

**SUPPORTING STATEMENT  
PROHIBITED SPECIES DONATION PROGRAM  
OMB CONTROL NO.: 0648-0316**

**INTRODUCTION**

The U.S. groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI) in the exclusive economic zone off the coast of Alaska are managed by National Marine Fisheries Service (NMFS) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (**Magnuson-Stevens Act**), 16 U.S.C. 1801 et. seq., as amended. The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska were prepared by the North Pacific Fishery Management Council and are implemented by regulations at **50 CFR part 679.26**.

This action requests renewal of the Prohibited Species Donation (PSD) Program collection-of-information.

**A. JUSTIFICATION**

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

Prohibited species are defined at 50 CFR 679.2 to include all species of Pacific salmon, steelhead trout, Pacific halibut, Pacific herring, king crab and Tanner crab caught by a vessel regulated under part 679 while fishing for groundfish in the BSAI or GOA. All prohibited species catch (PSC) is to be avoided, but if caught while fishing for groundfish, prohibited species must be returned to the sea with a minimum of injury, under regulations at 50 CFR part 679.21.

Some groundfish fishing vessels are incapable of sorting their catch at sea, and deliver their entire catch to an onshore processor or a processor vessel. Sorting and discarding of prohibited species occurs at delivery. To reduce the amount of edible protein discarded in that process, NMFS implemented the PSD Program initially for salmon in 1996, and expanded it to include Pacific halibut in 1997.

The PSD Program allows PSC salmon and halibut to be processed and distributed through tax-exempt hunger relief organizations. The regulations prohibit authorized distributors and persons conducting activities supervised by authorized distributors from consuming or retaining prohibited species for personal use. They may not sell, trade or barter any prohibited species that are retained under the PSD Program.

However, processors may convert offal from salmon or halibut that has been prepared for the PSD Program into fish meal, fish oil, or bone meal, and retain the proceeds from the sale of these products.

**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 Regional Administrator may select one or more tax-exempt organizations to be authorized distributors under the PSD Program based on the information submitted by applicants under § 679.26(b)(1). The number of authorized distributors selected by the Regional Administrator will be based on the following criteria:

- The number and qualifications of applicants for PSD permits.
- The number of harvesters and the quantity of fish that applicants can effectively administer.
- The anticipated level of bycatch of prohibited species listed under paragraph (a) of this section.
- The potential number of vessels and processors participating in the groundfish trawl fisheries.

NMFS monitors the PSD Program through documentation that tracks retained salmon and halibut.

**a. Application to become a NMFS Authorized Distributor**

An organization seeking to distribute salmon and halibut under the PSD Program must submit an application to become a PSD distributor. Applicants must be tax-exempt organizations that have received a letter from the Internal Revenue Service recognizing tax exemption under 26 CFR part 1 (§§ 1.402 to 1.58). A PSD permit is valid for a 3-year period after the selection notice is published in the Federal Register.

NMFS uses the information on the PSD distributor application to determine an organization's nonprofit status. In addition the application provides information about the ability of the organization to arrange for and distribute donated salmon and halibut as a high quality food product. If the application requests to distribute more than one type of prohibited species, complete information must be supplied for each species, noting any differences in procedure.

A separate application must be submitted for each species that the applicant seeks to distribute. No application form is provided.

**a. Application to be a NMFS Authorized Distributor**

Proof of the applicant's tax-exempt status.

A description of the arrangements for processing, shipping, storing, and transporting donated fish and an estimate of the associated costs.

A statement describing the applicant's expertise in providing for the distribution of food product from remote Alaskan locations to hunger relief agencies, food bank networks, or food bank distributors, including arrangements for transportation, distribution costs, and product quality control.

Documentation of support from cold storage and transportation facilities.

A proposed operating budget that is adequate to ensure that fish donated under the PSD Program will be distributed to hunger relief agencies, food bank networks, or food bank distributors and that the fish will be maintained in a manner fit for human consumption.

Proof of the applicant's ability to obtain and maintain adequate funding for the distribution of fish under the PSD Program.

