tag number (if so tagged); weight in kilograms (specify if round or dressed); and any other information required by NMFS. At the top of each form, the company's name, license number, and the name of the person filling out the report must be specified. In addition, the beginning and ending dates of the 2-week reporting period must be specified by the dealer and noted at the top of the form.

(b) Must allow an authorized officer, or any employee of NMFS designated by NMFS for this purpose, to inspect and copy any records of transfers, purchases, or receipts of Pacific bluefin tuna.

(c) Must retain at his/her principal place of business a copy of each bi-weekly report for a period of 2 years from the date on which it was submitted to NMFS.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999]

§ 300.26 Pacific bluefin tuna—Tags.

(a) *Issuance.* NMFS will issue numbered tags to each person receiving a dealer's permit under § 300.24.

(b) *Transfer.* Tail tags issued under this section are not transferable and

are usable only by the permitted dealer to whom they are issued.

(c) *Affixing tags.* At the discretion of dealers permitted under § 300.24, a tag issued under paragraph (a) of this section may be affixed to each Pacific bluefin tuna purchased or received by the dealer. If so tagged, the tag must be affixed to the tuna between the fifth dorsal finlet and the keel and tag numbers must be recorded on NMFS reports required by § 300.25(a) and any documents accompanying the shipment of Pacific bluefin tuna for domestic commercial use or export.

(d) *Removal.* A NMFS-issued numbered tag affixed to any Pacific bluefin tuna at the option of any permitted dealer under paragraph (c) of this section or any tag affixed to any Pacific bluefin tuna to meet the requirements of § 635.42(a)(2) of this title must remain on the tuna until the tuna is cut into portions. If the tuna or tuna parts subsequently are packaged for transport for domestic commercial use or for export, the number on each tag attached to each tuna or its parts must be written legibly and indelibly on the outside of any package or container.

(e) *Reuse.* Tags issued under this section are separately numbered and may be used only once, one tail tag per fish, to distinguish the purchase of one Pacific bluefin tuna. Once affixed to a tuna or recorded on any package, container or report, a tail tag and associated number may not be reused.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999]

§ 300.27 Pacific bluefin tuna—Documentation requirements.

Bluefin tuna imported into, or exported or re-exported from the customs territory of the United States is subject to the documentation requirements specified in §§ 635.41 through 635.44 of this title.

[64 FR 29133, May 28, 1999]

§ 300.28 Prohibitions.

In addition to the prohibitions in § 300.4, it is unlawful for any person or vessel subject to the jurisdiction of the United States to:

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(a) Land any species of tuna during the closed season for that species in excess of the amount allowed by the Regional Administrator.

(b) Fish on floating objects in the Convention Area using any gear type specified by the Regional Administrator's notification of closure issued under § 300.29.

(c) Use tender vessels in the Convention Area.

(d) Transship purse seine-caught tuna at sea within the Convention Area.

(e) Import Pacific bluefin tuna or purchase or receive for export Pacific bluefin tuna first landed in the United States without a valid dealer permit issued under § 300.24.

(f) Remove any NMFS-issued numbered tag affixed to any Pacific bluefin tuna at the option of any permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 635.42(a)(2) of this title, before removal is allowed under § 300.26, or fail to write the tag number on the shipping package or container as specified in § 300.26.

(g) Reuse any NMFS-issued numbered tag affixed to a Pacific bluefin tuna at the option of a permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 635.42(a)(2) of this title or reuse any tag number previously written on a shipping package or container as prescribed by § 300.26.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999; 64 FR 44430, Aug. 16, 1999]

§ 300.29 Eastern Pacific fisheries management.

(a) *Notification of IATTC recommendations.* The Regional Administrator will directly notify owners or agents of U.S. tuna vessels of any fishery management recommendations made by the IATTC and approved by the Department of State that will affect fishing or other activities by U.S. parties with fishery interests in the Convention Area. As soon as practicable after such notification, the Regional Administrator will announce approved IATTC recommendations in the FEDERAL REGISTER.

(b) *Tuna quotas.* (1) Fishing seasons for all tuna species begin on January 1

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and end either on December 31 or when NMFS closes the fishery for a specific species.

(2) The Regional Administrator may close the U.S. fishery for yellowfin, bigeye, or skipjack tuna or any other tuna species in the Convention Area or portion of the Convention Area when advised by the Director of Investigations of the IATTC that the associated quota has been or is projected to be reached. Any such closure may include:

(i) An allowance for an incidental catch that may be landed while fishing for other tuna species;

(ii) A prohibition on the further setting of specified gear types on floating objects by U.S. vessels in the Convention Area;

(iii) Provisions for vessels that are at sea during an announced closure to fish unrestricted until the fishing trip is completed;

(iv) Provisions for vessels at sea with an observer on board during any closure to land fish unrestricted if the landing occurs after December 31; or

(v) Other measures to ensure that the conservation and management measures of the IATTC are achieved.

(3) The Regional Administrator will announce any such closures directly to the owners or agents of U.S. vessels who are fishing in or are eligible to fish in the Convention Area.

(4) As soon as practicable after being advised of the quota attainment or projection under paragraph (b)(2) of this section, the Regional Administrator will publish an announcement of the closure in the FEDERAL REGISTER.

(c) *Use of tender vessels.* No person subject to these regulations may use a tender vessel in the Convention Area.

(d) *Transshipments at sea.* No person subject to these regulations may transship purse seine-caught tuna from one vessel to another vessel at sea within the Convention Area.

[64 FR 44431, Aug. 16, 1999]

Subpart D—South Pacific Tuna Fisheries

AUTHORITY: 16 U.S.C. 973-973r.

CHAPTER 16 - TUNA CONVENTIONS ACT OF 1950

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TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

16 USC Sec. 951

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS
Sec. 951. Definitions

-STATUTE-

As used in this chapter, the term -

(a) "convention" includes (1) the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City, January 25, 1949, by the United States of America and the United Mexican States, (2) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica, or both such conventions, as the context requires;

(b) "commission" includes (1) the International Commission for the Scientific Investigation of Tuna, (2) the Inter-American Tropical Tuna Commission provided for by the conventions referred to in subsection (a) of this section, or both such commissions, as the context requires;

(c) "United States Commissioners" means the members of the commissions referred to in subsection (b) of this section representing the United States of America and appointed pursuant to the terms of the pertinent convention and section 952 of this title;

(d) "person" means every individual, partnership, corporation, and association subject to the jurisdiction of the United States; and

(e) "United States" shall include all areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 2, 64 Stat. 777; Pub. L. 87-814, Sec. 1, Oct. 15, 1962, 76 Stat. 923.)

-REFTEXT-

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (e), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

-MISC1-

AMENDMENTS

1962 - Subsec. (e). Pub. L. 87-814 substituted definition of "United States" for definition of "enforcement agency".

EFFECTIVE DATE

Section 14 of act Sept. 7, 1950, provided: "This Act [this chapter] shall take effect with respect to each of the conventions upon the entry into force of that convention, unless such entry into force shall be prior to the date of approval of this Act [Sept. 7, 1950] in which case this Act [this chapter] shall take effect immediately." The Costa Rican convention was ratified on March 3, 1950, and the Mexican convention on July 11, 1950. Therefore, the act took effect upon its approval on Sept. 7, 1950.

SHORT TITLE

Section 1 of act Sept. 7, 1950, provided: "That this Act [enacting this chapter] may be cited as the 'Tuna Conventions Act of 1950'."

SEPARABILITY

Section 13 of act Sept. 7, 1950, provided: "If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby."

-TRANS-

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

-MISC2-

LANDING OF CATCH OF FISH BY FOREIGN VESSELS

Section 6 of Pub. L. 87-814 provided that: "Nothing in this Act [amending this section and sections 955 to 957, 959 of this title] shall be construed to amend or repeal the provisions of section 4311 of the Revised Statutes, as amended (46 U.S.C. 251)."

16 USC Sec. 952

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS
Sec. 952. Commissioners; number, appointment, and qualification

-STATUTE-

The United States shall be represented on the two commissions by a total of not more than four United States Commissioners, who shall be appointed by the President, serve as such during his pleasure, and receive no compensation for their services as such Commissioners. Individuals serving as such Commissioners shall not be considered to be

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28. Of such Commissioners -

- (a) not more than one shall be a person residing elsewhere than in a State whose vessels maintain a substantial fishery in the areas of the conventions;
- (b) at least one of the Commissioners who are such legal residents shall be a person chosen from the public at large, and who is not a salaried employee of a State or of the Federal Government;
- (c) at least one shall be either the Administrator, or an appropriate officer, of the National Marine Fisheries Service; and
- (d) at least one shall be chosen from a nongovernmental conservation organization.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 3, 64 Stat. 777; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 102-523, Sec. 3(a)(1), Oct. 26, 1992, 106 Stat. 3433; Pub. L. 105-42, Sec. 7(a), Aug. 15, 1997, 111 Stat. 1137; Pub. L. 106-562, title III, Sec. 302, Dec. 23, 2000, 114 Stat. 2806.)

-MISC1-

AMENDMENTS

2000 - Pub. L. 106-562 inserted after first sentence "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28."

1997 - Subsec. (c). Pub. L. 105-42, which directed the general amendment of section 3(c) of the Tuna Convention Act, was executed by making the amendment to subsec. (c) of this section, to reflect the probable intent of Congress. Prior to amendment, subsec. (c) read as follows: "at least one shall be an officer of the Department of Commerce; and".

1992 - Par. (d). Pub. L. 102-523 added par. (d).

EFFECTIVE DATE OF 1997 AMENDMENT

For effective date of amendment by Pub. L. 105-42, see section 8 of Pub. L. 105-42, set out as a note under section 1362 of this title.

ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

16 USC Sec. 953

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

Sec. 953. General Advisory Committee and Scientific Advisory Subcommittee

-STATUTE-

(a) Appointments; public participation; compensation

The Secretary, in consultation with the United States Commissioners, shall -

(1) appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations;

(2) appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations;

(3) establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data; and

(4) fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members.

(b) Functions

(1) General Advisory Committee

The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the Commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

(2) Scientific Advisory Subcommittee

(A) Advice

The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including -

(i) the conservation of ecosystems;

(ii) the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and

(iii) the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean .

(B) Other functions and assistance

The Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners, or the Secretary, perform functions and

provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include -

- (i) the review of data from the Program, including data received from the Inter-American Tropical Tuna Commission;
- (ii) recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research;
- (iii) recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments;
- (iv) consulting with other experts as needed; and
- (v) recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or its equivalent).

(3) Attendance at meetings

The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 4, 64 Stat. 778; Pub. L. 102-523, Sec. 3(a)(2), Oct. 26, 1992, 106 Stat. 3433; Pub. L. 105-42, Sec. 7(b), Aug. 15, 1997, 111 Stat. 1137.)

-MISC1-

AMENDMENTS

1997 - Pub. L. 105-42 which directed insertion of catchline and general amendment of text of section 4 of the Tuna Conventions Act, was executed to this section, to reflect the probable intent of Congress. Prior to amendment, text read as follows: "The United States Commissioners shall (a) appoint an advisory committee which shall be composed of not less than five nor more than fifteen persons who shall be selected from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations, and (b) shall fix the terms of office of the members of such committee, who shall receive no compensation for their services as such members. The advisory committee shall be invited to attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the commissions. The advisory committee may attend all meetings of the international commissions to which they are invited by such commissions."

