

**SUPPORTING STATEMENT  
NMFS ALASKA REGION OBSERVER PROVIDERS  
OMB CONTROL NO. 0648-0318**

**INTRODUCTION**

The domestic groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) management area and the Gulf of Alaska (GOA) are managed by the Secretary of Commerce under the Fishery Management Plan for the Groundfish Fishery of the BSAI and the Fishery Management Plan (FMP) for Groundfish of the GOA. The FMP was prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act) as amended in 2006 and are implemented by regulations at 50 CFR part 679.

The National Marine Fisheries Service (NMFS) North Pacific Groundfish Observer Program (Observer Program) was implemented in early 1990. The Observer Program collects and disseminates total catch, species composition, length frequency measurements, age structures from targeted and prohibited species catch, bycatch, and biological data necessary to support in-season monitoring and stock assessment of Alaska fisheries, commensurate with the highest level of data quality, data integrity, and professionalism. The Alaska Fisheries Science Center in Seattle, Washington provides the operational oversight for the program, certification training, definition of observer sampling duties and methods, debriefing of observers, and management of the data.

This action is a renewal for the observer provider collection-of-information.

**A. JUSTIFICATION**

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

The main focus of this information collection continues to be the documentation required by NMFS from an observer provider. The data elements of the information collection listed below generally are unchanged from those previously cleared under Office of Management and Budget (OMB) Control No. 0648-0318. Observer providers are permitted by NMFS to hire and deploy qualified individuals as observers in the groundfish fisheries of the BSAI and GOA. Observer candidates are required to meet specified criteria in order to qualify as an observer and must successfully complete an initial certification training course, as well as meet other criteria, prior to being certified.

**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.**

Owners or operators of vessels that possess a Federal fisheries permit under § 679.4(b)(1) and owners or managers of processors that possess a Federal processor permit under § 679.4(f)(1), must have onboard or onshore observer coverage in accordance with § 679.50, which describes

the Observer Program. Owners of vessels, shoreside processors, and stationary floating processors (SFP) required to carry observers must arrange for observer services from an observer provider. Although the vessel and processor owners pay for the cost of the observers, the costs associated with managing the Observer Program are paid by NMFS.

### **Observer training and briefings.**

The NMFS Alaska Region Observer Program conducts training and briefing classes to obtain observer endorsements in Seattle at the Alaska Fisheries Science Center and through the North Pacific Fisheries Observer Training Center at the University of Alaska, Anchorage, Alaska. Training class dates are posted quarterly; changes are posted as they occur. The observer training schedule for briefings in Seattle, Washington, and Anchorage, Alaska, is posted by the Observer Program at [http://www.afsc.noaa.gov/FMA/training\\_schedule.htm](http://www.afsc.noaa.gov/FMA/training_schedule.htm).

A list of observer providers is available upon request from the Observer Program Office and from the Observer Program's home page at [http://www.afsc.noaa.gov/FMA/observer\\_providers.htm](http://www.afsc.noaa.gov/FMA/observer_providers.htm).

### **Responsibilities of observer providers.**

Unless alternative arrangements are approved by NMFS, an observer provider must not:

- ◆ Deploy an observer on the same vessel or at the same shoreside processor or SFP for more than 90 days in a 12-month period.
- ◆ Deploy an observer for more than 90 days in a single deployment.
- ◆ Include in a single deployment of an observer, assignments to more than four vessels, including groundfish and all other vessels, and/or shoreside processors.
- ◆ Move an observer from a vessel or SFP or shoreside processor before that observer has completed his or her sampling or data transmission duties.

Provisions by an observer provider include:

- ◆ Qualified candidates to serve as observers, who have successfully completed all NMFS required training and briefing before deployment.
- ◆ Observers to vessels, shoreside processors, or SFP as requested to fulfill vessel and processor requirements for observer coverage and ensure that observers complete duties in a timely manner.
- ◆ Salaries and any other benefits and personnel services in accordance with the terms of each observer's contract.
- ◆ Transportation, including arrangements and logistics, for observers: to the initial location of deployment, to all subsequent vessel, shoreside processor, or SFP assignments during that deployment, and to the debriefing location when a deployment ends for any reason in

a timely manner such that the observer can complete his or her assigned duties.

