

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 03/29/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 12/22/2000.

TITLE: Hunger Relief Donation in the At-Sea Whiting Fishery

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0427

EXPIRATION DATE: 03/31/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	100	8	1
Difference	100	8	1
Program Change		8	1
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

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

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

**SUPPORTING STATEMENT FOR:
OMB CLEARANCE OF A NEW INFORMATION COLLECTION
TO ALLOW THE LANDING OF GROUND FISH TRIP LIMIT OVERAGES
BY THE AT-SEA WHITING FLEET, FOR PURPOSES OF DONATING
SUCH OVERAGES TO A HUNGER RELIEF AGENCY**

INTRODUCTION

NMFS manages the U.S. groundfish fisheries off the Washington- Oregon-California (WOC) coast under the Pacific Coast Groundfish FMP, which is consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implementing the FMP appear at 50 CFR part, 660 Subpart G. General regulations that also pertain to U.S. fisheries appear at Subpart H of 50 CFR 600. This information collection is intended to support regulatory changes associated with implementing Amendment 13 to the FMP.

Amendment 13 would, among other things, implement an increased utilization program for the at-sea processing component of the Pacific whiting fishery. This fishery sector consists of catcher/processors, motherships (vessels that receive and process fish at sea but do not catch fish), and catcher vessels that deliver to motherships. Each at-sea processing vessel in the whiting fishery has carried at least one NMFS-trained observer since the beginning of operations in the whiting fishery in the early 1990's. In recent years, the catcher/processors and one of the motherships have carried two observers. Catcher/processors and catcher vessels delivering to motherships are subject to the same groundfish landings limits as the rest of the limited entry fleet. For species with landings limits, motherships are allowed to retain no more than the landings limit amount from each delivering catcher vessel.

At-sea whiting processors do not offload their catch as frequently as shore-based vessels. A catcher/processor or mothership may operate during a period that spans several groundfish cumulative landings limit periods, without offloading. These at-sea processors are not allowed to exceed the cumulative limit that applies for the period in which offloading occurs, which means that the vessel may not combine the cumulative landings limit amounts for more than one period. This puts the at-sea processors and catcher vessels delivering to motherships at greater risk of exceeding the cumulative limits, and can result in greater discards at sea than a shore-based vessel subject to the same limits. The offshore whiting fishery is not prohibited from retaining incidentally caught species within landings limit levels, but they generally neither target nor desire these species. Rockfish are spiny, get tangled in the nets, and damage the whiting. The offshore whiting fleet does not routinely process or sell incidentally-caught species, and those that are retained generally are made into fish meal. These conditions and the desire of industry to minimize regulatory discards, along with food bank interest in collecting bycatch for use in hunger programs, make the at-sea whiting fleet a viable candidate for an increased-utilization program.

Under the proposed regulations to implement Amendment 13, if a catcher/processor or mothership in the whiting fishery carries more than one NMFS-approved observer for 90 percent of the days on the grounds during a cumulative trip limit period, then groundfish trip limits could be exceeded without penalty for that

cumulative trip limit period. Any trip limit overage could not enter or otherwise compete in normal markets for that species, and overages would either be: (1) converted to meal, mince, or oil products, which could then be sold, or (2) donated to an approved food bank distributor. If a vessel chooses to deliver to a food bank distributor, state or federal enforcement representatives would have to have the opportunity to monitor any such offloading. This program would be voluntary and a vessel would not be obliged to operate under this program.

The purpose of the rulemaking is to: reduce regulatory discards in the offshore whiting fishery, give offshore fishery participants an incentive to carry more than one observer (if they are not already required to do so), and improve catch data. Further, this program could provide fish for food banks, and the processed incidental catch would not compete in or affect pricing in traditional markets for food fish. The information collection under this proposed rule would consist of a telephone call to NMFS enforcement or its designee to report an intent to offload non-whiting groundfish in excess trip limits for purposes of donating that groundfish to a hunger relief agency. Coordination with enforcement would ensure that participating vessels could not use the increased-utilization program to circumvent landings limits restrictions contrary to groundfish regulations.

JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. An offloading report (no form) is necessary for NMFS or its designated agent to track at-sea whiting processing vessels that land non-whiting groundfish in excess of cumulative limit overages for purposes of donating those overages to hunger relief agencies. Groundfish landed in excess of trip limits would normally be seized and sold by the state of landing. Under this program, the notification of intent to offload would allow participating vessels to land groundfish in excess of cumulative limits without citation, when donating those fish to a hunger relief agency. Industry coordination with enforcement is needed to ensure that this program does not result in abuse of overage landing privileges.
2. Explain how, by whom, how frequently, and for what purpose the information is to be used. Information from intent to offload reports would be used by NMFS to give enforcement officers an opportunity to monitor at-sea whiting processors offloading non-whiting groundfish in excess of cumulative trip limits. This information would be used at the time of offloading, and possibly during later enforcement landings-tracking efforts.
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, and the basis for the decision for adopting this means of collection; describe any consideration of the use of improved technology to reduce the burden on the public. Intention to offload notifications will be easily made by telephone to NMFS enforcement.