1992 - Pub. L. 102-523 inserted "and from nongovernmental conservation organizations," after "under the conventions,".

EFFECTIVE DATE OF 1997 AMENDMENT

For effective date of amendment by Pub. L. 105-42, see section 8 of Pub. L. 105-42, set out as a note under section 1362 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

16 USC Sec. 954

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

Sec. 954. Repealed. Pub. L. 92-471, title II, Sec. 203(b), Oct. 9, 1972, 86 Stat. 787

-MISC1-

Section, act Sept. 7, 1950, ch. 907, Sec. 5, 64 Stat. 778, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

16 USC Sec. 955

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

Sec. 955. Secretary of State to act for United States

-STATUTE-

(a) Approval of commission bylaws and rules; action on reports, requests, and recommendations

The Secretary of State is authorized to approve or disapprove, on behalf of the United States Government, bylaws and rules, or amendments thereof, adopted by each commission and

submitted for approval of the United States Government in accordance with the provisions of the conventions, and, with the concurrence of the Secretary of Commerce, to approve or disapprove the general annual programs of the commissions. The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, recommendations, and other communications of the commissions, and to take appropriate action thereon either directly or by reference to the appropriate authority.

(b) Regulations

Regulations recommended by each commission pursuant to the convention requiring the submission to the commission of records of operations by boat captains or other persons who participate in the fisheries covered by the convention, upon the concurrent approval of the Secretary of State and the Secretary of Commerce, shall be promulgated by the latter and upon publication in the Federal Register, shall be applicable to all vessels and persons subject to the jurisdiction of the United States.

(c) Rulemaking procedures; prohibitions

Regulations required to carry out recommendations of the commission made pursuant to paragraph 5 of article II of the Convention for the Establishment of an Inter-American Tropical Tuna Commission shall be promulgated as hereinafter provided by the Secretary of Commerce upon approval of such recommendations by the Secretary of State and the Secretary of Commerce. The Secretary of Commerce shall cause to be published in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (1) submission of written data, views, or arguments, and (2) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations. After publication in the Federal Register such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of Commerce shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species covered by the convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary of Commerce shall suspend at any time the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission's recommendations. The regulations thus promulgated may include the selection for regulation of one or more of the species covered by the convention; the division of the convention waters into areas; the establishment of one or more open or closed seasons as to each area; the limitation of the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed; the limitation or prohibition of the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish; the requiring of such clearance certificates for vessels as may be necessary to carry out the purposes of the convention and this chapter; and such other measures incidental thereto as the Secretary of Commerce may deem necessary to implement the recommendations of the commission: Provided, That upon the promulgation of any such regulations the Secretary of Commerce shall promulgate additional regulations, with the concurrence of the Secretary of State, which shall become effective simultaneously with the application of the regulations hereinbefore referred to (1) to prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area; and (2) to prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission. In the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the commission's recommendations, the Secretary of Commerce, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the commission and which were taken in the regulatory area. The aforesaid prohibitions shall continue until the Secretary of Commerce is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 6, 64 Stat. 778; Pub. L. 87-814, Sec. Oct. 15, 1962, 76 Stat. 923; 1970 Reorg. Plan No. 4, eff. Oct. 1970, 35 F.R. 15627, 84 Stat. 2090.)

-MISC1-

AMENDMENTS

1962 - Subsecs. (a), (b). Pub. L. 87-814 substituted "Secretary of the Interior" for "head of the enforcement agency".

Subsec. (c). Pub. L. 87-814 added subsec. (c).

-TRANS-

TRANSFER OF FUNCTIONS

"Secretary of Commerce" substituted in text for "Secretary of the Interior" in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

16 USC Sec. 956
TITLE 16 - CONSERVATION
CHAPTER 16 - TUNA CONVENTIONS
Sec. 956. Inspection of returns, records, or other reports

-STATUTE-

Any person authorized to carry out enforcement activities under this chapter and any person authorized by the commissions shall have power without warrant or other process, to inspect, at any reasonable time, catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 7, 64 Stat. 778; Pub. L. 87-814, Sec. 3, Oct. 15, 1962, 76 Stat. 924.)

-MISC1-

AMENDMENTS

1962 - Pub. L. 87-814 substituted provisions respecting inspection of returns, records, or other reports for provisions authorizing a fine not exceeding \$1,000 and proceedings for injunction against fishing for or possessing the kind of fish covered by the convention for failure to make, keep, furnish, or refusal to permit inspection of returns, records, or reports or for furnishing a false return, record, or report.

16 USC Sec. 957
TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS
Sec. 957. Violations; fines and forfeitures; application of related laws

-STATUTE-

(a) It shall be unlawful for any master or other person in charge of a fishing vessel of the United States to engage in fishing in violation of any regulation adopted pursuant to section 955(c) of this title or for any person knowingly to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations.

(b) It shall be unlawful for the master or any person in charge of any fishing vessel of the United States or any person on board such vessel to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished; or to fail to stop upon being hailed by a duly authorized official of the United States; or to refuse to permit the duly authorized officials of the United States or authorized officials of the commissions to board such vessel or inspect its catch, equipment, books, documents, records, or other articles or question the persons on board in accordance with the provisions of this chapter, or the convention, as the case may be.

(c) It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 955(c) of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the commission, or any tuna in any form not under regulation but under investigation by the commission, during the period such fish have been denied entry in accordance with the provisions of section 955(c) of this title. In the case of any fish as described in this subsection offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 955(c) of this title.

(d) Any person violating any provisions of subsection (a) of this section shall be fined not more than \$25,000, and for a subsequent violation of any provisions of said subsection (a) shall be fined not more than \$50,000.

(e) Any person violating any provision of subsection (b) of this section shall be fined not more than \$1,000, and for a subsequent violation of any provision of subsection (b) shall be fined not more than \$5,000.

(f) Any person violating any provision of subsection (c) of this section shall be fined not more than \$100,000.

(g) All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

(h) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds

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from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 8, 64 Stat. 779; Pub. L. 87-814, Sec. 4, Oct. 15, 1962, 76 Stat. 924; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

-MISC1-

AMENDMENTS

1962 - Pub. L. 87-814 substituted provisions respecting violations, fines, and forfeitures, and application of related laws for provisions respecting enforcement of chapter.

-TRANS-

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 955 of this title.

16 USC Sec. 958

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS
Sec. 958. Cooperation with other agencies

-STATUTE-

(a) Coordination of programs

In order to provide coordination between the general annual programs of the commissions and programs of other agencies, relating to the exploration, development, and conservation of fishery resources, the Secretary of State may recommend to the United States Commissioners that they consider the relationship of the commissions' programs to those of such agencies and when necessary arrange, with the concurrence of such agencies, for mutual cooperation between the commissions and such agencies for carrying out their respective programs.

(b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized on request of the commissions to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the commissions in the performance of their duties.

(c) Facilities and personnel to non-Federal agencies

The commissions are authorized and empowered to supply facilities and personnel to existing non-Federal agencies to expedite research work which in the judgment of the commissions is contributing or will contribute directly to the purposes of the conventions.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 9, 64 Stat. 779.)

16 USC Sec. 959

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS
Sec. 959. Enforcement of chapter

-STATUTE-

(a) Issuance of process

The judges of the United States district courts and United States magistrate judges may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and the regulations issued pursuant thereto.

(b) Federal law enforcement agents

Enforcement of the provisions of this chapter and the regulations issued pursuant thereto shall be the joint responsibility of the United States Coast Guard, the United States Department of Commerce, and the United States Customs Service. In addition, the Secretary of Commerce may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of American Samoa to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes.

(c) Execution of process

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) Arrests

Such person so authorized shall have the power -

(1) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States at any place within the jurisdiction of the United States committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of the provisions of this chapter or the regulations issued thereunder, then to arrest such person.

(e) Seizures and disposition of fish

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of the provisions of this chapter or the regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary of Commerce.

(f) Security

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 10, 64 Stat. 779; Pub. L. 87-814, Sec. 5, Oct. 15, 1962, 76 Stat. 925; Pub. L. 90-578, title IV, Sec. 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 101-650, title III, Sec. 321, Dec. 1, 1990, 104 Stat. 5117.)

-MISC1-

AMENDMENTS

1962 - Subsec. (a). Pub. L. 87-814 substituted provisions for issuance of process for provisions respecting arrest and execution of process, incorporated in subsecs. (c) and (d)(1) of this section.

Subsec. (b). Pub. L. 87-814 substituted provisions respecting Federal law enforcement agents for provisions relating to inspections, incorporated in section 956 of this title.

Subsec. (c). Pub. L. 87-814 substituted provisions for execution of process, formerly incorporated in subsec. (a), for provisions respecting the functioning of officers and law enforcement officers, incorporated in subsec. (b) of this section.

Subsec. (d). Pub. L. 87-814 incorporated provisions of former subsec. (a) in par. (1) and added par. (2).

Subsecs. (e), (f). Pub. L. 87-814 added subsecs. (e) and (f).

-CHANGE-

CHANGE OF NAME

"United States magistrate judges" substituted for "United States magistrates" in subsec. (a) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "United States magistrates" substituted for "United States commissioners" pursuant to Pub. L. 90-578. See chapter 43 (Sec. 631 et seq.) of Title 28.

"Customs Service" substituted for "Bureau of Customs" in subsec. (b) pursuant to Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

-TRANS-

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

In subsecs. (b) and (e), "Department of Commerce" substituted for "Department of the Interior" and "Secretary of Commerce" for "Secretary of the Interior" pursuant to Reorg. Plan No. 4 of 1970, see note set out under section 955 of this title.

16 USC Sec. 960

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

Sec. 960. Commissions' functions not restrained by this chapter or State laws

-STATUTE-

None of the prohibitions contained in this chapter or in the laws and regulations of the States shall prevent the commissions from conducting or authorizing the conduct of fishing operations and biological experiments at any time for the purpose of scientific

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investigations as authorized by the conventions, or shall prevent the commissions from discharging any of its or their functions or duties prescribed by the conventions.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 11, 64 Stat. 779.)

16 USC Sec. 961

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

Sec. 961. Authorization of appropriations

-STATUTE-

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of each convention and of this chapter, including -

(a) contributions to each commission for the United States share of any joint expenses of the commission and the expenses of the United States Commissioners and their staff, including personal services in the District of Columbia and elsewhere;

(b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, or section 5731(a) of title 5;

(c) printing and binding without regard to section 501 of title 44, or section 5 of title 41;

(d) stenographic and other services by contract, if deemed necessary, without regard to section 5 of title 41; and

(e) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats and research vessels.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 12, 64 Stat. 780.)

