

**SUPPORTING STATEMENT
INFORMATION FOR SHARE TRANSFER IN THE WRECKFISH FISHERY
OMB CONTROL NO.: 0648-0262**

A. JUSTIFICATION

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

The legislative authority to collect data from the various sectors of the economy that harvest marine resources in the exclusive economic zone is the Magnuson-Stevens Fishery Conservation and Management Act (Act). The individual transferable quota (ITQ) system as defined at CFR 622.15 for the wreckfish fishery is based on percentage shares. The size of a person's percentage share and the available total allowable catch (TAC) determine how many pounds of wreckfish a shareholder may harvest each year. Percentage shares in the wreckfish fishery are issued for an indefinite duration and can be sold. Sales of percentage shares are not final until the sale had been recorded by the Regional Administrator, Southeast Region, National Marine Fisheries Service (NMFS).

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.

This submission is to request the extension of the wreckfish share transfer data collection program. The purpose of this data collection is to provide the information necessary to transfer ownership of percentage shares. The transfer form is printed on the back of the percentage shares certificate. With each transfer of ownership, the certificate will be reissued. The certificate identifies the seller, but the buyer's name, address, corporate (employer's) Federal tax identification number, and telephone number must be provided. The sale price is necessary for economic analysis. The signatures of buyer, seller, and witness will secure the transaction. If the party purchasing shares is a shareholder, the share certificate must be surrendered so that it can be reissued.

It is anticipated that the information collected will be disseminated to the public or used to support publicly-disseminated information. 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.

The transfer process requires the signatures of witnesses. With only four respondents, it is not cost effective to set up an information technology system to handle this.

4. Describe efforts to identify duplication.

NMFS is confident that it would be aware of similar collections if they existed. The information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication. This is the only program designed to provide the data necessary to transfer percentage shares.

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

Because all respondents are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS' fisheries management are requested under this collection.

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

If the collection is not conducted or is conducted less frequently, the Secretary cannot properly implement the limited access system. This would, in turn, prevent proper management of the wreckfish fishery as intended by the Council.

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

There are no special circumstances that require the collection to be conducted in a manner inconsistent with Office of Management of the 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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

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

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

There are no payments or other remunerations to respondents.

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

CFR 622.15 requires that the shareholder's name, address, and number of shares be reported to the industry. Based on recent court decisions, the Freedom of Information Act serves as the basis for release of confidential name and address information via a NOAA Internet website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics.

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.

The only question that could be deemed sensitive is the value paid for the shares. Values are confidential and only released in aggregate form. This information is necessary for economic analysis for the purpose of managing the ITQ. No one has ever objected to providing any of the information on the form.

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

The total estimated burden time for this submission is 1 hour. This estimate is based on each of the four applicants needing an average of 15 minutes to provide the information.

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).

Public cost for each application is estimated at \$40 in transfer administrative fees. The total cost for the expected 4 sales transactions is \$160. In addition, the public pays mailing costs for the various responses. Those mailing costs are estimated at \$0.39 average per each of the responses. Therefore, the estimated total annual cost to the public is \$162.

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

There will be no cost to the Federal government from this collection. The regulations provide for the collection of a fee to cover the administrative cost of executing the transaction. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the costs of each special product or service provided by NOAA to non-federal recipients. The fee may not exceed such costs and is specified on each application form. It is estimated that a fee of \$40 will be collected for each sales transaction.

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

There are no program changes or adjustments, and therefore no changes in burden hours and costs. This request represents the continuation of an ongoing program.

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

The results from this collection are not planned for statistical publication.

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.

The OMB number will be displayed.

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

There are no exemptions to the certification statement identified in Item 19 of OMB 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods at present.