- ◆ Appropriate lodging, per diem, and any other services necessary to observers assigned to fishing vessels, shoreside processors, or SFP or between assignments. During all periods an observer is housed on a vessel, the observer provider must ensure that the vessel operator or at least one crew member is aboard.
- ◆ When an observer is deployed to a shoreside processor, provide individually assigned communication equipment in working order, such as a cell phone or pager for notification of upcoming deliveries or other necessary communication.
- ◆ Verify that a vessel has a valid United States Coast Guard (USCG) safety decal in accordance with §679.50(g)(1)(ii)(B) before an observer may get underway aboard the vessel. One of the following acceptable means of verification must be used to verify the decal validity:
  - An employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or
  - The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.
- ◆ Have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, stationed at shoreside processor or SFP, in transit, or in port awaiting vessel or processor reassignment.
- ◆ All required information to NMFS by electronic transmission (e-mail), fax, or other method specified by NMFS.

**a. Candidate college transcripts and statements, observer candidate [Removed]**

The observer candidate's time and cost in preparation of a resume and submittal of college transcripts are excluded from the estimated burden of this collection-of-information because resumes and transcripts routinely are required by most employers, including observer providers. However, reviewing and handling of this candidate material by the observer provider and NMFS is included below.

**b. Candidate college transcripts and statements, observer provider**

<b>Candidate college transcripts and statements, Respondent</b>	
<b>Total number of respondents</b>	<b>5</b>
<b>Total annual responses</b>	<b>5</b>
Number of responses per year = 1	
<b>Total time burden (9 x 5)</b>	<b>45 hr</b>
Time per response to review = 8 hr	
Time per response to submit to NMFS = 1 hr	
<b>Total personnel cost (45 x \$25)</b>	<b>\$1,125</b>
Cost per hr = \$25	
<b>Total miscellaneous cost (2.70)</b>	<b>\$3</b>
Cost to submit by mail (\$2.50 x 1 = 2.50)	
Cost to submit by e-mail (0.05 x 4 = 0.20)	

<b>Candidates' college transcripts and statements, Federal Government</b>	
<b>Total annual responses</b>	<b>5</b>
<b>Total time burden</b>	<b>10 hr</b>
Time per response = 2 hr	
<b>Total personnel cost</b>	<b>\$250</b>
Cost per hr = \$25	
<b>Total miscellaneous cost</b>	<b>0</b>

**c. Observer training and briefing registration.**

The observer provider must submit training registration information to NMFS at least 5 business days prior to the beginning of a scheduled observer certification training or briefing session. A schedule for observer training for late 2008/early 2009 may be viewed at [http://www.afsc.noaa.gov/FMA/training\\_schedule.htm](http://www.afsc.noaa.gov/FMA/training_schedule.htm). The list of requested date and names of observer candidates ensures that sufficient class space will be reserved for the candidates during the training session requested.

The observer training schedule shows that each class is presented at least twice each year, which changes this analysis from 1 annual response to 2 annual responses.

**Observer training registration**

- Date of requested training
- A list of observer candidates, including each candidate's full name, date of birth, and sex
- A copy of each candidate's academic transcripts and resume
- A statement signed by the observer candidate which discloses the candidate's criminal convictions (if any).

<b>Observer training registration, Respondent</b>	
<b>Total number of respondents</b>	<b>5</b>
<b>Total annual responses</b>	<b>10</b>
Estimated responses per yr = 2	
<b>Total burden time</b>	<b>10 hr</b>
Time per response = 1 hr	
<b>Total personnel cost (10 x \$25)</b>	<b>\$250</b>
Cost per hour, in dollars = 25	
<b>Total miscellaneous cost (120.15)</b>	<b>\$120</b>
Cost to submit by fax (\$6 x 10 page x 2 = 120)	
Cost to submit by email (0.05 x 3 = 0.15)	

<b>Observer training registration, Federal Government</b>	
<b>Total responses</b>	<b>10</b>
<b>Total burden time</b> Time per response = 1 hr	<b>10 hr</b>
<b>Total personnel cost</b> (10 x \$25) Cost per hour, in dollars = 25	<b>\$250</b>
<b>Total miscellaneous cost</b>	<b>0</b>

#### Observer briefing registration

Date and type of requested briefing session and briefing location

List of observers to attend the briefing session, including each observer's full name.