-COD-

CODIFICATION

In par. (b), "subchapter I of chapter 57 of title 5, or section 5731(a) of title 5" substituted for "the Travel Expense Act of 1949, or section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b)" on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In par. (c), "section 501 of title 44" substituted for "section 11 of the Act of March 1, 1919 (U.S.C., title 44, sec. 111)" on authority of Pub. L. 90-620, Sec. 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

16 USC Sec. 962

TITLE 16 - CONSERVATION CHAPTER 16 - TUNA CONVENTIONS

Sec. 962. Reduction of bycatch in eastern tropical Pacific Ocean

-STATUTE-

The Secretary of State, in consultation with the Secretary of Commerce and acting through the United States Commissioners, shall seek, in cooperation with other nations whose vessel (!1) fish for tuna in the eastern tropical Pacific Ocean, to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The bycatch reduction program shall include measures -

(1) to require, to the maximum extent practicable, that sea turtles and other threatened species and endangered species are released alive;

(2) to reduce, to the maximum extent practicable, the harvest of nontarget species;

(3) to reduce, to the maximum extent practicable, the mortality of nontarget species; and

(4) to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 15, as added Pub. L. 105-42, Sec. 7(c), Aug. 15, 1997, 111 Stat. 1138.)

-COD-

CODIFICATION

Section 7(c) of Pub. L. 105-42, which directed the addition of this section at the end of the Tuna Conventions Act, was executed by adding this section at the end of the Tuna Conventions Act of 1950, to reflect the probable intent of Congress.

-MISCL-

EFFECTIVE DATE

Section effective upon certification by Secretary of Commerce that sufficient funding is available to complete first year of study required by section 1414a(a) of this title and that study has commenced, and certification by Secretary of State to Congress that binding resolution of Inter-American Tropical Tuna Commission or other legally binding instrument establishing International Dolphin Conservation Program has been adopted and is in force, see section 8 of Pub. L. 105-42, set out as an Effective Date of 1997 Amendment note under section 1362 of this title.

-FOOTNOTE-

(!1) So in original. Probably should be "vessels".

SECTION 515 PRE-DISSEMINATION REVIEW & DOCUMENTATION GUIDELINES

Background

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, aka the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.” OMB complied by issuing guidelines which direct each federal agency to 1) issue its own guidelines; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines or the agency guidelines; and 3) report periodically to OMB on the number and nature of complaints received by the agency and how the complaints were handled. The OMB Guidelines can be found at:

<http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>

The Department of Commerce Guidelines can be found at: <http://www.osec.doc.gov/cio/oipr/iqg.htm>

The NOAA Section 515 Information Quality Guidelines, created with input and reviews from each of the components of NOAA Fisheries, went into effect on October 1, 2002. **The NOAA Information Quality Guidelines are posted on the NOAA home page under “Information Quality.”** <http://www.noaanews.noaa.gov/stories/iq.htm>

The guidelines apply to a wide variety of government information products and all types of media, including printed, electronic, broadcast or other. The guidelines define “Information” as, “any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.” For example, this definition includes information that an agency disseminates from a web page. The guidelines define “Dissemination” as, “agency initiated or sponsored distribution of information to the public.” Explicitly **not** included within this term is distribution limited to “government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law.” It also does not include distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes. (See the NOAA IQ Guidelines, pgs 5-6).

To assist in Data Quality Act compliance, NOAA Fisheries has established a series of actions that should be completed for each new information product subject to the Data Quality Act. (See “Information Generation and Compliance Documentation” and “Pre-Dissemination Review” below.) **In addition to the information contained in this document, familiarity with the NOAA Section 515 Information Quality Guidelines (<http://www.noaanews.noaa.gov/stories/iq.htm>) is crucial for NOAA Fisheries employees who engage in the generation and dissemination of information.**

Information Generation and Compliance Documentation

- The fundamental step in the process is to create a Sec. 515 Information Quality file for each new information product. To aid in this process, a Section 515 Pre-Dissemination Review and Documentation form has been created. These guidelines are intended to serve as a supplement to the Pre-Dissemination Review and Documentation Form. The basic steps to the documentation process are outlined below.
- Complete general information (e.g., author/responsible office, title/description) section of the form.
- Determine the information category (i.e., original data; synthesized products; interpreted products; hydrometeorological, hazardous chemical spill, and space weather warnings, forecasts, and advisories; experimental products; natural resource plans; corporate and general information). **For most information products, you will only need to check one box.** More complex documents may be an “aggregate” of different categories of information products.
- Generate the information in a way that meets each of the applicable standards for the appropriate information category. See the NOAA Information Quality Guidelines.
- Document how the standards for **utility, integrity and objectivity** are met for each information product, describing what measures were taken to meet each of the applicable standards. Use the 2 page Pre-Dissemination Review & Documentation Form to document compliance with the Utility and Integrity standards contained in NOAA’s Information Quality Guidelines. The Utility and Integrity standards pertain to all categories of information disseminated by NOAA. Use these guidelines (pgs 4-11) to document compliance with the applicable objectivity standards for your information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.
- Maintain the Sec. 515 Information Quality file in a readily accessible place. [Pre-Dissemination Review](#)
- Before information is disseminated, it must be reviewed for compliance with the NOAA Sec. 515 Information Quality Guidelines. This is accomplished by reviewing the information and the Sec. 515 Information Quality file.
- The Pre-Dissemination Review should be conducted during the normal course of clearing the information product for release. The person conducting the Pre-Dissemination Review will sign and date the Pre-Dissemination Review & Documentation Form. The reviewing official must be at least one level above the person generating the information product.
- The Pre-Dissemination Review form and the supporting information quality documentation must accompany the information product through the clearance process and be maintained on file.

Completing the Section 515 Pre-Dissemination Review & Documentation Form

Using the Section 515 Pre-Dissemination Review & Documentation Form and these guidelines, document how the information product meets the

following standards for **Utility, Integrity and Objectivity**. **Please note:** Use the Pre-Dissemination Review & Documentation Form to document how the information product complies with the Utility and Integrity standards that pertain to all categories of information products. The Utility and Integrity standards are presented here for your convenience. Use these guidelines to explain how the information product meets the applicable Objectivity standards for the information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.

I. Utility of Information Product

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain or use.

- A. Is the information helpful, beneficial or serviceable to the intended user? Explain.
- B. Who are the intended users of the data or information product? (e.g., the American public; other federal agencies; state and local governments; recreational concerns; national and international organizations). Is this data or information product an improvement over previously available information? Is it more detailed or current? Is it more useful or accessible to the public? Has it been improved based on comments or interactions with users?
- C. What media are used in the dissemination of the information? Printed publications? CD-ROM? Internet?
Is the product made available in a standard data format?
Does it use consistent attribute naming and unit conventions to ensure that the information is accessible to a broad range of users with a variety of operating systems and data needs?

II. Integrity of Information Product

Integrity refers to security - the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Prior to dissemination, NOAA information, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. **Please note: all electronic information disseminated by NOAA adheres to the standards set forth in paragraph A below. If the information product is disseminated electronically, simply circle paragraph II(A) on the form.** You may also contact your IT Manager for further information.

Explain (circle) how the information product meets the following standards for integrity:

- A. All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.
- B. If information is confidential, it is safeguarded pursuant to the Privacy Act and Titles 13, 15, and 22 of the U. S. Code (confidentiality of census, business and financial information).
- C. Other/Discussion
(e.g., 50 CFR 600, Subpart E, Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act.)

III. Objectivity of Information Product

(1) Indicate which one of the following categories of information products apply for this product (check one):

- Original Data - go to Section A
- Synthesized Products - go to Section B
- Interpreted Products - go to Section C
- Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories - go to Section D
- Experimental Products - go to Section E
- Natural Resource Plans - go to Section F
- Corporate and General Information - go to Section G

(2) Describe how this information product meets the applicable objectivity standards.

General Standard: Information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. "Accurate" means that information is within an acceptable degree of imprecision or error appropriate to the particular kind of information at issue and otherwise meets commonly accepted scientific, financial and statistical standards.

If the information is "influential," that is, it is expected to have a genuinely clear and substantial impact on major public policy and private sector decisions, it is noted as such and it is presented with the highest degree of transparency. If influential information constitutes an assessment of risks to human health, safety or the environment, indicate whether the risk assessment was qualitative or quantitative, and describe which SDWA-adapted quality standards at page 9 of NOAA's Section 515 Information Quality Guidelines were applied to the information product.

Use of third party information in the product (information not collected or generated by NOAA) is only done when the information is of known quality and consistent with NOAA's Section 515 Guidelines; any limitations, assumptions, collection methods, or uncertainties concerning the information are taken into account and disclosed.

Specific Standards: Specific objectivity standards for categories of information products disseminated by NOAA are listed below. Document how the general and specific objectivity standards for the particular information product were met.

A. Original Data

Original Data are data in their most basic useful form. These are data from individual times and locations that have not been summarized or processed to higher levels of analysis. While these data are often derived from other direct measurements (e.g., spectral signatures from a chemical analyzer, electronic signals from current meters), they represent properties of the environment. These data can be disseminated in both real time and retrospectively. Examples of original data include buoy data, survey data (e.g., living marine resource and hydrographic surveys), biological and chemical properties, weather observations, and satellite data.

Objectivity of original data is achieved using sound quality control techniques.

Detail how the data collection methods, systems, instruments, training, and/or tools are appropriate to meet the requirements of the intended users.

Were the methods, systems, instruments, etc., validated before use?

Were standard operating procedures (SOPs) followed for time series data collections? If not, document the valid scientific reasons for the deviation.

Document the quality control techniques used, for example:

- Gross error checks for data that fall outside of physically realistic ranges (e.g., a minimum, maximum or maximum change)
- Comparisons made with other independent sources of the same measurement
- Examination of individual time series and statistical summaries
- Application of sensor drift coefficients determined by a comparison of pre- and post-deployment calibrations
- Visual inspection of data

Describe any evolution and/or improvements in survey techniques, instrument performance and/or data processing.

Have metadata record descriptions and explanations of the methods and quality controls to which original data are subjected been included in the disseminated product? If not, they must be made available upon request.

B. Synthesized Products

Synthesized Products are those that have been developed through analysis of original data. This includes analysis through statistical methods; model interpolations, extrapolations, and simulations; and combinations of multiple sets of original data.

While some scientific evaluation and judgment is needed, the methods of analysis are well documented and relatively routine.

Examples of synthesized products include summaries of fisheries landings statistics, weather statistics, model outputs, data display through Geographical Information System techniques, and satellite-derived maps.

The objectivity of synthesized products is achieved by using data of known quality, applying sound analytical techniques, and reviewing the products or processes used to create them before dissemination. For synthesized products, please document the following:

Identify data sources (preferred option) or be prepared to make them available upon request.

Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities?

Are the methods used to create the synthesized product published in standard methods manuals or generally accepted by the relevant scientific and technical communities? Are the methods documented in readily accessible formats by the disseminating office?

Describe the review process used to ensure the validity of the synthesized product or the procedures used to create them, e.g., statistical procedures, models, or other analysis tools.

If the synthesized product is unique or not regularly produced, was this product reviewed by internal and/or external experts?

If this is a routinely produced synthesized product, was the process for developing the product reviewed by internal and/or external experts?

Does the synthesized product include information about the methods used to create the product? If not, the methods must be made available upon request.

C. Interpreted Products

Interpreted Products are those that have been developed through interpretation of original data and synthesized products. In many cases, this information incorporates additional contextual and/or normative data, standards, or information that puts original data and synthesized products into larger spatial, temporal, or issue contexts. This information is subject to scientific interpretation, evaluation, and judgment. Examples of interpreted products include journal articles, scientific papers, technical reports, and production of and contributions to integrated assessments.