4. Describe efforts to identify duplication with other collections which may be gathering the same or similar information, and show specifically why any similar information already available cannot be used or modified for use for the purposes) described in 2. The telephone report of intention to offload is an information submission that will be unique to the program to allow donation of non-whiting groundfish from whiting at-sea processors and direct duplication with other collections will not exist.
5. If the collection of information will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize burden on these entities. None of the vessels affected by this collection are considered small businesses.
6. Describe the consequences to Federal program or policy activities if the collection would not be conducted or would be conducted less frequently. Information is necessary to allow enforcement officers to monitor the offloading of non-whiting groundfish in excess of cumulative limits for purposes of donating this groundfish to hunger relief agencies. Under any other circumstances, offloading non-whiting groundfish in excess of cumulative limits would be illegal. This information collection is necessary to allow vessels to provide this charity benefit to hunger relief agencies without violating groundfish regulations.
7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. No special circumstances exist that would require the information collection to be conducted in a manner inconsistent with OMB guidelines.
8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions, the amount of burden to be imposed and ways to minimize the burden. A Federal Register notice of proposed rulemaking will be published that solicits public comment on the collection. This program was developed through the Pacific Fishery Management Council process, which allows multiple opportunities for public input and comment.
9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. No payment or gifts to respondents are provided under this collection.
10. Describe any assurance of confidentiality provided to respondent and the basis for the assurance in statute, regulation, or agency policy. Because the information collected is from commercial operations, the Privacy Act does not apply. The information collected is confidential under section 402(b) of the Magnuson Act (16 U.S.C. 1801 et seq) All data submitted are treated in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.
11. Collection of information of a private and sensitive nature. This collection of information does not include any sensitive information.
12. Estimates of annualized costs to respondents. Provide an estimate in hours of the burden of the collection of information. The information collection under this proposed rule would include a telephone call placed to NMFS enforcement upon offloading. At-sea whiting processors offload infrequently, generally

from two to five times per year. For those vessels that offload frequently and that decide to donate non-whiting groundfish to hunger relief agencies at offloading, costs will increase modestly. This collection-of-information does not require any equipment or supplies that respondents do not already use during their daily operations.

12.a. Provide the number of respondents expected annually, the frequency of their response, the total number of responses expected, the average response time per respondent, and the total annual response time (in hours) for the collection. See Table 1.

Table 1. Recordkeeping Burden and costs

Record type	No. of responses per vessel per year	Minutes per record	Hrs per vessel per yr	No. of Vessels	Total No. of responses for fleet	Total hrs for fleet
Report of intention to offload	5	5 min.	.42 hrs	20	100	8.4 hrs
TOTAL	---	---	---	---	100	8.4 hrs

12.b. Provide estimates of annualized cost to respondents for the hour burden for the collection, identifying and using appropriate wage rate categories. See Table 2

Table 2. Recordkeeping Burden and costs

Record type	No. of responses per vessel per year	No. of Vessels	Annual cost	
			Vessel	Fleet
Personnel time for Report of intention to offload	5	20	\$16.80	\$336.00
Cost of telephone call (\$10 per call)			\$50.00	\$1,000.00
TOTAL	---	---	\$66.80	\$1,336.00

*Assumes vessel operator will submit – \$24/hr

** Assumes vessel operator and 2 crew will participate – \$48/hr

13. Provide an estimate of the total annual cost burden to the respondent or recordkeepers resulting from the collection. There is no start-up capital cost for complying with this requirement.

13.a. Total capital and start-up costs: None.

13.b. Total operations, maintenance, and purchases of services: Telephone calls from ship to shore to contact NMFS enforcement are expected to be no longer than 5 minutes in duration, costing approximately \$10 per telephone call.

14. Estimates of annualized cost to NMFS: Certain costs would be incurred by NMFS to enforce the proposed reporting requirements. This burden is expected to be within the current enforcement costs necessary to support the conservation and management role of NMFS.
15. Explain reasons for changes in burden. The information burden and costs identified in items 13 and 14, above, are the result of a new information collection that is included as part of a proposed rule that would, in part, allow whiting mothership and catcher-processors to offload non-whiting groundfish in excess of trip limits for purposes of donating that fish to hunger relief agencies.
16. Collections of information planned to be published for statistical use. No plans exist for publishing the information collected.
17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain why the display is inappropriate. No forms would be developed by NMFS or its designated agent. The preamble of the final rule published in the Federal Register will notify the public of the expiration date for OMB approval of the information collection.
18. Explain each exception to the certification statement. There are no exceptions to the certification statement in this proposed collection of information.