A copy of the applicant's articles of incorporation and bylaws showing that the purpose of the applicant includes providing food resources to hunger relief agencies, food bank networks, or food bank distributors.

Proof of the applicant's ability to take full responsibility for the documentation and disposition of fish received under the PSD Program, including sufficient liability insurance to cover public interests relating to the quality of fish distributed for human consumption.

Quality control criteria to be followed by vessels, processors, hunger relief agencies, food bank networks, and food bank distributors.

The number of vessels and processors that the applicant is capable of administering effectively.

A list of all vessels and processors, food bank networks, and food bank distributors participating in the PSD Program. For the halibut donation component of the PSD program, vessels are not active participants and do not need to be submitted on the list of program participants. The list of vessels and processors must include:

The vessel's Federal fisheries permit number or the processor's Federal processor permit number.

The name of the vessel owner or responsible operator or the name of the processor owner or plant manager.

The vessel's or processor's telephone number and fax number.

The signature of the vessel owner or responsible operator, or owner or plant manager of the processor.

A signed statement from the applicant and all persons listed, who would conduct activities pursuant to the PSD permit waiving any and all claims against the United States and its agents and employees for any liability for personal injury, death, sickness, damage to property directly or indirectly due to activities conducted under the PSD.

A list of locations where fish must be delivered by participating vessels and processors.

Only one participant has applied over the years. This participant is still the only distributor in the Program.

<b>Application to become a NMFS Authorized Distributor, Respondent</b>	
<b>Number of respondents</b>	<b>1</b>
<b>Total annual responses (0.33)</b>	<b>1</b>
Responses per respondent (1 every 3 yr)	
<b>Total burden hours (13.33)</b>	<b>13 hr</b>
Hours per response = 40; 40/3 = 13.33	
<b>Total personnel cost (\$25 x 13)</b>	<b>\$325</b>
<b>Total miscellaneous cost (7/3 = 2.33)</b>	<b>\$2</b>
Mailing cost (\$5 x 1 = 5)	
Photocopy cost (\$0.10 x 1 x 20 pages = 2)	

<b>Application to become a NMFS Authorized Distributor, Federal Government</b>	
<b>Total annual responses</b>	<b>1</b>
<b>Total burden hours (13.2)</b> Hours per response = 40	<b>13 hr</b>
<b>Total personnel cost (\$25 x 13)</b>	<b>\$325</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**b. Distributor’s List of PSD Program Participants**

A PSD Program distributor annually must maintain a list of all vessels and processors, food bank networks, and food bank distributors participating in the PSD Program. If the distributor modifies any information on the PSD permit application, the authorized distributor must submit a modified list of participants or a modified list of delivery locations to the Regional Administrator.

The following information must be retained for each processor and vessel on a list of vessels and processors:

- Federal fisheries permit number or Federal processor permit number.
- Name of the vessel owner or operator or the name of the owner or plant manager of the processor.
- Vessel's or processor's telephone number and fax number.
- Signature of the vessel owner or operator or the processor owner or plant manager.

<b>Distributor’s List of PSD Program Participants, Respondent</b>	
<b>Number of respondents</b>	<b>1</b>
<b>Total annual responses</b> Responses per respondent = 90	<b>90</b>
<b>Total burden hours (1 x 0.2 x 90)</b> Hours per response = 0.2	<b>18 hr</b>
<b>Total personnel cost (\$25 x 18)</b>	<b>\$450</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>Distributor’s List of PSD Program Participants, Federal Government</b>	
<b>Total annual responses</b>	<b>0</b>
<b>Total burden hours</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**c. Distributor’s tracking product and retention of records.**

Distributors annually must keep on file and make available for inspection, receipts and cargo manifests that describe the origin, weight, and destination of all prohibited species bycatch. Receipts and cargo manifests are necessary to aid NMFS and United States Coast Guard (USCG) enforcement personnel, as well as the NMFS authorized distributor, to track salmon and halibut and to help ensure that the distribution of salmon and halibut is as intended and authorized by the PSD Program.