Objectivity of interpreted products is achieved by using data of known quality or from sources acceptable to the relevant scientific and technical communities and reliable supporting products, applying sound analytical techniques, presenting the information in the proper context, and reviewing the products before dissemination.

Are all data and information sources identified or properly referenced?

Are the methods used to create the interpreted product generally accepted by the relevant scientific and technical communities?

Is information concerning the quality and limitations of the interpreted product provided to help the user assess the suitability of the product for the user's application?

Describe the review process used to ensure that the product is valid, complete, unbiased, objective and relevant. For example, peer reviews, ranging from internal peer review by staff who were not involved in the development of the product to formal, independent, external peer review. The review should be conducted at a level commensurate with the importance of the interpreted product.

Does the interpreted product include a description of the methods used to create the product? If not, they must be made available upon

request.

D. Hydrometeorological, Hazardous Chemical Spill, and Space Weather

Warnings, Forecasts, and Advisories

Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories are time-critical interpretations of original data and synthesized products, prepared under tight time constraints and covering relatively short, discrete time periods. As such, these warnings, forecasts, and advisories represent the best possible information in given circumstances. They are subject to scientific interpretation, evaluation, and judgment. Some products in this category, such as weather forecasts, are routinely prepared. Other products, such as tornado warnings, hazardous chemical spill trajectories, and solar flare alerts, are of an urgent nature and are prepared for unique circumstances.

Objectivity of information in this category is achieved by using reliable data collection methods and sound analytical techniques and systems to ensure the highest possible level of accuracy given the time critical nature of the products.

What is the source of the data or information used in the product? Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities? Are the sources included in the information product? If not, they must be made available upon request. Are the methods used to create the product generally accepted by the relevant scientific and technical communities?

Please note if individual best judgment was used due to the time-critical nature of the product.

What mechanisms were used to evaluate the accuracy of the information product? Statistical analysis may be carried out for a subset of products for verification purposes.

E. Experimental Products

Experimental products are products that are experimental (in the sense that their quality has not yet been fully determined) in nature, or are products that are based in part on experimental capabilities or algorithms. Experimental products fall into two classes.

They are either (1) disseminated for experimental use, evaluation or feedback, or (2) used in cases where, in the view of qualified scientists who are operating in an urgent situation in which the timely flow of vital information is crucial to human health, safety, or the environment, the danger to human health, safety, or the environment will be lessened if every tool available is used. Examples of experimental products include imagery or data from non-NOAA sources, algorithms currently being tested and evaluated, experimental climate forecasts, and satellite imagery processed with developmental algorithms for urgent needs (e.g., wildfire detection).

Objectivity of experimental products is achieved by using the best science and supporting studies available, in accordance with sound and objective scientific practices, evaluated in the relevant scientific and technical communities, and peer-reviewed where feasible.

Describe the science and/or supporting studies used, the evaluation techniques used, and note any peer-review of the experimental product. Were the results of initial tests or evaluations made available where possible? Describe the review, by the appropriate NOAA unit, of the experimental products and capabilities documentation, along with any tests or evaluations.

Are explicit limitations provided concerning the quality of the experimental product? Is the degree of uncertainty indicated?

Describe the testing process used, e.g., the experimental product or capabilities are used only after careful testing, evaluation, and review by NOAA experts, and then are approved for provisional use only by selected field offices or other NOAA components. This process is repeated as needed to ensure an acceptable and reliable level of quality.

F. Natural Resource Plans

Natural Resource Plans are information products that are prescribed by law and have content, structure, and public review processes (where applicable) that will be based upon published standards, e.g., statutory or regulatory guidelines. Examples of such published standards include the National Standard Guidelines (50 CFR Part 600, Subpart D), Essential Fish Habitat Guidelines, and Operational Guidelines - Fishery Management Plan Process, all under the Magnuson-Stevens Fishery Conservation and Management Act; and the National Marine Sanctuary Management Plan Handbook (16 U.S.C. section 1434) under the National Marine Sanctuary Act. These Natural Resource Plans are a composite of several types of information (e.g., scientific, management, stakeholder input, and agency policy) from a variety of internal and external sources. Examples of Natural Resources Plans include fishery, protected resource, and sanctuary management plans and regulations, and natural resource restoration plans.

Objectivity of Natural Resource Plans will be achieved by adhering to published standards, using information of known quality or from sources acceptable to the relevant scientific and technical communities, presenting the information in the proper context, and reviewing the products before dissemination.

What published standard(s) governs the creation of the Natural Resource Plan? Does the Plan adhere to the published standards? (See the NOAA Sec. 515 Information Quality Guidelines, Section II(F) for links to the published standards for the Plans disseminated by NOAA.)

Was the Plan developed using the best information available? Please explain.

Have clear distinctions been drawn between policy choices and the supporting science upon which they are based? Have all supporting materials, information, data and analyses used within the Plan been properly referenced to ensure transparency?

Describe the review process of the Plan by technically qualified individuals to ensure that the Plan is valid, complete, unbiased, objective and relevant. For example, internal review by staff who were not involved in the development of the Plan to formal, independent, external peer review. The level of review should be commensurate with the importance of the Plan and the constraints imposed by legally enforceable deadlines.

G. Corporate and General Information

Corporate or general information includes all non-scientific, non-financial, non-statistical information. Examples include program and organizational descriptions, brochures, pamphlets, education and outreach materials, newsletters, and other general descriptions of NOAA operations and capabilities.

Corporate and general information disseminated by NOAA must be presented in a clear, complete, and unbiased manner, and in a context that enhances usability to the intended audience. To the extent possible, identify the sources of the disseminated information, consistent with confidentiality, privacy and security considerations and protections, and taking into account timely presentation, the medium of dissemination, and the importance of the information, balanced against the resources required and the time available.

Information disseminated by NOAA is reliable and accurate to an acceptable degree of error as determined by factors such as the importance of the information, the intended use, time sensitivity, expected degree of permanence, relation to the primary mission(s) of the disseminating office, and the context of the dissemination, balanced against the resources required and the time available.

For non-scientific, non-statistical information, has the information product been reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination?

Describe the review process for the information product. Review can be accomplished in a number of ways, including but not limited to combinations of the following:

- Active personal review of information by supervisory and management layers, either by reviewing each individual dissemination, or selected samples, or by any other reasonable method.
- Use of quality check lists, charts, statistics, or other means of tracking quality, completeness, and usefulness.
- Process design and monitoring to ensure that the process itself imposes checks on information quality .
- Review during information preparation.
- Use of management controls.
- Any other method, which serves to enhance the accuracy, reliability and objectivity of the information.

Administrative Management and Executive Secretariat

NAO 216-100

PROTECTION OF CONFIDENTIAL FISHERIES STATISTICS Eff: 7/18/94; Iss: 7/26/94

SECTION 1. PURPOSE.

. 01 This Order:

a. prescribes policies and procedures for protecting the confidentiality of data submitted to and collected by the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) as authorized or required by law;

b. informs authorized users of their obligations for maintaining the confidentiality of data received by NMFS;

c. provides for operational safeguards to maintain the security of data; and

d. states the penalties provided by law for disclosure of confidential data.

SECTION 2. SCOPE.

This Order covers all confidential data received, collected, maintained, or used by NMFS.

SECTION 3. DEFINITIONS.

. 01 **Access to data** means the freedom or ability to use data, conditioned by a statement of nondisclosure and penalties for unauthorized use.

. 02 **Aggregate or summary form** means data structured so that the identity of the submitter cannot be determined either from the present release of the data or in combination with other releases.

. 03 **Agreement** refers to all binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.

. 04 **Assistant Administrator** means the Assistant Administrator for Fisheries, NOAA, or a designee authorized to have access to confidential data.

. 05 **Authorized Use/User.**

a. **Authorized use** is that specific use authorized under the governing statute, regulation, order, contract or agreement.

b. An **authorized user** is any person who, having the need to collect or use confidential data in the performance of an official activity, has read this Order and has signed a statement of nondisclosure affirming the user's understanding of NMFS obligations with

respect to confidential data and the penalties for unauthorized use and disclosure.

. 06 **Confidential data** means data that are identifiable with any person, accepted by the Secretary, and prohibited by law from being disclosed to the public. The term "as used" does not convey data sensitivity for national security purposes [See Executive Order (E.O.) 12356 dated April 2, 1982].

. 07 **Data** refers to information used as a basis for reasoning, discussion, or calculation that a person may submit, either voluntarily or as required by statute or regulation.

. 08 **GC** means the Office of General Counsel, NOAA.

. 09 **Person** means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of such governments, including Regional Fishery Management Councils (Councils).

. 10 **Public** means any person who is not an authorized user.

. 11 **Region** means NMFS Regional field offices, Fisheries Science Centers, and associated laboratories.

. 12 **Source document** means the document, paper, or electronic format on which data are originally recorded.

. 13 **State employee** means any member of a State agency responsible for developing and monitoring the State's program for fisheries or Marine Mammal Protection Act (MMPA) program.

. 14 **Submitter** means any person or the agent of any person who provides data to NMFS either voluntarily or as required by statute or regulation.

SECTION 4. POLICY.

For data subject to this Order, it is NMFS policy that:

a. confidential data shall only be disclosed to the public if required by the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a, or by court order. Disclosure of data pursuant to a subpoena issued by an agency of competent jurisdiction is a lawful disclosure. Disclosure pursuant to a subpoena must be approved by GC;

b. individual identifiers shall be retained with data, unless the permanent deletion is consistent with the needs of NMFS and good scientific practice [See Section 6.02c]; and

c. a notice is required on all report forms requesting data and must comply with 5 U.S.C. 552a(e)(3) and Paperwork Reduction Act requirements in NAO 216-8, Information Collections and Requirements Needing Office of Management and Budget Clearance. [See E.O. 12600 of June 23, 1987, for additional information regarding the rights of submitters to designate commercial confidential data at the time of submission.]

SECTION 5. OPERATIONAL RESPONSIBILITIES.

. 01 The Regional Director of each region (or, in the case of headquarters, each Office

Director) has the responsibility to maintain the confidentiality of all data collected, maintained, and disclosed by the respective region.

. 02 Each region shall submit to the Assistant Administrator specific procedures governing the collection, maintenance, and disclosure of confidential data. These documents shall be compiled as regional handbooks following the guidelines and standards:

a. handbooks are to be developed in detail to ensure the maintenance of confidential data on a functional basis in each region; and

b. handbooks shall be coordinated through the National Data Management Committee (a NMFS group established by the Assistant Administrator to develop data management policies and procedures) and reviewed annually. The regional handbooks will address, at minimum, the contents of Sections 6-7.

SECTION 6. PROCEDURES.

. 01 **Data Collection.** To collect data, the Secretary may use Federal employees, contractor employees, or, pursuant to an agreement, State employees.

a. General Requirements.

1. Personnel authorized to collect Federal data must maintain all documents containing confidential data in secure facilities; and

2. may not disclose confidential data, whether recorded or not, to anyone not authorized to receive and handle such data.

b. Specific Requirements.

1. Each Federal or contractor employee collecting or processing confidential data will be required to read, date, and sign a statement of nondisclosure, that affirms the employee's understanding of NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure of the data. Upon signature, the employee's name will be placed on record as an "authorized user," and the employee will be issued certification.

