

**SUPPORTING STATEMENT
FISHERMEN'S CONTINGENCY FUND
OMB CONTROL NO.: 0648-0082**

A. JUSTIFICATION

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

The Fishermen's Contingency Fund claim application form is needed by commercial fishermen who file claims against the Fishermen's Contingency Fund (Fund or FCF). Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 ([43 U.S.C. 1841](#)) authorizes this program which compensates U.S. commercial fishermen for losses of, or damages to, fishing gear or vessels, plus 50% of resulting gross economic loss, attributable to oil and gas activities on the U.S. Outer Continental Shelf (OCS). Program requirements are set forth in [50 CFR Part 296](#).

The 15-day report form is needed by claimants for gaining a presumption that the damage or loss was caused by an item related to OCS oil and gas activities. If a 15-day report is not filed, the claimant must show by a preponderance of evidence that the obstruction causing the damage was related to OCS oil and gas activities. These requirements are set forth in 50 CFR Part 296.

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 application (National Oceanic and Atmospheric Administration (NOAA) Form 88-164) consists of a section for property loss and a section for economic loss. The property loss section requests identifying information such as the applicant's name, address, phone number, and Tax Identification Number (TIN). It also requests information pertaining to the casualty for which compensation is claimed. This includes the name of the claimant's vessel, the location of the obstruction, whether the obstruction was marked, the date the casualty occurred, whether a 15-day report was filed, the amount and type of damage claimed, description of the casualty and likely causes, efforts to recover gear, description of proofs of ownership included with the claim and estimates of repair or replacements costs, and identification of witnesses.

This information is needed to determine if the claim is timely filed (within 90 days of the casualty), if the casualty occurred in an eligible area (on the OCS in an area affected by oil and gas activities), if it occurred due to eligible causes, the extent of the casualty, and to provide information necessary to verify the facts of the claim.

The economic loss section requests information pertaining to economic loss, and consequential damages resulting from the casualty. This includes: 1) the length of trips and income from those trips prior to the casualty, 2) number of gear units lost and 3) date replacement gear was ordered and received or the date repairs were commenced and completed.

This information is used to determine a reasonable period for replacement or repair of the gear or vessel and the amount of economic loss associated with the casualty. The Fund pays 50% of

resulting economic loss. This section also requests information regarding consequential damages such as extra fuel consumption or claim preparation fees.

The application also includes inventory schedules which list the amounts of gear involved in the casualty, its purchase date, purchase cost, and repair or replacement cost. These are used to calculate the amount of compensation for replacement or repair cost. The application also includes an affidavit by which the claimant attests to the truthfulness of his claim.

The 15-day report form (NOAA Form 88-166) requests identifying information such as the claimant's name, address, phone number, and TIN. It also requests information pertaining to the casualty, such as identification of the vessel involved, the location of the obstruction, a description of the casualty, the date and time of the casualty, and the date the vessel first returned to port after the casualty. This information is used to determine if the 15-day report is timely filed and if the casualty occurred in an area affected by OCS oil and gas activities.

As explained in the preceding paragraphs, the information gathered has utility. National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries Service) 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and 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.

Hard copy applications are required because original signatures are required and there are severe penalties for fraud. We do not currently have the capability for e-signatures. However, the 15-day report may be submitted telephonically.

Both forms are available as fillable and printable on the NMFS forms portal, http://www.nmfs.noaa.gov/gpea_forms/forms.htm.

4. Describe efforts to identify duplication.

Because NOAA Fisheries Service is the sole provider of FCF compensation, there is no duplication of other information collections.

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

Most respondents are small businesses. The requirements are limited to those necessary to ensure that the Government only reimburses legitimate losses.

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

Statutorily-mandated financial assistance could not be delivered without this information collection. Since this is an application process, the frequency of response is determined by the respondents.

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

N/A.

8. Provide information on 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 on December 3, 2007 (72 FR 67912) solicited public comment on this renewal. No comments were received.

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

No payments or gifts are made other than the benefits the program disburses.

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

The information collected is confidential under section 303(d) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*); and also under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics. Assurance of confidentiality is stated on all forms.

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 estimated burden is as follows:

Applications: 100 respondents x 1 response x 10 hours/response = 1,000 hours

15-day report: 100 respondents x 1 response x 5 min/response = 8 hours

Totals: 100 respondents, 200 responses, 1,008 hours.

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 costs per respondent are estimated at \$5.00 (\$3.00 for postage, \$1.00 for copying, and \$1.00 for long distance phone charges for calling in 15-day reports). Based on 100 respondents, this equates to \$500.

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

Number of applications x average response time x average salary of claims examiner/hr plus 62.8% overhead and benefits = 100 x 3 hr x \$43.46 = \$13,038.00 + 62.8% = \$21,225.86.

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

N/A.

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

Statistical methods are not used.