<b>Distributor's Tracking of products &amp; Retention of Records, Respondent</b>	
<b>Number of respondents</b>	<b>1</b>
<b>Total annual responses</b>	<b>90</b>
Responses per respondent = 90	
<b>Total burden hours (1 x 0.2 x 90 days)</b>	<b>18 hr</b>
Hours per response = 0.2	
<b>Total personnel cost (\$25 x 18 x 1)</b>	<b>\$450</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>Distributor's Tracking of products &amp; Retention of Records, Federal Government</b>	
<b>Total annual responses</b>	<b>0</b>
<b>Total burden hours</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**d. Processor product tracking & retention of records**

Processors in the PSD Program annually must keep on file and make available for inspection, receipts and cargo manifests describing the origin, weight, and destination of all prohibited species bycatch shipped from the processing facility. Receipts and cargo manifests are necessary to aid NMFS and USCG enforcement personnel, as well as the NMFS authorized distributor, to track the distribution of salmon and halibut and to help ensure that the distribution of salmon and halibut is as intended and authorized by the PSD Program.

<b>Processor product tracking requirements, Respondent</b>	
<b>Number of respondents</b>	<b>20</b>
<b>Total annual responses</b>	<b>1,800</b>
Responses per respondent = 90	
<b>Total burden hours</b>	<b>180 hr</b>
Hours per response = 0.1	
<b>Total personnel cost (\$25 x 180)</b>	<b>\$4,500</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>Processor product tracking requirements, Federal Government</b>	
<b>Total annual responses</b>	<b>0</b>
<b>Total burden hours</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**e. Packaging and labeling of PSD prohibited species**

Prohibited species retained under the PSD Program must be packaged, and all packages must be labeled to describe the fish contained in the package with:

- Date of processing,
- Name of the processing facility,
- Contents
- Weight of the fish contained in the package, and the words

NMFS PROHIBITED SPECIES DONATION PROGRAM –  
NOT FOR SALE -

PERISHABLE PRODUCT –  
KEEP FROZEN

This description is new to the support statement but has been in the regulations since the start of the PSD Program. The addition here is a correction to an inadvertent error of previous support statements.

<b>PSD fish package labeling, Respondent</b>	
<b>Number of respondents</b>	<b>20</b>
<b>Total annual responses</b>	<b>1,800</b>
Responses per respondent = 90	
<b>Total burden hours</b>	<b>306 hr</b>
Hours per response = 0.17	
<b>Total personnel cost (\$25 x 306)</b>	<b>\$7,650</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>PSD fish package labeling, Federal Government</b>	
<b>Total annual responses</b>	<b>0</b>
<b>Total burden hours</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following 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.**

The application to become a PSD distributor is submitted to NMFS as a letter. The letter includes responses to the items detailed in 50 CFR part 679.26 and is not amenable to electronic submission of information, although this application could be submitted to NMFS as an attachment to an email. In addition, the changes or updates could be submitted to NMFS by e-mail.

**4. Describe efforts to identify duplication.**

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

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

This collection of information does not impose a significant impact on small entities.

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

Without the specified permitting scheme described in this Supporting Statement, the PSD Program would be unable to proceed.

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

No special circumstances exist.

**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 November 14, 2007 (72 FR 64046) solicited public comment. No comments were received.

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

No payment or gift to respondents is provided under this program.

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

Information collected on the application for a PSD distributor is not considered confidential and will be released to the public upon request. Other information that may be collected from commercial operations may be considered confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) and also under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of 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.**

This information collection does not involve information of a sensitive nature.

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

Estimated total respondents: 21. Estimated total responses: 3,781, up from 1,981. Estimated total burden hours: 535, up from 229. Estimated total personnel costs: \$13,375, up from \$5,725.

**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).**

Estimated total miscellaneous costs: \$2, down from \$7.

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

Estimated total responses: 0.33. Estimated total burden hours: 13 hr. Estimated total personnel costs: \$325.

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

Adjustments are made to include the packaging and labeling of PSD product, described in item 2.e. This description is new to the support statement but has been in the regulations since the start of the PSD Program. The addition here is a correction to an inadvertent error of previous support statements.

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

No plans exist for publishing the results of this information collection.

**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.**

No forms are used in this collection-of-information.

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

No forms are used in this collection-of-information

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.