2. Data collected by a contractor must be transferred timely to authorized Federal employees; no copies of these data may be retained by the contractor. NMFS may permit contractors to retain aggregated data. A data return clause shall be included in the agreement. All procedures applicable to Federal employees must be followed by contractor employees collecting data with Federal authority.

3. Under agreements with the State, each State data collector collecting confidential data will sign a statement at least as protective as the one signed by Federal employees, which affirms that the signer understands the applicable procedures and regulations and the penalties for unauthorized disclosure.

.02 Maintenance.

a. Maintenance is defined as the procedures required to keep confidential data secure from the time the source documents are received by NMFS to their ultimate disposition, regardless of format. [See National Institute of Standards and Technology "Computer Security Publications, List 91" for guidance.]

b. Specific procedures in regional handbooks must deal with the following minimum security requirements, as well as any others that may be necessary because of the specific data, equipment, or physical facilities:

1. the establishment of an office or person responsible for evaluating requests for access to data;
2. the identifications of all persons certified as authorized users. These lists shall be kept current and reviewed on an annual basis;
3. the issuance of employee security rules that emphasize the confidential status of certain data and the consequences of unauthorized removal or disclosure;
4. the description of the security procedures used to prevent unauthorized access to and/or removal of confidential data;
5. the development of a catalog/inventory system of all confidential data received including: the type of source document; the authority under which each item of data was collected; any statutory or regulatory restriction(s) which may apply; and routing from the time of receipt until final disposition; and
6. The development of an appropriate coding system for each set of confidential data so that access to data that identifies, or could be used to identify, the person or business of the submitter is controlled by the use of one or more coding system(s). Lists that contain the codes shall be kept secure.

c. The permanent deletion of individual identifiers from a database shall be addressed on a case-by-case basis. Identifiers may only be deleted after:

1. future uses of data have thoroughly been evaluated, e.g., the need for individual landings records for allocating shares under an individual transferable quota program;
2. consultation with the agency(s) collecting data (if other than NMFS), the relevant Council(s), and NMFS Senior Scientist; and
3. concurrence by the Assistant Administrator has been received prior to deletion.

.03 Access to Data Subject to This Order.

a. **General Requirements.** In determining whether to grant a request for access to confidential data, the following information shall be taken into consideration:

1. the specific types of data required;
2. the relevance of the data to the intended uses;
3. whether access will be continuous, infrequent, or one-time;
4. an evaluation of the requester's statement of why aggregate or nonconfidential summaries of data would not satisfy the requested needs; and
5. the legal framework for the disclosure, in accordance with GC and this Order.

b. **Within NMFS.** NMFS employees requesting confidential data must have certification as being authorized users for the particular type of data requested.

c. **Councils.** Upon written request by the Council Executive Director:

1. "authorized user" status for confidential data collected under the Magnuson Fishery Conservation and Management Act (Magnuson Act) may be granted to a Council for use by the Council for conservation and management purposes consistent with the approval of the Assistant Administrator as described in 50 CFR 603.5;
2. "authorized user" status for confidential data, collected under the Magnuson Act and MMPA, will be granted to Council employees who are responsible for Fishery Management Plan development and monitoring; and
3. Councils that request access to confidential data must submit, on an annual basis, a copy of their procedures for ensuring the confidentiality of data to the region, or in the case of intercouncil fisheries, regions. The procedures will be evaluated for their effectiveness and, if necessary, changes may be recommended. As part of this procedure, an updated statement of nondisclosure will be included for each employee and member who requires access to confidential data.

d. **States.**

1. Requests from States for confidential data shall be directed in writing to the NMFS office that maintains the source data.
2. Each request will be processed in accordance with any agreement NMFS may have with the State:
 - (a) confidential data collected **solely** under Federal authority will be provided to a State by NMFS only if the Assistant Administrator finds that the State has authority to protect the confidentiality of the data comparable to, or more stringent than, NMFS' requirements; and
 - (b) the State will exercise its authority to limit subsequent access and use of the data to those uses allowed by authorities under which the data was collected.
3. If the State has no agreement with NMFS for the collection and exchange of confidential data, the request shall be treated as a public request and disclosure may be denied subject to FOIA or the Privacy Act.
4. Where a State has entered into a cooperative exchange agreement with another State(s), NMFS will facilitate transfer or exchange of State collected data in its possession if:
 - (a) NMFS has written authorization for data transfer from the head of the collecting State agency; and
 - (b) the collecting State has provided NMFS a list of authorized users in the recipient State(s); and
 - (c) the collecting State agrees to hold the United States Government harmless for any suit that may arise from the misuse of the data.

e. **Contractors.**

1. Pursuant to an agreement with NMFS, a NMFS contractor (including universities, Sea Grant investigators, etc.) may be granted "authorized user" status consistent with this Order if the use furthers the mission of NMFS.

2. The region will notify the contractor of its decision on access in writing within 30 calendar days after receipt of the request.

3. Contingent upon approval, the contractor will be provided with details regarding conditions of data access, any costs involved, formats, timing, and security procedures. If the request is denied, the reason(s) for denial will be given by the NMFS office involved. The denial will not preclude NMFS consideration of future requests from the contractor.

4. If access is granted, language in the agreement specifically dealing with confidentiality of data will be required. The language shall include all of the relevant portions of this Order and shall prohibit the further disclosure of the data. No data may be retained beyond the termination date of the agreement; and any disclosure of data derived from the accessed confidential data must be approved by NMFS.

5. Each agreement shall be reviewed by GC prior to its execution, and shall, to the extent possible, be consistent with the model agreement contained in Appendix D (Not included --WebEd).

f. **Submitters.** The Privacy Act allows for data to be released back to the submitter upon receipt and verification of a written request stating the data required.

04. Requests for Confidential Data. NMFS is authorized to collect data under various statutes [See Appendix A (Not include --WebEd)]. Two types of statutes govern the disclosure of confidential data collected by the Federal Government, those that contain specific and non-discretionary language within the Act, and those that provide overall guidance to the Federal Government. Sections of these Acts that deal with exceptions to disclosure may be found in Appendix B (Not included -- WebEd).

a. Magnuson Act and MMPA.

1. Data collected under 16 U.S.C. 1853 (a) or (b), and 16 U.S.C. 1383a (c),(d),(e),(f),or (h) will be handled in the following manner:

(a) data will only be disclosed to Federal employees and Council employees who are responsible for management plan development and monitoring; State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person; a Council for conservation and management purposes [not applicable for MMPA data] or when required by court order. [See 50 CFR 229.10 and part 603];

(b) Council advisory groups are not permitted access to such confidential data [See 50 CFR 601.27(b)];

(c) requests from States that do not have an agreement with the Secretary will be processed in accordance with the Privacy Act or FOIA; and

(d) data collected by an observer under 16 U.S.C. 1853 (a) or (b) are not considered to have been "submitted to the Secretary by any person," and therefore are not confidential under Section 6.04.a of this Order. Data collected by an observer may be withheld from disclosure under the Privacy Act, or subsections (b)(3),(4),(5),(6), or (7) of FOIA.

2. Confidential data submitted to the Secretary under other Sections of the Magnuson Act or MMPA may only be disclosed in accordance with the Privacy Act or FOIA. Types of data and the collection authority may include among others:

(a) Processed Product Data -- 16 U.S.C. 1854(e);

(b) Fish Meal and Oil, Monthly -- 16 U.S.C. 1854(e);

(c) Data Collected Under State Authority and Provided to NMFS -- 16 U.S.C. 1854(e); and

(d) Tuna-Dolphin Observer Program -- 16 U.S.C. 1361 et seq.

b. **South Pacific Tuna Act.** Data collected under South Pacific Tuna Act 16 U.S.C. 973j is protected from disclosure to the public in accordance with section 973j(b).

c. **Other Statutes.** Confidential data collected under other NMFS programs as authorized by statutes other than South Pacific Tuna Act (16 U.S.C 973j), MMPA (16 U.S.C. 1361 et seq.), and Magnuson Act (16 U.S.C. 1801 et seq.), may only be disclosed to the public in accordance with the Privacy Act and FOIA. Types of data and the collection authority may include among others:

(1) Monthly Cold Storage Fish Report -- 16 U.S.C. 742(a);

(2) Market News Data -- 16 U.S.C. 742(a); and

(3) Seafood Inspection Data -- 7 U.S.C. 1621 et seq.

d. **Special Procedures.**

1. **Cold Storage Summary Reports.** NMFS publishes monthly cold storage holdings of fishery products. Advance knowledge of the content of these reports could give those who trade in the products an opportunity to gain competitive advantage. Therefore, in addition to the confidential protection provided to individual reports, the monthly summary report will not be disclosed to the public until 3:00 p.m. Eastern Time of the official release date. Release dates for these data are published 1 year in advance in November, and can be obtained from the NMFS Fisheries Statistics Division.

2. **Surplus commodity purchases by USDA.** NMFS and the Department of Agriculture (USDA) have an interagency agreement relating to the purchase of surplus fishery products. NMFS is responsible for providing confidential data and recommendations to the USDA regarding these purchases. Advance knowledge of these data could cause a competitive advantage or disadvantage to the general public, fishing industry, and the program. Therefore, all NMFS personnel engaged in the surplus commodity purchase program will be required to sign a specific "USDA Responsibility Statement." A copy will be maintained in the Office of Trade Services.

3. **Agreements for Disclosure of Confidential Data.** A letter of agreement may authorize the disclosure of confidential data when both the Government and the submitter agree to disclosure of the data. The need to provide security for the data will vary depending on the type of data collected and the form of the disclosure. Disclosure can be undertaken if all the following conditions are met:

(a) the person has agreed in writing to the disclosure and is aware that disclosure is irrevocable;

(b) the recipient has been informed in writing of the sensitivity of the data; and

(c) the wording of the agreement has been approved by GC.

. 05 Disposal. NAO 205-1, NOAA Records Management Program, shall govern the disposition of records covered under this Order.

SECTION 7. PENALTIES.

. 01 **Civil and Criminal.** Persons who make unauthorized disclosure of confidential data may be subject to civil penalties or criminal prosecution under:

- a. Trade Secrets Act (18 U.S.C. 1905);
- b. Privacy Act (5 U.S.C. 552a(i)(1));
- c. Magnuson Act (16 U.S.C. 1858); and
- d. MMPA (16 U.S.C. 1375).

. 02 **Conflict of Interest.** Employees are prohibited by Department of Commerce employee conduct regulations [15 CFR part 0] and by ethics regulations applicable to the Executive Branch [5 CFR 2635.703] from using nonpublic information subject to this Order for personal gain, whether or not there is a disclosure to a third party.

. 03 **Disciplinary Action.** Persons may be subject to disciplinary action, including removal, for failure to comply with this Order. Prohibited activities include, but are not limited to, unlawful disclosure or use of the data, and failure to comply with implementing regulations or statutory prohibitions relating to the collection, maintenance, use and disclosure of data covered by this Order.

SECTION 8. EFFECT ON OTHER ISSUANCES. None.

