

**SUPPORTING STATEMENT
STATEMENT OF FINANCIAL INTERESTS, REGIONAL FISHERY
MANAGEMENT COUNCILS
OMB CONTROL NO.: 0648-0192**

A. JUSTIFICATION

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

The Magnuson Stevens Fishery Conservation and Management Act (**Magnuson-Stevens Act**), as amended in 2006, authorizes the establishment of Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such fishery management plans under the following circumstances: (a.) which will enable the States, the fishing industry, consumers, environmental organizations, and other interested persons to participate in the development of such plans, and (b.) which take into account the social and economic needs of fishermen and dependent communities.

Section 302(j) of the Magnuson-Stevens Act requires that Council members appointed by the Secretary, Scientific and Statistical Committee (SSC) members appointed by a Council, or individuals nominated by the Governor of a State for possible appointment as a Council member disclose their financial interest in any Council fishery. These interests include harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction.

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 information is intended to inform the Secretary of Commerce (Secretary) and the public of potential members' conflicts of interests. Seated Council members appointed by the Secretary, including the Tribal Government appointee, must file a financial interest form within 45 days of taking office, must file an annual disclosure by February 1, and must file an update of their statements within 30 days of the time any such financial interest is acquired or substantially changed. SSC members appointed by the Councils have the same requirements and deadlines. The information is also intended to inform the Secretary of potential SSC members' conflicts of interests.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with 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.

Use of automated technology has not been deemed to offer the opportunity to substantially reduce collection-of-information burden on the respondents. An original signature is required at this time, necessitating submission of paper documents; however, Council members do not appear to consider this an undue burden. See #8 for description of Council members' feedback on procedures for submitting forms; this aspect of the collection received no comment.

4. Describe efforts to identify duplication.

There is no duplication. Information being collected is specific and relevant only to the Regional Fishery Management Councils.

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

This information collection will not have a significant impact on small businesses, organizations or government entities.

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

Failure to collect this information would increase the risk of SSC and Council members violating conflict of interest laws.

The Act further provides that a member shall not vote on a Council decision that would have a significant and predictable effect on a financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interest of other participants in the same gear type or sector of the fishery. However, an affected individual who is declared ineligible to vote on a Council action may participate in Council deliberations relating to the decision after notifying the Council of his/her recusal and identifying the financial interest that would be affected.

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

The collection is consistent with 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, published May 7, 2007, solicited public comment on this renewal. One comment was received. The commenter expressed the view that collection of this information needs to be available to the public on an Internet website, the councils have mismanaged their spending for several years, and the councils have not had the full public interest at heart. No changes were made as a result of this comment.

The reauthorized Magnuson-Stevens Fishery Conservation and Management Act require Regional Fishery Management Council members post statements of financial interest forms on the Internet. Absent the authority to post statements of financial interests from SSC members on the Internet, National Marine Fisheries Service (NMFS) will not do so.

NMFS requested the Councils review procedures for submitting financial disclosure forms. As a result of the review, minor changes were made to the form to clearly indicate employment by a company whose interests include harvesting, processing, lobbying, advocacy, or marketing activity be reported and how to capture the information on the form.

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

No payment or gift will be made for responses.

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

Financial statements completed by Council members appointed by the Secretary will be kept on file by the Council and the Secretary, and made available on the Internet and for public inspection at the Council offices during reasonable hours, and at each public hearing or public meeting. Financial statements completed by SSC members will be kept on file by the Secretary.

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.

Estimated annualized burden of the collection of information:

- a) Annualized total of Fishery Management Council Nominees who fill out financial disclosures = 80

- b) Annualized total of Fishery Management Council Nominees appointed to a Council who will need to fill out another disclosure within 45 days of taking office = 26
- c) Ongoing council members who fill out disclosures annually minus average total of nominees appointed to a Council. $72 - 26 = 46$
- d) SSC members who will submit disclosures (January 2007 Magnuson-Stevens Act) = 180

Annualized Burden

Respondent Types	Annual number of respondents	Responses per respondent	Responses per year	Time per response	Hours
Council Nominees	80	1	80	35 minutes	47
Council Appointees	26	1	26	35 minutes	15
Council Members	46	1	46	35 minutes	27
SSC Members	180	1	180	35 minutes	105
Totals	332		332		194

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).

Annualized cost per respondent are estimated at \$0.74 (\$0.41 for postage + \$0.33 for copying), based on 332 total responses, this equates to \$245.68.

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

Staff time to process x salary of processor = \$19/hour x 30 hours = \$570.00.

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

The burden hours have been adjusted for a higher number of respondents.

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

The results will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

N/A

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not use statistical methods.