<b>Observer Briefing Registration, Respondent</b>	
<b>Total number of respondents</b>	<b>5</b>
<b>Total annual responses</b> Number of observers = 60 Types of observer briefing sessions 3-week training 12-day crab training 4-day annual briefing 2-day briefing 1-day pre-deployment briefing 5-day 'level 2' briefing 1-day 'level 2' briefing	<b>300</b>
<b>Total time burden</b> Time per response (7 min/60 min=0.12)	<b>36 hr</b>
<b>Total personnel cost</b> (36 hr x \$25/hr) Cost per hr = \$25	<b>\$900</b>
<b>Total miscellaneous costs</b> (20.95) Cost to submit by fax (\$6 x 1 page x 1 = 6) Cost to submit by email (0.05 x 299 = 14.95)	<b>\$21</b>

<b>Observer Briefing Registration, Federal Government</b>	
<b>Total annual responses</b>	<b>300</b>
<b>Total time burden</b> Time per response (3 min/60 min=0.05)	<b>15 hr</b>
<b>Total personnel cost</b> (15 hr x \$25/hr) Cost per hr = \$25	<b>\$375</b>
<b>Total miscellaneous costs</b>	<b>0</b>

#### d. Projected observer assignments.

Prior to the observer or observer candidate's completion of the training or briefing session, the observer provider must submit to NMFS a statement of projected observer assignments. The projected assignments are used by the training or briefing instructor to adapt classroom instruction to meet the specific needs of the individual(s) in each training or briefing class and to assign "special projects" to students. Special project assignments are often dependent on the projected vessel assignments and are often species or vessel-type specific.

**Projected Observer Assignments**

- Observer's name
- Vessel, shoreside processor, or SFP assignment
- Gear type
- Vessel/processor code
- Port of embarkation
- Target species
- Area of fishing.

<b>Projected observer assignment, Respondent</b>	
<b>Total number of respondents</b>	<b>5</b>
<b>Total annual responses</b> (60 x 3 x 5)	<b>900</b>
Number of observers = 60	
Annual assignments per observer = 3	
<b>Total time burden</b> (900 x 0.12 hr)	<b>108 hr</b>
Time per response (7 min/60 min=0.12)	
<b>Total personnel cost</b> (108 hr x \$25/hr)	<b>\$2700</b>
Cost per hr = \$25	
<b>Total miscellaneous cost</b> (50.95)	<b>\$51</b>
Cost to submit by fax (\$6 x 1 page x 1 = 6)	
Cost to submit by email (0.05 x 899 = 44.95)	

<b>Projected observer assignment, Federal Government</b>	
<b>Total annual responses</b>	<b>900</b>
<b>Total time burden</b> (900 x 0.17)	<b>153 hr</b>
Time per response (10 min/60 min=0.17)	
<b>Total personnel cost</b> (153 x 25)	<b>\$3825</b>
Cost per hr = \$25	
<b>Total miscellaneous cost</b>	<b>0</b>

**e. Physical examination verification.**

The observer provider must provide to NMFS a signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared pamphlet, provided to the candidate by the observer provider in accordance with §679.50(i)(2)(i)(B)(1).

The physician's statement must be submitted to NMFS prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement will expire 12 months after the physical exam occurred. A new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

Observer providers incur the costs associated with copying and submitting to NMFS the notice of physical examination. They do not incur the costs of an observer or observer candidate's time and cost for the actual exam.