Title 15: Commerce and Foreign Trade

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

Authority: 44 U.S.C. 3501 *et seq.*

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

[Link to an amendment published at 72 FR 51702, September 11, 2007.](#)

[Link to an amendment published at 72 FR 52715, September 14, 2007.](#)

[Link to an amendment published at 72 FR 53949, September 21, 2007.](#)

(a) *Purpose.* This part collects and displays the control numbers assigned to information collection requirements of the National Oceanic and Atmospheric Administration (NOAA) by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act (PRA). NOAA intends that this part comply with the requirements of section 3507(c)(B)(i) of the PRA, which requires that agencies inventory and display a current control number assigned by the Director of OMB for each agency information collection requirement.

(b) *Display.*

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
<i>15 CFR</i>	
Part 908	-0025
Part 911	-0157
917.11	-0008, -0019, and -0034
917.22	-0008, -0019, and -0034
917.30(b)	-0008, -0019, and -0034
917.41	-0008, -0019, and -0034
917.43(c)	-0119
918.7	-0147
Part 921, subpart B	-0121
Part 923	-0119
924.6	-0141
928.3	-0119
929.10	-0141
935.9	-0141
936.8	-0141
937.8	-0141
938.8	-0141
941.11	-0141
942.8	-0141
943.10	-0141
944.9	-0141
Part 960, subpart B	-0174
Part 970	-0145
Part 971	-0170
Part 981	-0144
<i>50 CFR</i>	
216.22	-0178
216.23	-0179
216.24	-0387
216.26	-0084
216.27	-0084
216.33	-0084
216.37	-0084
216.38	-0084
216.39	-0084
216.41	-0084
216.45	-0084
216.104	-0151
216.106	-0151
216.108	-0151
216.145	-0151
222.301(i)	-0084
222.307	-0230
222.308	-0084
223.203(b)	-0399
223.206(a)	-0230
223.206(b) and (c)	-0178
223.207(e)	-0309
229.4	-0293
229.5	-0292
229.6	-0292
230.8	-0311
253.15	-0012
259.30	-0090

259.35	-0041
260.15	-0266
260.36	-0266
260.37	-0266
260.96	-0266
260.97	-0266
260.103	-0266
270.3	-0556
270.6	-0556
270.8	-0556
270.10	-0556
270.12	-0556
270.13	-0556
270.14	-0556
270.15	-0556
270.19	-0556
270.20	-0556
270.23	-0556
296.5	-0082
300.13	-0304
300.14	-0348
300.17	-0349
300.22	-0148
300.24	-0202
300.25	-0239
300.26(c)	-0239
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[60 FR 39248, Aug. 2, 1995]

Editorial Note: For Federal Register citations affecting §902.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE AND ADMINISTRATOR OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Number: DOO 10-15

Effective Date: 2004-05-28

SECTION 1. PURPOSE.

.01 This Order prescribes the scope of authority and functions of the position of Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration (NOAA). (The functions of NOAA are covered in DOO 25-5.)

.02 This revision updates the delegation of authority to the Under Secretary/Administrator regarding commissioned officers, surveys, and related matters; adds delegations of authority for: (1) designating the Joint and Cooperative Institutes with which the Department may enter into cooperative agreements to use the personnel, services, or facilities of such organizations for research, education, training, and outreach; (2) establishing prices annually for nautical charts and related navigation information and publications of NOAA; (3) administering the Hydrographic Services Review Panel; and (4) establishing a program to award Western Pacific demonstration grants; removes the position of Chief Scientist of NOAA; removes the Secretary of Commerce's (the Secretary) exceptions in Section 3.01a; incorporates outstanding amendments; and generally updates the order.

SECTION 2. STATUS AND LINE OF AUTHORITY.

.01 NOAA, established by Reorganization Plan No. 4 of 1970, effective October 3, 1970, is continued as an operating unit of the Department of Commerce.

.02 Line of authority:

a. The Under Secretary of Commerce for Oceans and Atmosphere, who is appointed by the President, with the advice and consent of the Senate, shall serve as the Administrator of NOAA.

b. The Assistant Secretary of Commerce for Oceans and Atmosphere, who is appointed by the President, with the advice and consent of the Senate, shall serve as Deputy Administrator of NOAA. The Assistant Secretary shall perform such functions as the Under Secretary/Administrator shall assign or delegate, and shall act as Under Secretary/ Administrator during the absence or disability of the Under Secretary/Administrator or in the event of a vacancy in the position of the Under Secretary.

c. The Deputy Under Secretary for Oceans and Atmosphere shall serve as a key advisor to the Under Secretary/Administrator and to the Assistant Secretary/Deputy Administrator on all program and policy issues, and shall be responsible for ensuring the timely and effective implementation of NOAA policies and objectives. In the absence or disability of the Under Secretary or Assistant Secretary, or in the event of vacancies in those positions, the Deputy Under Secretary shall act for them.

SECTION 3. DELEGATION OF AUTHORITY.

.01 Pursuant to the authority vested in the Secretary by Reorganization Plan No. 4 of 1970, Executive Order (E.O.) 11564 of October 6, 1970, and otherwise by law, the Under Secretary/ Administrator is hereby delegated authority to perform the following functions vested in the Secretary; but the Secretary reserves the authority to provide general policy guidance to the Under Secretary/Administrator and, from time to time at the Secretary's discretion, either on the Secretary's own initiative or at the request of the Under Secretary/Administrator, to consult with the Under Secretary/Administrator to the extent permitted by law regarding the functions delegated by this section:

a. The functions in Title 15, Chapter 9, and in Title 49, Sections 1351 and 1463, of the United States Code (USC), regarding the provision of weather services (15 U.S.C. 311 et seq.; and 49 USC 1351 and 1463), including the functions in Title VII of Public Law (P.L.) 102-567 (15 USC 313 note) (the "Act") regarding the modernization of the weather service.

b. The functions regarding weather in Title 49, Chapter 15 of the U.S.C., which pertain to international aviation facilities (49 U.S.C. 1159(b)).

c. The functions in 15 U.S.C. 272(c)(11), regarding transmission of radio waves, as applicable to the functions assigned herein.

d. The functions in Title 33, Chapters 17 and 43, U.S.C., regarding commissioned officers, surveys and related matters, except that the Secretary reserves to himself the authority to appoint and promote the commissioned officers as delegated to him by the President by E.O. 11023, as amended. This delegation is in addition to, and not in lieu of, the general delegation of personnel management authority to the Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA), and is to be exercised and redelegated in consonance with the Departmental policies issued by the CFO/ASA.

e. The functions of Sections 401(3)(18) and (19) of E.O. 12656, and the functions of E.O. 10480, as amended. These relate to emergency preparedness, provision of weather, geodetic, hydrographic, and oceanographic data in consonance with civil defense programs, and developing overall plans and programs for the fishing industry's continued production during an emergency.

f. The functions in the President's memorandum of July 5, 1968, issued in accord with Senate Concurrent Resolution 67 of May 29, 1968, furthering participation in and support of the World Weather program by the United States. The plan, to be developed annually for submission by the President to Congress on the proposed participation by federal agencies, shall be prepared for transmittal to the President by the Secretary.

g. The functions in the Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95-224), with regard to making grants and cooperative agreements, as they pertain to the authority delegated in this section.

h. The functions authorized to be performed by the Department of Commerce in accordance with Chapter 19B of Title 42, U.S.C., regarding water resources planning.

i. The functions transferred to the Secretary in Section 1 of the Reorganization Plan No. 4 of 1970. The functions are:

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions related to the (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau of Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (P.L. 86-359, 73 Statutes at Large (Stat.). 642, 16 U.S.C. 760e-760g, relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 99), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326, under the heading 'Operation and maintenance, general' with respect to 'surveys and charting on northern and northwestern lakes and connecting waters,' or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army and related to: (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public; (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quality, and ice and snow; and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transfer officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions."

j. The functions in Title 37 of the U.S.C. regarding pay and allowances for the Commissioned Officer Corps of NOAA established by Section 4(d) of Reorganization Plan No. 4 of 1970.

- k. The functions in Title 10 of the U.S.C. made applicable to commissioned officers of NOAA by 33 U.S.C. 3071.
- l. The functions in the following sections of E.O. 11023, as amended: Sections 1(a), 1(e), 1(f), 1(g), and 1 (1); 3; 5; and 6 regarding the retirement, separation, and resignation of commissioned officers of NOAA, and the employment of public vessels.
- m. The functions of Title II of the National Housing Act, as amended (12 U.S.C. 1715m), regarding mortgage insurance for commissioned officers to aid in the construction or purchase of homes.
- n. The functions of 7 U.S.C. 450b and 2220, regarding cooperation with outside sources and disposition of funds received.
- o. The functions regarding the operation of: (1) the National Oceanographic Instrumentation Center; (2) the National Oceanographic Data Center; and (3) the National Data Buoy Development Project, whose programs and activities were transferred to the Secretary by E.O. 11564.
- p. The functions regarding: (1) upper air observations taken on board ocean station vessels and at specific Pacific Trust Territories; and (2) hydro climatic observations taken at stations located along U.S. rivers and the Great Lakes, which programs and activities were transferred to the Secretary by E.O. 11564.
- q. The functions in Section 607 of the Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (46 U.S.C. 1177), regarding capital construction funds for those owning or leasing vessels which are operated in the fisheries of the United States, including, but not limited to, the adoption of regulations, and the preparation and signing of all necessary forms and agreements.
- r. The functions prescribed in 15 U.S.C. 330 et seq., regarding the collection, maintenance, and dissemination of information concerning weather modification activities.
- s. The functions in 46 U.S.C. 749 (concerning the arbitration, compromise or settlement of maritime claims) regarding any claim in the amount of \$5,000 or less involving a vessel operated by the Administration.
- t. The functions prescribed by the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.).
- u. The functions prescribed in the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), including those prescribed in P.L. 94-370, and any procedural rulings necessary for the conduct of appeals under Section 307 and all staff work necessary to make findings, except that the Secretary reserves the authority to make the findings under subsections 307(c)(3) and 307(d) of the Act, to carry out the mediation function under Section 307(h) of the Act, and to make the certification and request to the President for exemption under subsection 307(c)(l)(B) of the Act.
- v. The functions prescribed by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).
- w. The functions prescribed by the Offshore Shrimp Fisheries Act of 1973, (16 U.S.C. 1100b et seq.).
- x. The functions prescribed by the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.).
- y. The functions assigned to the Secretary by the Atlantic Tunas Convention Act of 1975, P.L. 94-70.
- z. The functions regarding Section 202 of the Disaster Relief Act of 1974 (42 U.S.C. 5132) specified in the delegation of authority from the Secretary of Housing and Urban Development (40 Federal Register (FR) 42769), effective September 16, 1975, which pertain to weather-related disaster warnings.
- aa. The functions prescribed in the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq. and other miscellaneous provisions), except that the Under Secretary/ Administrator shall advise the Secretary before any final action is taken with respect to the following functions:
1. Establishing guidelines to assist in the development of fishery management plans under subsection 301 (b) of the Act;
 2. Appointing or removing members of the Regional Fishery Management Councils under subsection 302(b) (2) or (5) of the Act;
 3. Issuing preliminary fishery management plans and implementing regulations under subsection 201(h) of the Act, if the Under Secretary/Administrator considers the action to be controversial; and
 4. Approving, disapproving, partially disapproving, or issuing a fishery management plan or amendment, or issuing implementing or emergency regulations, under Sections 304 and 305 of the Act, if the Under Secretary/Administrator considers the action to be controversial.
- bb. The functions prescribed in the National Weather Modification Policy Act of 1976, P.L. 94-490, except that the Secretary reserves the authority to submit the final report to the President and Congress under Section 5(a) of the Act (15 U.S.C. 330 note).
- cc. The functions prescribed by the Central, Western, and Southern Pacific Fisheries Development Act (16 U.S.C. 758e through 758e-5).
- dd. The functions prescribed by the Whale Conservation and Protection Study Act (16 U.S.C. 917 through 917d).
- ee. The functions prescribed by the Fisherman's Protective Act of 1967, as amended (22 U.S.C. 1977 et seq.).
- ff. The functions prescribed by the National Climate Program Act, as amended (P.L. 95-367, September 17, 1978, 15 U.S.C. 2901 et seq.), but the Secretary reserves the authority to:
1. Submit 5-year plans to Congress under subsection 5(d)(9) of the Act;
 2. Establish the Interagency Climate Program Policy Board under subsection 5(e) of the Act; and
 3. Submit the annual report to the President and the authorizing committees of Congress under Section 7 of the Act, as amended.
- gg. The following functions prescribed by the Outer Continental Shelf Lands Act Amendments of 1978 (P.L. 95-372, September 18, 1978):
1. The conduct of environmental studies and monitoring of the Outer Continental Shelf for the Secretary of the Interior as authorized by Section 20 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1346);
 2. The conduct of studies of underwater diving techniques and equipment suitable for protection of human safety and improvement of diver performance as authorized by Section 21(e) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1347(e));
 3. Title IV of P.L. 95-372, regarding the Fisherman's Contingency Fund, except that the Secretary reserves the authority to submit the annual report to Congress required by Section 406 (43 U.S.C. 1846); and
 4. Responsibilities regarding assertion of claims against the Offshore Oil Pollution Compensation Fund for injury to or damage of natural resources and to expenditures of sums recovered for the restoration, rehabilitation, or acquisition of equivalent natural resources as authorized by subsection 303(b)(3) of Public Law 95-372 and delegated to the Secretary by E.O. 12123, February 26, 1979.
- hh. The functions assigned to the Secretary by the Antarctic Conservation Act of 1978 (P. L. 95-541).
- ii. The functions assigned to the Secretary by the Fish and Wildlife Improvement Act of 1978 (P.L. 95-616).
- jj. The functions contained in Title 11 of P.L. 96-199, March 5, 1980, 94 Stat. 74, the Channel Islands National Park Act.
- kk. The functions prescribed in the Acid Precipitation Act of 1980 (42 U.S.C. 8902).

