

**SUPPORTING STATEMENT
SOUTHEAST REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO.: 0648-0202**

A. JUSTIFICATION

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

NOAA's National Marine Fisheries Service (NMFS) is proposing a change to the 0648-0202 family of forms to add a requirement to obtain a Letter of Authorization (LOA) to participate in the Atlantic surfclam and ocean quahog fishery in the re-opened Georges Bank (GB) Closed Area.

The GB Closed Area has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause Paralytic Shellfish Poisoning (PSP). NMFS is reopening a portion of the GB Closed Area for harvesting surfclams and ocean quahogs provided all harvesting be conducted under the terms and conditions of a PSP testing protocol. To more carefully monitor and control the harvest of surfclams and ocean quahogs from this area, and to ensure vessels are following the protocol, vessels fishing in the area would also be required to apply for and obtain an LOA from NMFS. The LOA would help to ensure that vessels are adhering to terms and conditions of harvesting within the area and would provide a mechanism for NMFS to prohibit harvesting in the area should a vessel not comply with terms and conditions of the LOA and/or the PSP testing protocol.

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 requested will be used by NMFS, NMFS Office of Law Enforcement, the United States Coast Guard, and state marine law enforcement partners. Enforcement personnel will be furnished a copy of the LOA upon inspection which will verify the vessel's intended activity, and will assist enforcement in conducting an inspection of the vessel. The LOA outlines the harvesting requirements for the reopened area and by obtaining the LOA, a vessel is acknowledging and agreeing to the terms and conditions of the protocol and the LOA. The LOA also provides NMFS with a list of vessels eligible to fish in the reopened area and an agreement that can be invalidated should a vessel not comply with the provisions of harvesting in the reopened area. The new LOA will provide NMFS with additional oversight of the area to assist enforcement and conduct monitoring to ensure the safety of public health.

The information collected to obtain an LOA consists of the vessel owner name, NMFS permit number, vessel name, and participation period. Vessels wishing to withdraw from a program, after the minimum participation period has been met, must provide NMFS with similar information via phone call or a withdrawal form.

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.

For vessels already issued a Federal permit, the application for this new LOA will be automatically sent out with the annual permit renewal package. This application includes other types of LOAs, and if the permit holder is requesting more than one type of LOA, the vessel owner/operator is only required to submit the required information once. Therefore, if a permit holder applies for another type of LOA, only the participation period for this LOA is required to be submitted.

No other improved information collection technology has been identified to further reduce the burden associated with this application package. Every effort will be made in the future to use computer technology to reduce the public burden.

4. Describe efforts to identify duplication.

NMFS acknowledges that there is the potential for duplication with the numerous LOAs that exist in the Northeast region. As such, NMFS has consolidated all Northeast region LOAs into one application package, where an applicant only submits his/her vessel owner name, NMFS permit number, and vessel name once. Therefore, duplication has been identified and reduced by utilizing a single form for applying for all Northeast Region LOAs.

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

Only the minimum data needed to meet the permit objectives are requested from all respondents. Because most of the respondents are small businesses, separate requirements based on the size of business have not been developed. Detailed instructions are included with the application to help facilitate proper completion of the form.

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, vessels harvesting shellfish from the reopened portion of the GB Closed Area would not be adequately monitored. This could potentially result in toxic shellfish being released to the public for human consumption. This would be harmful to the general public as well as it would likely result in long term damage to the industry as the public may no longer purchase and consume shellfish products.

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

This information collection is consistent with OMB guidelines.

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 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.

The proposed rule for the reopening of GB action published August 31, 2012, and a number of comments were received in support of the collection of information requirements in this action. However, because the Federal Register notice did not specifically request comments on the collection of information requirements, a second Federal Register notice was published on October 22, 2012 (77 FT 64488), which specifically solicited public comment on the collection of information requirements. Two comments were received, both in support of the PRA measures contained in the rule. These comments also stated that the Federal Register Notice for the PRA measures overestimated the PRA burden associated with these requirements. Because PRA burden is estimated at the maximum number of participants, no changes are necessary as a result of these comments.

Further, the regulatory action requiring this collection of information was requested by the industry, including the specifics of the collection of information requirements. Specifically, the collection of information requirements required under this regulatory action were collaboratively developed by the industry, the United States Food and Drug Administration, and State marine resource agencies. As such, NMFS is implementing these requirements on request of the industry. The collection of information requirements under this action have been tested and under development since 2008 and are fully supported by the industry and requested by the industry. Further, these requirements were officially nationally recognized as the industry operating standard in October 2011. As such no further consultation with industry on these requirements is necessary at this point in time.

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

No payments or gifts are made.

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

All data will be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc). In addition, any information collected under the Permit Family of Forms would be considered confidential and would not be disclosed except as provide in section 402(b) of the Magnuson-

Stevens Act.

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.

There are no questions of a sensitive nature involved in this collection of information.

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

In 2011, there were 47 Federal open-access surfclam and/or ocean quahog permitted vessels that landed surfclams and/or ocean quahogs. Each vessel would apply once a year, for a total of 47 applications. It is expected that each application would take 5 minutes to complete, for a total of 4 hours. However, because the area that is proposed for opening is offshore and requires a larger vessel to access, it is not anticipated that all 47 vessels in the surfclam/ocean quahog fishery will harvest from the area. A full summary of the burden estimate involved in this collection of information can be found in Table 1.

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).

There is no additional public cost associated with this change as they would be submitting the application with the previously existing annual permit renewal package.

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

The cost burden associated with issuing LOAs is estimated to be \$25/hour to the Government, for a total annual cost of \$100 (4 hours x \$25). A full summary of the collection of information may be found in Table 1.

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

This revision includes new collection of information requirements due to a program change, to reopen a portion of the GB Closed Area. Question 1 in this document explains the rationale for this collection.

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.

NA.

18. Explain each exception to the certification statement.

NA.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures. The requirements are mandatory for all participants in the indicated fisheries.

Table I

	# of Entities	Items per Entity	Total # of Items	Response Time (min)	Total Burden (hours)	Cost to:	
						Public	Govt.
Atlantic Surfclam Ocean Quahog Harvesting from the Open Portion of the GB Closed Area LOA	47	1	47	5	4	\$0	\$100