<b>Physical examination verification, Respondent</b>	
<b>Total number of respondents</b>	<b>5</b>
<b>Total annual responses</b> (60 x 5) 60 observers 1 response per year	<b>300</b>
<b>Total burden time</b> (300 x 0.08) Time per response (5 min/60 min=0.08)	<b>24 hr</b>
<b>Total personnel cost</b> (24 hr x \$25/hr) Cost per hr = \$25	<b>\$600</b>
<b>Total miscellaneous cost</b> (20.95) Cost to submit by fax (\$6 x 1 page x 1 = 6) Cost to submit by email (0.05 x 299 = 14.95)	<b>\$21</b>

<b>Physical Examination verification, Federal Government</b>	
<b>Total annual responses</b>	<b>300</b>
<b>Total time burden</b> (300 x 0.03) Time per response (2 min/60 min=0.03)	<b>9 hr</b>
<b>Total personnel cost</b> (9 hr x \$25/hr) Cost per hr = \$25	<b>\$225</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**f. Observer deployment/logistics report.**

A deployment/logistics report must be submitted by Wednesday, 4:30 pm, Pacific local time, of each week with regard to each observer deployed by the observer provider during that week. This report is used for routine record keeping in the NMFS observer database. Accurate and timely observer deployment information is important for fisheries management. Knowing where observers are at all times is also extremely important should emergencies arise while an observer is deployed at sea.

The deployment/logistics report must include:

**Observer deployment/logistics report**

- Observer's name and cruise number
- Current vessel, shoreside processor, or SFP assignment and vessel/ processor code
- Embarkation date, and estimated or actual disembarkation dates
- Observer's location if the observer is currently not assigned.

<b>Observer deployment/logistics report, Respondent</b>	
<b>Total number respondents</b>	<b>5</b>
<b>Total annual responses</b> (52 x 5 providers) One response per week Number of weekly reports/yr	<b>260</b>
<b>Total time burden</b> (31.2) Time per response (7 min/60 min=0.12)	<b>31 hr</b>
<b>Total personnel cost</b> (31 hr x \$25/hr) Cost per hr = \$25	<b>\$775</b>
<b>Total miscellaneous costs</b> (18.95) Cost to submit by fax (\$6 x 1 page x 1 = 6) Cost to submit by email (0.05 x 259 = 12.95)	<b>\$19</b>

<b>Observer deployment/logistics reports, Federal Government</b>	
<b>Total annual responses</b>	<b>260</b>
<b>Total time burden (44.2)</b>	<b>44 hr</b>
Time per response (10 min/60 min=0.17)	
<b>Total personnel cost (44 x 25)</b>	<b>\$1,100</b>
Cost per hr = \$25	
<b>Total miscellaneous costs</b>	<b>0</b>

**g. Observer debriefing registration.**

After an observer is certified by the Observer Program, he or she is sent to work on a catcher vessel, a mothership, a catcher/processor, a shoreside processor, or an SFP. The observer provider must contact NMFS within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the following:

**Observer debriefing registration.**

- Observer name and cruise number
- Requested date of debriefing
- Name and cruise number of observer
- Name of vessel, shoreside processor, or SFP assignment name
- Code of observer's deployment.

<b>Observer Debriefing Registration, Respondent</b>	
<b>Total number respondents</b>	<b>5</b>
<b>Total annual responses (3 x 60 x 5)</b>	<b>900</b>
Number of observers = 60	
Number of assignments = 3	
<b>Total time burden (900 x 0.5 hr)</b>	<b>450 hr</b>
Time per response (30 min/60 min=0.5)	
<b>Total personnel cost (450 hr x \$25/hr)</b>	<b>\$11250</b>
Cost per hr = \$25	
<b>Total miscellaneous costs (50.95)</b>	<b>\$51</b>
Cost to submit by fax (\$6 x 1 page x 1 = 6)	
Cost to submit by email (0.05 x 899 = 44.95)	

<b>Observer Debriefing Registration, Federal Government</b>	
<b>Total annual responses</b>	<b>900</b>
<b>Total time burden (900 x 0.5)</b>	<b>450 hr</b>
Time per response (30 min/60 min=0.5)	
<b>Total personnel cost (450 hr x \$25/hr)</b>	<b>\$11250</b>
Cost per hr = \$25	
<b>Total miscellaneous costs</b>	<b>0</b>

**h. Certificates of Insurance.**

Copies of "certificates of insurance", that name the NMFS Observer Program leader as the "certificate holder", must be submitted to NMFS by February 1 of each year. Insurance certification allows NMFS to confirm that an observer provider is meeting the minimum insurance coverage required. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.



- ◆ Maritime Liability to cover “seamen’s” claims under the Merchant Marine Act (Jones Act) and General Maritime Law (\$1 million minimum)
- ◆ Coverage under the U.S. Longshore and Harbor Workers’ Compensation Act (\$1 million minimum)
- ◆ States Worker’s Compensation as required
- ◆ Commercial General Liability.

<b>Certificates of insurance, Respondent</b>	
<b>Total number of respondents</b>	<b>5</b>
<b>Total annual responses</b>	<b>5</b>
Number of responses per year = 1	
<b>Total time burden</b> (5 x 1 x 0.2)	<b>1</b>
Time per response (12 min/60 min=0.2)	
<b>Total personnel cost</b> (1 hr x \$25/hr)	<b>\$25</b>
Cost per hr = \$25	
<b>Total miscellaneous cost</b> (12.40)	<b>\$12</b>
Cost to submit by fax (\$6 x 2 pages x 1 = 12)	
Cost to submit by email (0.05 x 2 pages x 4 = 0.40)	

<b>Certificate of insurance, Federal Government</b>	
<b>Total annual responses</b>	<b>5</b>
<b>Total time burden</b> (5 x 0.05)	<b>1 hr</b>
Time per response (3 min/60 min=0.05)	
<b>Total personnel cost</b> (1 hr x \$25/hr)	<b>\$25</b>
Cost per hr = \$25	
<b>Total miscellaneous cost</b>	<b>0</b>

**i. Observer provider contracts.**

Observer providers must submit to NMFS a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services.

Observer providers must also submit to NMFS upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. Said copies must be submitted to NMFS by fax or mail within 5 business days of the request for the contract. Signed and valid contracts include the contracts an observer provider has with:

- ◆ Vessels required to have observer coverage
- ◆ Shoreside processors or SFPs required to have observer coverage
- ◆ Observers.

<b>Observer Provider Contracts, Respondent</b>	
<b>Total number of respondents</b>	<b>5</b>
<b>Total annual responses</b>	<b>5</b>
1 response per year	
<b>Total time burden (2.5)</b>	<b>3 hr</b>
Time per response (30 min/60 min = 0.50)	
<b>Total personnel cost (3 x \$25)</b>	<b>\$75</b>
Cost per hr = \$25	
<b>Total miscellaneous cost</b>	<b>\$25</b>
Cost to mail (5.00 x 5)	

<b>Observer Provider Contracts, Federal Government</b>	
<b>Total annual responses</b>	<b>5</b>
<b>Total time burden (2 hr x 5)</b>	<b>10 hr</b>
Time requirement to review = 2 hr	
<b>Total personnel cost (10 hr x \$25/hr)</b>	<b>\$250</b>
Cost per hr = \$25	
<b>Total miscellaneous cost</b>	<b>0</b>

**j. Other Reports.**

The observer providers must submit reports of incidents not pertaining to collection of data by the observer to NMFS. The observer provider must submit these reports via fax or email within 24 hours after the observer provider becomes aware of the information, as follows:

- ◆ Information regarding possible observer harassment
- ◆ Information regarding any prohibited action
- ◆ Concerns about vessel safety, processor safety, or marine casualty under 46 CFR 4.05-1 (a)(1)-(7)
- ◆ Observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual
- ◆ Any information, allegations, or reports regarding observer conflict of interest or breach of the standards of behavior.

<b>Other Reports, Respondent</b>	
<b>Total number respondents</b>	<b>5</b>
<b>Total annual responses (5 providers x 10 reports)</b>	<b>50</b>
Number of reports = 10	
<b>Total time burden</b>	<b>100 hr</b>
Time per response = 2 hr	
<b>Total personnel cost (100 hr x \$25/hr)</b>	<b>\$2,500</b>
Cost per hr = \$25	
<b>Total miscellaneous cost (8.45)</b>	<b>\$8</b>
Cost to submit by fax (\$6 x 1 page x 1 = 6)	
Cost to submit by email (0.05 x 49 = 2.45)	

<b>Other Reports, Federal Government</b>	
<b>Total annual responses</b>	<b>50</b>
<b>Total time burden</b>	<b>50 hr</b>
Time to review each report = 1 hr	
<b>Total personnel cost</b>	<b>\$1,250</b>
Cost per hr = \$25	
<b>Total miscellaneous cost</b>	<b>0</b>

**k. Industry Request for Assistance in Improving Observer Data Quality Issues.**

Vessel, shoreside processor, and SFP owners and operators, as well as observers and observer providers, may contact NMFS in writing to request assistance in improving observer data quality and resolving observer sampling issues in accordance with §679.50(e)(3). Issues may include:

- ◆ Vessel, shoreside processor, or SFP specific sampling issues
- ◆ Creating new sampling protocols
- ◆ Developing and implementing research projects
- ◆ Maintaining knowledge of current vessel, shoreside processor or SFP operations for observer sampling purposes, and
- ◆ Providing on-site training for an observer(s) employed by an observer provider.

NMFS can address observer-related issues by placing staff or individuals authorized by NMFS in actual working conditions experienced by observers. Such deployments increase the ability of NMFS to work with industry, observers, and observer providers to resolve the issues that face the stakeholders in the groundfish fisheries of the BSAI and GOA and foster a more cooperative working relationship with better informed industry participants. Requests may be submitted to: NMFS Observer Program Office, P.O. Box 15700, Seattle, Washington 98115-0070, or transmitted by fax to (206) 526-4066.

<b>Industry Request for Assistance, Respondent</b>	
<b>Total number of respondents</b>	<b>10</b>
<b>Total annual responses</b>	<b>10</b>
Number of responses per year = 1	
<b>Total time burden</b> (10 x 0.5)	<b>5</b>
Time per response (30 min/60 min = 0.5)	
<b>Total personnel cost</b> (5 x \$25)	<b>\$125</b>
Cost per hour, in dollars = \$25	
<b>Total miscellaneous cost</b> (19.68)	<b>\$20</b>
Cost to fax (\$6 x 1 page x 3 = 18)	
Cost to email (0.05 x 7 = 1.68)	

<b>Industry Request for Assistance, Federal Government</b>	
<b>Total annual responses</b>	<b>10</b>
<b>Total time burden</b>	<b>25 hr</b>
Time per response (150 min/60 min = 2.5 hr)	
<b>Total personnel cost</b> (25 x 25)	<b>\$625</b>
Cost per hour, in dollars = 25	
<b>Total miscellaneous cost</b>	<b>0</b>

## **I. Observer Provider Permit Application.**

Persons who seek to provide observer services under 50 CFR part 679.50(i) must obtain an observer provider permit from NMFS. Applicants for an observer provider permit are requested to provide information in narrative style rather than completing a form. NMFS uses the provided information to evaluate the abilities of the prospective provider to perform the required responsibilities and duties on a recurring basis. A NMFS-appointed observer provider application review board reviews and evaluates each application for completeness against evaluation criteria.

An observer provider permit is not transferable. An observer provider that experiences a change in ownership that involves a new person must submit a new permit application and cannot continue to operate until a new permit is issued. Except for ownership information, each observer provider must submit to NMFS any changes or corrections to applicable contact information. Observer providers must notify NMFS within 30 days of the effective date of such change when any of the required permit elements change. This requirement will help facilitate the communication between NMFS and observer providers. Any change to the information submitted on the provider's permit application must be submitted by FAX or mail.

The observer provider permit will expire after a period of 12 continuous months during which no observers are deployed by the provider. NMFS will provide a written determination to an observer provider if NMFS deployment records indicate that the permit has expired. An observer provider who receives a written initial administrative determination (IAD) of permit expiration may appeal under § 679.43. A permit holder who appeals the IAD will be issued an extension of the expiration date of the permit until after the final resolution of that appeal.

NMFS-certified providers who deployed observers under the Observer Program in 2002 are exempt from the requirement to re-apply for a permit, except that a change in ownership of an existing observer provider requires a new permit application. NMFS does not anticipate any new applications at this time, but will allow for one permit application for this analysis.

### **Observer Provider Permit application.**

#### Identification of the management, organizational structure, and ownership structure of the applicant's business

Identification by name and general function of all controlling management interests in the company including but not limited to owners, board members, officers, authorized agents, and staff

Owner information. Permanent mailing address, telephone and fax numbers for each owner

Business information for each owner

Current physical location

Business mailing address, telephone and fax numbers, business e-mail address

Authorized agent. If ownership based outside the United States

Name of authorized agent

Mailing address, telephone number and fax number

#### Attachments

If a corporation, attach the articles of incorporation

If a partnership, attach the partnership agreement

Conflict of interest statement from each owner

Statement describing any criminal convictions, federal contracts held and the performance rating received on each contract, and previous decertification action while working as an observer or observer provider

Description of any prior experience the applicant may have in placing individuals in remote field and/or marine work environments, including recruiting, hiring, deployment, and personnel administration

Description of the applicant's ability to carry out the responsibilities and duties of an observer provider in accordance with §679.50(i)(2).

<b>Observer provider permit application, Respondent</b>	
<b>Total number of respondents</b>	<b>1</b>
<b>Total annual responses</b>	<b>1</b>
Number of responses per year = 1	
<b>Total Time burden</b>	<b>60 hr</b>
Time per response = 60 hr	
<b>Total personnel cost (60 x \$25)</b>	<b>\$1,500</b>
Cost per hour, in dollars = \$25	
<b>Total miscellaneous cost (0.42)</b>	<b>\$1</b>
Cost to mail (0.42 x 1 = 0.42)	

<b>Observer provider permit application, Federal Government</b>	
<b>Total annual responses</b>	<b>1</b>
<b>Total time burden</b>	<b>30 hr</b>
<b>Total personnel cost (30 hr x \$25/hr)</b>	<b>\$750</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**m. Appeals for Denial of Observer Certification, Certification Suspension or Decertification [Removed]**

An appeal by an observer or observer candidate for denial of observer certification, certification suspension, or decertification is removed from this collection-of-information because these procedures would be conducted by the observer rather than by the observer provider.

**n. Appeals for Observer Provider Permit Expiration or Denial of Permit**

The observer provider permit will expire after a period of 12 continuous months during which no observers are deployed by the provider to the groundfish industry. The Regional Administrator will provide a written determination to an observer provider if NMFS deployment records indicate that the permit has expired. An observer provider who receives an IAD of permit expiration may appeal. The appeals process provides the observer providers a method to provide evidence and to argue in opposition to a denial of a permit. In addition, the process provides NMFS a tool to ascertain if observer providers are fulfilling their responsibilities and duties as prescribed by NMFS. An observer provider who appeals the IAD will be issued an extension of the expiration date of the permit until after the final resolution of that appeal.

An observer provider application will be denied if the Regional Administrator determines that the information provided in the application was not complete or all the evaluation criteria were not met. The Regional Administrator will prepare and send an IAD to the applicant upon evaluation of a completed application. The IAD will identify any deficiencies in the application or any information submitted in support of the application. An applicant who receives an IAD that denies his or her application may appeal. An applicant who appeals the IAD will not be issued an interim observer provider permit and will not receive a permit until after the final resolution of that appeal in favor of the applicant.

This analysis adjusts the time for legal advice from 8 hr to 4 hr to be more in line with other appeals analyses. Also, the NMFS legal handling of the appeal is adjusted to 4 hr from 8 hr, again to be in line with other analyses.

<b>Appeals for Observer Provider Permit, Respondent</b>	
<b>Total number of respondents</b>	<b>1</b>
<b>Total annual responses</b> (one appeal/5 years)	<b>1*</b>
<b>Total burden hours</b> (0.2 x 4 hr = 0.8) Time per response = 4 hr	<b>1 hr</b>
<b>Total personnel cost</b> Cost per hour = \$25	<b>\$25</b>
<b>Total miscellaneous cost</b> (500.84) Annual cost for legal advice (4 hr x \$125/ = 500) Cost to submit by mail (\$0.84 x 1 oz = 0.84)	<b>\$501</b>
*Rounded up so hours would register in ROCIS	

<b>Appeals for Observer Provider Permit Expiration or Denial of Permit, Federal Government</b>	
<b>Total annual responses</b>	<b>1*</b>
<b>Total time burden</b> (0.2 x 4 hr = 0.8) Time per response = 4	<b>1 hr</b>
<b>Total personnel cost</b> (1 x \$125) Cost per hr = \$125	<b>\$125</b>
<b>Total miscellaneous cost</b>	<b>0</b>
*Rounded up to be consistent with respondent data	

**o. Update to provider information**

Observer providers are required to notify the Observer Program within 30 days of the effective date when any of the required elements change. This requirement facilitates the communication between NMFS and observer providers. Any change to the information submitted on the provider's permit application must be submitted by email.

<b>Update to provider information, Respondent</b>	
<b>Total respondents</b>	<b>3</b>
<b>Total annual responses</b> Number of responses per year = 1	<b>3</b>
<b>Total Time burden</b> (0.75) Time per response (15 min/60 min = 0.25)	<b>1</b>
<b>Total personnel cost</b> (1 x \$25) Cost per hour, in dollars = 25	<b>\$25</b>
<b>Total miscellaneous cost</b> Cost to e-mail (0.05 x 3 = 0.15)	<b>\$1</b>

<b>Update to provider information, Federal Government</b>	
<b>Total number of responses</b>	<b>3</b>
<b>Total time burden</b> (1.5) Time per response (30/60=0.5)	<b>2 hr</b>
<b>Total personnel cost</b> (2 x 25) Cost per hour = 25	<b>\$50</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 preceding 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 to Question 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 periodic reports and information submitted by observer providers consist of extractions of the required data from their existing database systems into a report form that is then submitted by fax or e-mail to NMFS. Observer provider applications are submitted by mail, along with requested documentation.

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

The application processes and information submissions for the observer provider are unique to this program, and direct duplication with other collections does not exist.

**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. All businesses involved are small businesses.

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

All information is required for the efficient operation of the Observer Program and must be submitted in the time frames requested. Collecting this information less frequently would jeopardize the goals and objectives of the Observer Program and the effective management of the Alaska groundfish fisheries.

**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 information collection to be conducted in a manner inconsistent with OMB Guidelines except for the weekly reports.

**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 July 2, 2008 (73 FR 37932) requested comments on renewal of the Observer Provider Program. 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 for observer providers who choose to apply.

**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 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1881a, *et seq.*). The information is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. Respondents are informed of this when contacting NMFS.

**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: 15, decreased from 205. Estimated total responses: 2,749, decreased from 2,995. Total estimated burden hours: 875, decreased from 1,959. Estimated total personnel cost: \$21,875, decreased from \$48,975.

**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 Question 12 above).**

Estimated total miscellaneous costs: \$854, decreased from \$83,126.

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

Estimated total burden hours: 810, decreased from 1,977. Estimated total personnel cost: \$20,350, decreased from \$150,225. No miscellaneous costs.



**15. Explain the reasons for any program changes or adjustments.**

In some parts of the previous analysis, large respondent numbers were used instead of the 5, for observer providers. The large numbers inaccurately described the number of reports or the number of observers. This analysis is revised to correct those errors. In addition, this analysis uses the number 60 as the number of observers per observer provider when appropriate; the estimated total number of observers is 300. The following adjustments also occurred in this action:

The total number of respondents is corrected to read 15 (10 industry requests, 5 observer providers) in place of 205.

The total number of responses is corrected to read 2,750 in place of 2,995. This reduction is caused in part by removing items that describe observer requirements, because it is inappropriate to have them in this collection which describes observer providers. These items are: college transcript submission by observer candidates, observer physical examinations; and observer appeals for certification, decertification, or suspension.

The total number of burden hours is revised from 1,959 to 875, due to removal of items described above.

The total personnel costs are revised from \$48,975 to \$21,875, due to removal of items described above.

The total miscellaneous costs are revised to \$854 to replace \$83,126, a net decrease of \$82,272 (note: as ROCIS rounded down the previously requested costs to \$83,000, the difference in ROCIS appears to be \$82,146). A decrease of \$82,432 was due to: 1) removal of items described above and 2) the change of report submittal to email in place of fax for almost all responses, because email is almost always used for this purpose. An increase of \$160 was due to the correction of cost for submitting a fax from \$1 to \$6 and increase in the postage rate from \$0.37 to \$0.42.

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

NMFS has no plans to publish 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 available in this collection. The information is collected through a written narrative.

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

N/A.

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

This collection does not employ statistical methods.