ll. The functions prescribed in the Chesapeake Bay Research Coordination Act of 1980 (P.L. 96-460), 42 U.S.C. 8902.

mm. The following functions regarding response to releases of hazardous substances or discharges of oil, and the resulting claims for damages to natural resources, as authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, (42 U.S.C. 9601-9675), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387), and delegated to the Secretary by E.O. 12580, (52 FR 2923, January 29, 1987):

1. The functions of federal trustee of natural resources, including conduct of damage assessments, assertion of damage claims, agreements to covenants not to sue, preparation of natural resource restoration, rehabilitation, or replacement or acquisition plans, and expenditures of amounts recovered as damages to restore, rehabilitate, replace, or acquire the equivalent of such natural resources damaged or lost, as authorized by Sections 104(b), 107(f), 111(b)1 111(c), 111(l), and 122(j) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, (42 U.S.C. 9604(b), 9607(f), 9611 (b), 9611(c), 9611(l), and 9622(j)), and as authorized by Section 311(f) (5) of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1321(f)(5)), and delegated to the Secretary by Sections 1(c) and 5(d) of E.O. 12580 of January 23, 1987. In carrying out these functions, the Under Secretary/Administrator will consult with the Under Secretary for Economic Affairs on matters of economic policy;

2. The function of membership on the National Response Team, including responsibility relating to response coordination, promulgation of regulations and guidelines, and amendment of the National Contingency Plan, prescribed for the Department of Commerce by Sections 1(a)(l), 1(a) (2), l(d), 2(b), and 11(f) of Executive Order 12580. In carrying out these functions, the Under Secretary/ Administrator will consult with the Under Secretary for Economic Affairs on matters of economic policy; and

3. The function of membership on the Environmental Protection Agency budget task force and associated responsibilities including preparation and negotiation of financial submissions, prescribed for the Department of Commerce by Section 9(c) and 9(d) of E.O. 12580.

nn. The functions assigned to the Secretary by the Lacey Act Amendments of 1981 (P.L. 97-79).

oo. The functions assigned to the Secretary by the Northern Pacific Halibut Act of 1982 (P.L. 97-176).

pp. The functions assigned to the Secretary by the Fur Seal Act Amendments of 1983 (P.L. 98-129). However, any appointments of trustee(s) made by the Under Secretary/Administrator under Section 206(c) shall be approved by the Secretary in advance.

qq. The functions assigned to the Secretary by the Land Remote-Sensing Policy Act of 1992, P.L. 102-555, and the Presidential Decision Directive/NSTC-3, as amended, Landsat Remote Sensing Strategy; and the National Security Presidential Directive/NSPD-27, U.S. Commercial Remote Sensing Space Policy.

rr. The functions prescribed in Title II of P.L. 98-364 (16 U.S.C. 1463b), regarding the establishment of a National Coastal Resources Research and Development Institute.

ss. The functions assigned to the Secretary by the Atlantic Striped Bass Conservation Act (P.L. 98-613, October 31, 1984), except that the Secretary retains the right to be advised before final action declaring a moratorium is taken.

tt. The functions assigned to the Secretary by the National Fishing Enhancement Act of 1984 (Title II of P.L. 98-623, November 8, 1984).

uu. The functions assigned to the Secretary by the Antarctic Marine Living Resources Convention Act of 1984 (Title III of P.L. 98-623, November 8, 1984).

vv. The functions assigned to the Secretary by the Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3602 et seq.).

ww. The functions assigned to the Secretary by the Eastern Pacific Tuna Licensing Act of 1984 (16 U.S.C. 972 et seq.).

xx. The functions assigned to the Secretary by the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631et seq.).

yy. The functions assigned to the Secretary by the Fish and Seafood Promotion Act of 1986 (Title II of P.L. 99-659, November 14, 1986), except that the Secretary shall retain the authorities contained in Sections 207(a)(5) and 210(f) of the Act, which concern the appointment of the National Council and the appointment or removal of all seafood marketing council members.

zz. The functions assigned to the Secretary by the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4101 et seq.), except that the Secretary reserves the authority to submit the biennial report to Congress under Section 307 of the Act.

(aa) The functions assigned to the Secretary by the South Pacific Tuna Act of 1988 (16 U.S.C. 973-973r). (bb) The functions assigned to the Secretary by Section 6217 of P.L. 101-508 (16 U.S.C. 1455b).

(cc) The functions assigned to the Secretary by the Florida Keys National Marine Sanctuary and Protection Act (P.L. 101-605), except that the Secretary reserves the authority to appoint members to the Advisory Council.

(dd) The functions assigned to the Secretary under the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951-3952).

(ee) The functions assigned to the Secretary by the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.).

(ff) The functions assigned to the Secretary by the Dolphin Protection Consumer Information Act (16 U.S.C. 1385).

(gg) The functions assigned to the Secretary by the Driftnet Impact Monitoring, Assessment and Control Act (16 U.S.C. 1822 note).

(hh) The functions assigned to the Secretary concerning certificates of legal origin for anadromous fish products (16 U.S.C. 1822 note).

(ii) The functions assigned to the Secretary by the Small Hydroelectric Power Projects Act (16 U.S.C. 2701-2708).

(jj) The functions assigned to the Secretary by the National Aquaculture Act (16 U.S.C. 2801-2810).

(kk) The functions assigned to the Secretary by the Federal Water Pollution Control Act (33 U.S.C. 1344).

(ll) The functions assigned to the Secretary by the National Fishing Enhancement Act of 1984 (artificial reefs) (33 U.S.C. 2101 et seq.).

(mm) The functions assigned to the Secretary by Section 609 of the Commerce, State, Justice Appropriations Act of 1990 (shrimp embargo) (P.L. 101-162).

(nn) The functions assigned to the Secretary by the Atlantic Coastal Fisheries Cooperative Management Act of 1993 (16 U.S.C. 5101), except that the Under Secretary/Administrator shall advise the Secretary before any final action is taken with respect to declaring a moratorium under 16 U.S.C. 5106.

(oo) The functions prescribed by the Hawaiian Islands National Marine Sanctuary Act (P.L. 102-587, Title II, Subtitle C).

(pp) The authority to appoint the Director of the Chesapeake Bay Estuarine Resources Office under Section 307 of the NOAA Authorization Act of 1992, including (P.L. 102-567).

(qq) The functions assigned to the Secretary under the High Seas Driftnet Fisheries Enforcement Act (P.L. 102-582), except that the Secretary reserves the authority to identify a driftnetting nation under Section 101(b)(1).

(rr) The functions assigned to the Secretary by the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5501-5509).

(ss) The functions assigned to the Secretary by the Northwest Atlantic Fishing Convention Act of 1995 (16 U.S.C. 5601 et seq.).

(tt) The functions authorized to the Secretary by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2003 (P.L. 108-7, February 20, 2003) to designate the Joint and Cooperative Institutes with which the Department may enter into cooperative agreements to use the personnel, services, or facilities of such organizations for research, education, training, and outreach.

(uu) The functions authorized to the Secretary under 44 U.S.C. 1307, commonly called the Chart Pricing Statute, to annually establish prices for nautical charts and related navigation information and publications of NOAA.

(vv) The functions authorized to the Secretary under Section 305 of P.L. 107-372, for the administration of a Hydrographic Services Review Panel, except that the Secretary reserves the right to establish the Panel.

(ww) The functions authorized to the Secretary under Section 111(b) of P.L. 104-297, as amended, to establish a program to award Western Pacific demonstration grants.

. 02 The Under Secretary/Administrator may exercise other authorities of the Secretary as appropriate to performing the functions assigned in this Order.

. 03 Under authority delegated from the CFO/ASA, the Under Secretary/Administrator shall provide common administrative services to Department of Commerce field components. The Under Secretary/Administrator shall have overall management responsibility for the provision of these services, and the CFO/ASA shall be responsible for providing policy guidance.

. 04 In addition to the authorities delegated above, the Under Secretary/Administrator has been assigned by law the authority to perform the following functions:

- a. The functions prescribed by the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.).
- b. The functions prescribed by the Ocean Thermal Energy Conservation (OTEC) Act of 1980 (42 U.S.C. 9101 et seq.).
- c. The functions prescribed by the Acid Precipitation Act of 1980 (42 U.S.C. 8901 et seq.).
- d. The functions prescribed by the Deepwater Ports Act (33 U.S.C. 1504-5).
- e. The functions prescribed by the OTEC Research and Development Act (42 U.S.C. 9002 and 9005).
- f. The functions prescribed by the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).
- g. The functions of the Secretary authorized by 15 U.S.C. 1540, regarding promoting public understanding of NOAA.

.05 The Under Secretary/Administrator may exercise or delegate his/her authority in the capacity of either Under Secretary or Administrator, and may delegate such authority to any employee of NOAA subject to such conditions in the exercise of that authority as the Under Secretary/ Administrator may prescribe, or as may be prescribed in this Order.

SECTION 4. FUNCTIONS.

To ensure the safety and welfare of the public, and to further the Nation's interests and activities for: the protection of public health against environmental pollution, the protection and management of the Nation's biological, mineral, and water resources; the maintenance of environmental quality; agriculture, fisheries, industry, transportation, communications, space exploration, national defense; and the preservation of the Nation's wilderness and recreation areas, the Under Secretary/ Administrator shall direct the performance of the following functions:

- a. Observe, collect, communicate, analyze, and disseminate comprehensive data and information about the state of the upper and lower atmosphere, of the oceans and the resources thereof including those in the seabed, of marine and anadromous fish and related biological resources, of inland waters, of the Earth, the Sun, and the space environment;
- b. Prepare and disseminate predictions of the future state of the environment and issue warnings of all severe hazards and extreme conditions of nature to all who may be affected;
- c. Provide maps and charts of the oceans and inland waters for navigation, geophysical and other purposes, aeronautical charts, and related publications and services;
- d. Operate and maintain a system for the storage, retrieval and dissemination of data regarding the state and resources of the oceans and inland waters including the seabed, and the state of the upper and lower atmosphere, of the Earth, the Sun, and the space environment;
- e. Coordinate efforts of federal agencies in support of national and international programs as assigned, such as federal meteorological services and supporting research, World Weather Program, National Networks of Geodetic Control, Integrated Global Ocean Station System, and Marine Environmental Prediction, Mapping and Charting;
- f. Administer a program of sea grant colleges and education, training and research in the field of marine science, engineering and related disciplines as provided in the Sea Grant College Program Act of 1966, as amended;
- g. Perform basic and applied research and develop technology regarding the state and use of resources of the oceans and inland waters, including the seabed, the upper and lower atmosphere, the Earth, the Sun, and the space environment, as may be necessary or desirable to develop an understanding of the processes and phenomena involved;
- h. Perform research and develop technology regarding the observation, communication, processing, correlation, analysis, dissemination, storage, retrieval, and use of environmental data as may be necessary or desirable to permit NOAA to discharge its responsibilities;
- i. Acquire, analyze, and disseminate data, and perform basic and applied research on electromagnetic waves, as necessary, in performing other functions assigned herein; prepare and issue predictions of atmospheric, ionospheric and solar conditions, and warnings of disturbances thereof; and acquire, analyze, and disseminate data, and perform basic and applied research on the propagation of sound waves, and on interactions between sound waves and other phenomena;
- j. Administer a program for the protection, management, and conservation of marine mammals and endangered species; and manage the fur seal herds of the North Pacific Ocean;
- k. Perform economic studies, education, and other services regarding development, management and utilization of marine and anadromous fisheries, administer grant-in-aid, fishery products inspection, financial and technical assistance, and other programs to conserve and develop fisheries resources and to foster and maintain a workable climate for industry to produce efficiently under competitive conditions;
- l. Develop and implement policies on international fisheries and other marine living resources, including the negotiation and implementation of agreements, conventions, and treaties in that area; and enforce provisions of international treaties and agreements on fishing activities of United States nationals and perform surveillance of foreign fishing activities;
- m. Participate in technical assistance for fishery development projects in foreign countries;
- n. Develop technology and carry out scientific and engineering data collection and analysis and other functions to assess, monitor, harvest, and use marine and anadromous fishery resources and their products;
- o. As a Department-wide responsibility, coordinate the requirements for and the management and use of radio frequencies by all organizations of the Department of Commerce;
- p. Administer a national government program to preserve, protect, develop, and where possible restore or enhance the land and water resources of the coastal zones, including grants, loans, and loan guarantees to the states and interagency coordination and cooperation, as provided by the Coastal Zone Management Act of 1972, as amended;
- q. Administer a marine sanctuaries program to conserve and manage areas of the marine environment for their conservation, recreational, ecological, historical, research, educational, or esthetic qualities;
- r. Administer a deep seabed hard minerals resources program to license the exploration for and commercial recovery of hard mineral resources of the deep seabed by citizens of the United States; to encourage conservation of such resources; to protect the quality of the environment; and to encourage continued technological development;
- s. Administer a program to license the construction, location, ownership, and operation of ocean thermal conversion facilities and plantships under the control of

citizens of the United States or within United States territorial waters;

t. Participate in a national government program for response to discharges of oil and hazardous substances, including administration of a program to assess and collect damages for loss of or injury to natural resources in marine ecosystems, and to prepare and implement natural resource restoration and replacement plans; and

u. Provide common administrative support services to Department of Commerce field components through the Administrative Support Centers.

SECTION 5. ADMINISTRATIVE LAW JUDGE.

.01 With respect to the functions delegated by this Order, the Under Secretary/Administrator is delegated authority to arrange for an Administrative Law Judge to preside at hearings:

- a. Required to be determined on the record under Section 5 of the Administrative Procedure Act (5 U.S.C. 554);
- b. Required by statute; or
- c. Required or established by, or provided for in, agency regulations.

.02 The Under Secretary/Administrator may also assign such other duties, including handling of informal hearings, that are not inconsistent with the duties and responsibilities of an Administrative Law Judge.

.03 Hearings shall be conducted in accordance with applicable procedures pursuant to the statutes noted in this Order and regulations promulgated under the statutes.

SECTION 6. EFFECT ON OTHER ORDERS.

This Order supersedes Department Organization Order 10-15, dated January 26, 1996, as amended.

(signed) Secretary of Commerce

6. 0648-0399, Limits on Applications of Take Prohibitions (Threatened Salmonids);

7. 0648-0402, Application and Reports for Scientific Research and Enhancement Permits under the Endangered Species Act;

8. 0648-0463, Pacific Islands Region Coral Reef Ecosystems Permit Form;

9. 0648-0490, Pacific Islands Region Permit Family of Forms;

10. 0648-0471, Highly Migratory Species Scientific Research Permits, Exempted Fishing Permits, and Letters of Authorization; and

11. 0648-0293, Application for Commercial Fisheries Authorization under Section 118 of the Marine Mammal Protection Act.

All but four of these eleven permit collections currently require some or most of this information.

The primary purpose of these revisions is to bring NMFS into compliance with the Debt Collection Improvement Act (DCIA) of 1996, 31 U.S.C. Section 7701. This action is in line with the Department of Commerce Interim Final Rule 0648-AA24 (April 16, 2007), which revises and replaces Department of Commerce debt collection regulations to conform to the DCIA.

In addition, this action will add to the developing consistency of permit requirements across NMFS regions and divisions, ultimately reducing the public's burden in completing these forms (a significant number of vessels fish in more than one region or division).

This action will add no burden or cost to the public. There should be no research or retrieval required for any of the information. As the information will be added to existing forms, no additional transmission costs will be incurred.

DATES: Written comments must be submitted on or before August 6, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

Comments are invited on: (a) Whether the proposed collection of information is 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 these information collections; they also will become a matter of public record.

Dated: May 31, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-10870 Filed 6-5-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Tag Recapture Card

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

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.

DATES: Written comments must be submitted on or before August 6, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Eric S. Orbesen, 800-437-3936 or Eric.Orbesen@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The primary objectives of a tagging program are to obtain scientific information on fish growth and movements necessary to assist in stock assessment and management. This is accomplished by the random recapture of tagged fish by fishermen and the

subsequent voluntary submission of the appropriate data.

II. Method of Collection

The recapture cards will be sent out to the constituents who will fill in the cards with the pertinent information when and if they recapture a tagged fish and mail the cards back to our offices.

III. Data

OMB Number: 0648-0259.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 30.

Estimated Time per Response: 2 minutes.

Estimated Total Annual Burden Hours: 1.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is 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: May 31, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-10875 Filed 6-5-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Pacific Tuna Fisheries Logbook

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

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.

DATES: Written comments must be submitted on or before August 6, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Trisha Culver, 562-980-4239 or trisha.culver@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

United States participation in the Inter-American Tropical Tuna Commission (IATTC) results in certain recordkeeping requirements for U.S. fishermen who fish in the IATTC's area of management responsibility. These fishermen must maintain a log of all operations conducted from the fishing vessel, including the date, noon position, and the tonnage of fish aboard the vessel, by species. The logbook form provided by the IATTC is universally used by U.S. fishermen to meet this recordkeeping requirement, as permitted by the regulations. The information in the logbooks includes areas and times of operation, and catch and effort by area. Logbook data are used in stock assessments and other research concerning the fishery. If the data were not collected or if erroneous data were provided, the IATTC assessments would likely be incorrect and there would be an increased risk of overfishing or inadequate management of the fishery.

II. Method of Collection

Vessel operators maintain bridge logs on a daily basis, and the forms are either mailed to the IATTC or to the National Marine Fisheries Service at the completion of each trip. The data are processed and maintained as confidential by the IATTC.

III. Data

OMB Number: 0648-0148.
Form Number: None.

Type of Review: Regular submission.
Affected Public: Individuals or households, business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 129.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is 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: May 31, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-10876 Filed 6-5-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN 0648-XA62

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Application for Exempted Fishing Permit

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a request to conduct experimental fishing; request for comments.

SUMMARY: This exempted fishing permit (EFP) application is a continuation of a collaborative project involving the University of New Hampshire (UNH), Durham, NH; the Lobster Conservancy,

Friendship, Maine; the New England Aquarium, Boston, MA; and the Atlantic Offshore Lobstermen's Association, Candia, NH. The EFP proposes to continue monitoring legal sized egg bearing female lobsters (berried lobsters) carrying early-stage eggs. The continuation of this project will allow participating Federal lobster permit holders, fishing in designated study areas, to preserve a maximum of ten eggs from each berried lobster captured in commercial lobster gear, to allow researchers to determine what percentage of eggs are fertilized, and estimate the egg developmental stage and time to maturity. The berried lobsters will then be released unharmed. This project would not involve the authorization of any additional trap gear, and all trap gear would conform to existing Federal lobster regulations. There would be no anticipated adverse effects on protected resources or habitat as a result of this research. The EFP would waive the prohibition on removal of eggs for a maximum of 13 participating vessels. The Director, State, Federal and Constituent Programs Office, Northeast Region, NMFS (Office Director) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Office Director has also made a preliminary determination that the activities authorized under the EFPs would be consistent with the goals and objectives of Federal management of the American lobster resource. However, further review and consultation may be necessary before a final determination is made to issue EFPs. NMFS announces that the Office Director proposes to issue EFPs and, therefore, invites comments on the issuance of EFPs for this research.

DATES: Comments on this lobster EFP notification for berried lobster monitoring and data collection must be received on or before June 21, 2007.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope "Comments - Lobster EFP Proposal". Comments also may be sent via facsimile (fax) to 978-281-9117, or by e-mail to LobsterMay2007@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: "Comments - Lobster EFP Proposal".

FOR FURTHER INFORMATION CONTACT: Bob Ross, Fishery Management Specialist, (978) 281-9234, fax (978)-281-9117.

SUPPLEMENTARY INFORMATION: