

SUPPORTING STATEMENT

ALASKA CRAB ECONOMIC DATA REPORTS

OMB CONTROL NO. 0648-0518

This is a resubmission with the final rule, of a revision of an existing information collection due to associated rule: RIN 0648-BC25. In addition, the name of the collection is changed from Alaska Region Bering Sea and Aleutian Islands Crab Economic Data Reports to Alaska Crab Economic Data Reports. No changes to the request were made due to comments, other than a few clarifying changes to the report instructions.

INTRODUCTION

In January 2004, the U.S. Congress amended Section 313(j) of [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) as amended in 2006 to mandate the Secretary of Commerce (Secretary) to implement the Crab Rationalization Program for the Bering Sea and Aleutian Islands Management Area (BSAI) crab fisheries. The CR Program allocates BSAI crab resources among harvesters, processors, and coastal communities. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the Fishery Management Plan for BSAI King and Tanner Crabs (Crab FMP). The Crab FMP establishes criteria for the management of certain aspects of the BSAI crab fisheries by the State of Alaska Department of Fish and Game (ADF&G) and is implemented by regulations at [50 CFR part 680](#).

The National Marine Fisheries Service, Alaska Region (NMFS) implemented the Crab Rationalization Program (CR Program) to both maintain rigorous safeguards on use of fishing privileges for a public resource and to provide safeguards for program constituents. The CR Program components include quota share (QS) allocation, processor quota share (PQS) allocation, individual fishing quota (IFQ), individual processing quota (IPQ) issuance, quota transfers, use caps, crab harvesting cooperatives, protections for Gulf of Alaska groundfish fisheries, arbitration system, monitoring, economic data collection, and cost recovery fee collection. The economic data collection program details may be found at: <http://www.alaskafisheries.noaa.gov/regs/680/default.htm>.

Congress required that an independent third-party data collection agent (DCA) administer the collection and dissemination of the crab EDR data. NMFS selected the Pacific States Marine Fisheries Commission (PSMFC) to be the DCA.

Section 313(j)(1) of the Magnuson-Stevens Act requires the Secretary to collaborate with the Federal Trade Commission and Department of Justice to develop economic data for analysis by these agencies. Data from the EDR will directly contribute to this ongoing evaluation of potential anti-trust and anti-competitive practices in the crab industry.

A. JUSTIFICATION

The CR Program is a limited-access system that allocates crab managed under the FMP among harvesters, processors, and coastal communities. The CR Program currently includes a

comprehensive economic data collection program requiring participants to complete annual EDRs. These EDRs are intended to aid the Council and NMFS in assessing the success of the CR Program and developing amendments to the FMP to mitigate any unintended consequences of the CR Program.

The EDR Program is administered by NMFS through contracts with PSMFC. The information collected in the EDRs is intended to provide comprehensive data to analysts to examine changes in resource utilization, excess harvesting and processing capacity, economic returns, variable costs and revenues, economic efficiency, and the stability of harvesters, processors and coastal communities. Data submission is mandatory.

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

Amendment 42 to the Crab FMP would revise the annual crab EDRs currently required from each of the three categories of participants in the CR Program fisheries: catcher vessels, catcher/processors, and shoreside processors/stationary floating crab processors. The crab EDRs request data on cost, revenue, ownership, and employment and are used to study the economic impacts of the CR Program on affected harvesters, processors, and communities. This action to revise the existing information collection is necessary to eliminate redundant reporting requirements, standardize reporting across respondents, and reduce costs associated with the data collection.

Amendment 42 and the final rule revise the annual crab EDRs by removing and/or modifying redundant or inaccurately reported data, combining the shoreside processor and floating processor EDR forms, and reducing the reporting burden on Industry, while maintaining the collection of reliable and accurate data.

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.

EDRs are submitted for calendar year CR fishery participation. CR fisheries are described below.

CR Fishery Code	CR Fishery	Geographic Area
BBR	Bristol Bay red king crab (<i>Paralithodes camtschaticus</i>)	in waters of the EEZ with a northern boundary of 58° 30' N. lat., a southern boundary of 54° 36' N. lat., and a western boundary of 168° W. long. and including all waters of Bristol Bay.
BSS	Bering Sea Snow crab (<i>Chionoecetes opilio</i>)	in waters of the EEZ with a northern and western boundary of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as the Maritime Boundary Agreement Line as depicted on NOAA Chart No. 513 (6th edition, February 23, 1991) and NOAA Chart No. 514 (6th edition, February 16, 1991) with a southern boundary of 54° 30' N. lat. to 171° W. long., and then south to 54° 36' N. lat.

EAG	Eastern Aleutian Islands golden king crab <i>Lithodes aequispinus</i>	in waters of the EEZ with an eastern boundary the longitude of Scotch Cap Light (164° 44' W. long.) to 53° 30' N. lat., then West to 165° W. long. a western boundary of 174° W. long., and a northern boundary of a line from the latitude of Cape Sarichef (54° 36' N. lat.) westward to 171° W. long., then north to 55° 30' N. lat., then west to 174° W. long.
WAG	Western Aleutian Islands golden king crab <i>(Lithodes aequispinus)</i>	in waters of the EEZ with an eastern boundary the longitude 174° W. long., a western boundary the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as the Maritime Boundary Agreement Line as depicted on NOAA Chart No. 513 (6th edition, February 23, 1991) and NOAA Chart No. 514 (6th edition, February 16, 1991), and a northern boundary of a line from the latitude of 55°30' N. lat., then west to the U.S.-Russian Convention line of 1867.
EBT	Eastern Bering Sea Tanner crab <i>(Chionoecetes bairdi)</i>	in waters of the EEZ a western boundary the longitude of 166° W. long a northern boundary of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as the Maritime Boundary Agreement Line as depicted on NOAA Chart No. 513 (6th edition, February 23, 1991) and NOAA Chart No. 514 (6th edition, February 16, 1991) a southern boundary of 54° 36' N. lat.
WBT	Western Bering Sea Tanner crab <i>(Chionoecetes bairdi)</i>	In waters of the EEZ with: an eastern boundary the longitude of 166° W. long., a northern and western boundary of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as the Maritime Boundary Agreement Line as depicted on NOAA Chart No. 513 (6th edition, February 23, 1991) and NOAA Chart No. 514 (6th edition, February 16, 1991) a southern boundary of 54°30'N. lat. To 171° W. long., and then south to 54°36' N. lat.
PIK	Pribilof red king and blue king crab <i>(Paralithodes camtschaticus</i> and <i>P. platypus)</i>	In waters of the EEZ with: a northern boundary of 58° 30' N. lat., an eastern boundary of 168° W. long., a southern boundary line from 54° 36' N. lat., 168° W. long., to 54° 36' N. lat., 171° W. long., to 55° 30' N. lat., 171° W. long., to 55° 30' N. lat., 173° 30' E. lat., and then westward to the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as the Maritime Boundary Agreement Line as depicted on NOAA Chart No. 513 (6th edition, February 23, 1991) and NOAA Chart No. 514 (6th edition, February 16, 1991).
SMB	St. Matthew blue king crab <i>(Paralithodes platypus)</i>	in waters of the EEZ with a northern boundary of 62° N. lat., a southern boundary of 58°30' N. lat., and a western boundary of the maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as the Maritime Boundary Agreement Line as depicted on NOAA Chart No. 513 (6th edition, February 23, 1991) and NOAA Chart No. 514 (6th edition, February 16, 1991).
WAI	Western Aleutian Islands red king crab <i>(Paralithodes camtschaticus)</i>	In waters of the EEZ with: an eastern boundary the longitude 179° W. long., a western boundary of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as the Maritime Boundary Agreement Line as depicted on NOAA Chart No. 513 (6th edition, February 23, 1991) and NOAA Chart No. 514 (6th edition, February 16, 1991), and

	<p>a northern boundary of a line from the latitude of 55°30' N. lat., then west to the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as the Maritime Boundary Agreement Line as depicted on NOAA Chart No. 513 (6th edition, February 23, 1991) and NOAA Chart No. 514 (6th edition, February 16, 1991).</p>
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The Crab EDRs were specifically designed to assist the Council and analysts in understanding

- ◆ Costs and benefits of the harvesters’ and processors’ crab operations,
- ◆ Economic performance of crab fishermen,
- ◆ How this performance has changed after crab rationalization, and
- ◆ What aspects of these changes are specifically attributed to crab rationalization.

During its five year review of the CR Program in 2010, the Council identified several issues with the current EDRs which are discussed below: inaccurate and inconsistent data, duplicative data, and higher than anticipated costs of data reporting and program administration.

Inaccurate reporting limits the utility of the data and reduces the analytical benefits that can be derived from the data. In many cases, the level of inaccuracy of the data supplied to NMFS cannot be estimated as the true value of the element is not known. Therefore, those data are deemed unusable. In addition, several elements of the data were found to be duplicative of other data collection programs. In some cases, redundancies are partial, with collected data providing some additional information, but in other cases, the data collected in the EDRs are completely redundant. Finally, the cost to industry, both directly through data submission and indirectly through cost recovery funding of program administration, outweighs the benefits of the resultant data. Administrative costs associated with the current EDRs arise from the production and distribution of data collection forms, processing of completed forms, data entry, data verification, and data management. Since the EDR Program’s inception, these costs have decreased. As NMFS works with the Council and PSFMC to streamline the data collection and reduce reporting errors, these costs are expected to decrease further.

This action would amend the EDR process with the intention that the data collected are accurate, informative to the Council, not redundant with existing reporting requirements, and can be reported by industry and administered at a reasonable cost. The Council plans to limit the EDRs to the collection of data that have been demonstrated, through the development of the EDR metadata and other reviews of the data, to be sufficiently accurate while reducing the reporting time and monetary costs to industry (see Tables 1 to 3). Table 1 lists the data elements that will be collected in the proposed catcher vessel EDR.

Table 1. Data Elements Collected in Proposed Catcher Vessel Crab EDR

Deliveries and revenues	Landings by share type (pounds) by crab fishery
	Landings by share type (revenue) by crab fishery
	Negotiated transfers of quota by share type (pounds) by crab fishery
	Negotiated transfers of quota by share type (cost) by crab fishery
Crew labor costs	Payments to crew by crab fishery
	Payments to captain by crab fishery
	Health Insurance and Retirement Benefits - available for captain and crew
Vessel operating expenses	Food and provisions - total cost by crab fishery
	Bait purchased - total cost by crab fishery
	Fuel consumed - gallons by crab fishery
	Fuel cost, annual - gallons and cost aggregated for all fisheries
	Labor cost - all activities aggregated across all activities
	Tendering

Much of the data requested on the current annual catcher vessel Crab EDR is available through other sources (e.g., eLandings data collected by NMFS contains information on the specific quota accounts debited during a landing) or the quality of the data currently collected is poor and results in limited usability of the data for analyses (e.g., estimates of bait used are known to be inaccurate and unreliable). The Council recommended scaling back the data collection in this EDR, so that only data that could be accurately and reliably collected would be requested.

The proposed catcher vessel EDR would substantially decrease the amount of data collected in comparison to the current EDR. The proposed EDR would eliminate the reporting of fishing days, transiting days, and shipyard days as these can all be garnered from other data sets. It would omit any collection of information about overall vessel activities, such as days at sea and gross revenues. The EDR would continue to collect tendering and labor costs because those data are not available through other sources and were determined to be reliable in the analysis prepared for this proposed action.

The proposed catcher vessel EDR would continue the collection of revenue data, including landings by share type by crab fishery (pounds and revenue) and the negotiated transfers of IFQ and CDQ received for harvest on the vessel during the calendar year, by fishery and harvest quota permit type (pounds and revenue). Payments to captains and crew would be still be reported by fishery. Crew license and Alaska Commercial Fisheries Entry Commission (CFEC) permit numbers would also continue to be collected to facilitate analysis of demographic distribution of crew benefits. The proposed EDR would also require the reporting of vessel costs such as bait, food, and provisions purchased by crab fishery. This is slightly different than the current forms, which require submitters to include the quantity of these items used versus what is purchased. This new data would provide some understanding of expenditures and is more easily reported by submitters than what was used.

The Annual Shoreside Processor Crab EDR and the Annual Stationary Floating Processor Crab EDR would be combined into a Combined Processor Crab EDR which would eliminate several elements from the current data collections. Most of the deleted elements represent production data, which are similar to data found within the State of Alaska's Commercial Operators Annual Report (COAR). Crab processors must submit the COAR annually to report processing and plant costs. The production data that are not available through other sources could be estimated by

NMFS based on landings data. Therefore, the proposed exclusion of these data from the processor EDR would not affect the analysis of EDR data and may decrease the submitter’s time burden required to fill in the form. See Table 2 for a description of the elements retained, including those that were modified, in the proposed processor EDR.

Table 2. Data Elements Collected in Proposed Combined Processor Crab EDR.

Revenues	Sales to affiliates/non-affiliates by species (product/process) by crab fishery
	Sales to affiliates/non-affiliates by species (box size and finished pounds) by crab fishery (use box size categories)
	Sales to affiliates/non-affiliates by species (revenues) by crab fishery
	Custom processing by product/process by crab fishery (include pounds raw and pounds of product)
	Custom processing revenues by crab fishery
Labor	Man-hours by crab fishery
	Total processing labor payments by crab fishery
	Crab processing employees by residence by crab fishery
Custom Processing Services Purchased	Reporting requirement – all companies contracting custom processing must report
	Raw pounds by crab fishery
	Product and processes by crab fishery
	Finished pounds by crab fishery
	Processing fee by crab fishery
Crab Purchases	Raw crab purchases by fishery (IFQ type) by crab fishery
	Raw crab purchases by fishery (pounds) by crab fishery
	Raw crab purchases by fishery (gross payments) by crab fishery
Crab Processing Costs	Negotiated transfers of IPQ by (pounds and monetary cost) crab fishery
General Plant Costs	Foreman, managers, other employees and salaries aggregated across all fisheries

Revenue data collection under the proposed processor EDR would remain essentially the same. These data allow analysts to distinguish crab sales to affiliated entities from sales to unaffiliated entities, which is not currently available through other data sources. However, in the proposed processor EDR, sales data by crab size or grade would not be required. Currently, those elements appear to be inconsistently reported and do not appear to correlate with price differences to date. Packing box sizes would continue to be reported by categories. Custom processing (an arrangement under which a person processes crab on behalf of another) revenues would be added, as those data are currently unavailable from other sources and may provide insights into the costs of processing and markets for custom services in the fisheries. Unlike the current processor EDRs, the proposed processor EDR provides for the reporting of processed output and revenue received for custom processing of CR crab performed for other crab buyers or registered crab receivers (RCR) for each CR fishery, in which, custom processing was provided.

Labor data (i.e. man-hours, total processing labor payments, and crab processing employees by residence) reporting would not change from the status quo. Custom processing services purchased would be reported with some differences from the status quo (i.e., excluding crab size and grade and box size). Crab purchases by share type would still be collected, because these data are not available from other data sources.

Catcher/processors participate in both harvesting and processing. Therefore, the proposed catcher/processor EDR includes elements for the collection of harvesting and processing information.

Much like the proposed Annual Catcher Vessel Crab EDR, the proposed catcher/processor EDR would eliminate the reporting of fishing data (i.e. days in the fishery, days fishing, days traveling, and days processing), as well as production information (i.e. raw crab processed, crab size and grade, and finished pounds). Analysts would have access to this information through other sources. A new section would be added for deliveries and revenues by share type when operating as a catcher vessel. Most catcher/processors are unlikely to operate exclusively as a catcher vessel, but in instances when a catcher/processor operates as a catcher vessel, these data could be important to understanding total catcher vessel revenues in the fishery. Table 3 lists all the data elements that will be collected in the proposed catcher/processor EDR.

Table 3. Data Elements Collected in the Proposed Catcher/processor EDR

Deliveries and revenues – for operations as a catcher vessel	Landings by share type (pounds) by crab fishery
	Landings by share type (revenues) by crab fishery
Revenues	Sales to affiliates/non-affiliates by species (product/process) by crab fishery
	Sales to affiliates/non-affiliates by species (box size and finished pounds) by crab fishery (use box size categories)
	Sales to affiliates/non-affiliates by species (revenues) by crab fishery – FOB Alaska
	Custom processing by species/product/process by crab fishery (include pounds raw and pounds of product)
	Custom processing revenues by crab fishery
IFQ	Negotiated transfers of quota by share type (pounds) by crab fishery
	Negotiated transfers of quota by share type (cost) by crab fishery
Crew	Payments to captain by crab fishery
	Payments to harvest crew by crab fishery (aggregated across harvesting and processing crew)
	Crew license number/CFEC permit number aggregated across all crab fisheries
Custom Processing Services Purchased	Custom processing services purchased (raw pounds) by crab fishery
	Custom processing services purchased (product and process) by crab fishery
	Custom processing services purchased (finished pounds) by crab fishery
	Custom processing services purchased (processing fee) by crab fishery
Crab purchases	Raw crab purchases by fishery (IFQ type) by crab fishery
	Raw crab purchases by fishery (pounds) by crab fishery
	Raw crab purchases by fishery (gross payments) by crab fishery
Crab Costs	Bait used (species/pounds by fishery) purchases by crab fishery
	Bait used (species/cost by fishery) purchases by crab fishery
	Fuel used – gallons by crab fishery (gallons only)
	Food and provisions (cost) purchases by crab fishery
	Other crew expenses purchases by crab fishery
	Negotiated transfers of IPQ by (pounds and monetary cost) crab fishery
Vessel Costs	Foremen, managers, other employees and salaries aggregated across all fisheries
	Fuel – gallons and cost aggregated for all fisheries

Several elements would remain, including sales by species by packing box size to affiliated entities and unaffiliated entities, custom processing revenue and production, arm's length leases of individual fishing quota, payments to captains and crews, crew license, CFEC permit numbers and residence information, custom processing services purchased, and crab purchases by share type. All of this information provides data that are not found in other data collections and is useful to analysts when assessing the CR Program.

Most crab fishing and vessel costs would be omitted. Bait purchases and food and provision purchases would continue to be reported by fishery. Gear purchases (i.e. pots) would not be collected because pot registration information together with pot pull information, which are collected through other programs, provide analysts with some insights into changes in pot usage. Fuel use would be estimated for each fishery, as well as annual fuel costs. Processing data (i.e., broker fees, repackaging costs, storage costs, and processing and packing materials) would be eliminated. In most cases these data are not available on a fishery-by-fishery basis and, therefore, are limited in their usability.

Vessel cost data (e.g., insurance premiums, repairs and maintenance, and investments) would be eliminated as much of the current data suffer from data quality limitations. Fishing and processing activities along with product revenues can be estimated with existing data from other sources, such as the eLandings System or the State's COAR report.

The EDR program is focused on collecting production, cost, earnings, and employment information from harvesting and processing sectors of crab fisheries to evaluate effects of the CR Program over time. Although active participants routinely comply with the EDR requirement, reporting methods vary. Seventy-four percent of all processors electronically submitted EDR reports as PDF files, while only 3 percent of vessel EDRs were submitted in that manner. Most (65%) vessel EDR submitters used Web data entry forms. During 2010, only 19 percent of the submissions needed corrections, compared with 75 percent of submissions in 2005.

The EDR program is based on calendar-year data. The first phase of implementation collected pre-Program historical (baseline) information for 1998, 2001, and 2004. The first year of data collection from the rationalized fishery was submitted for calendar year 2005, due in June 2006.

At the front of the EDR form, a 2-page certification section provides a statement certifying the submitted EDR data are complete and accurate. This section must be completed and signed by all individuals. Additionally, the certification section provides a statement of exemption that may be used to certify that the individual did not operate a vessel or plant in the CR crab fisheries during the specified calendar year. If the individual did not participate in the CR fisheries that year, he or she may claim the exemption by submitting a completed and signed EDR certification section.

NMFS makes automatic computer comparisons of crab EDR respondents with participants requesting crab permits; this is necessary to determine eligibility of participants who request CR crab permit renewal. If there are no impediments to issuing a CR crab permit, NMFS will issue an annual crab EDR permit for the CR Program if:

- ◆ EDR application is timely

- ◆ All fees owed are paid (including Capacity Reduction [Buyback] and Cost Recovery fees)
- ◆ EDR requirements are fulfilled, if any

Any owner or leaseholder may appoint a designated representative to respond to questions in the EDR. The designated representative is the primary contact person for PSMFC on issues relating to data required in the EDR.

Persons participating in the CR fisheries are required to annually complete and submit a paper or electronic (catcher vessels only at this time) crab EDR to PSMFC. NMFS is working to ensure the final rule and Amendment 42 will be finalized prior to the original deadline for the original EDRs, June 28. Upon finalization of this document and Amendment 42, industry representatives will then be required to submit their completed annual EDRs and/or certification pages on or before 1700 hours, A.l.t., July 31, each year. The EDRs (2-page certification section or Entire EDR) may be submitted by mail or fax to:

By mail Pacific States Marine Fisheries Commission
205 SE Spokane, Suite 100
Portland, OR 97202

By fax 503-595-3450

For more information, call PSMFC toll free at 1-877-741-8913 or email: alaska_crab@psmfc.org

a. Annual catcher vessel crab EDR

The annual Catcher Vessel Crab EDR would be revised by decreasing the data collection substantially from the current EDR. The revised EDR would eliminate the reporting of fishing data, transiting days, and shipyard days, as these can all be garnered from other data sets. It would omit any collection of information concerning overall vessel activities except tendering and labor costs.

The table below displays catcher vessel participants and participant activity with required EDR submittal for each.

Participant type	Participation activity	Provide additional Information	Complete & submit	
			Entire EDR	EDR Certification Pages only
Catcher vessel owner	harvested CR crab during the calendar year		X	
Catcher vessel leaseholder	harvested CR crab during the calendar year		X	
Catcher vessel owner	leased or sold vessel for a portion of the year to another party, and harvested some CR crab during the calendar year	name, address, and telephone number of the person to whom you leased or sold the vessel during the calendar year	X	

Catcher vessel owner	vessel was lost or rendered permanently inoperable due to accident, and harvested no CR crab in vessel during the calendar year		X	
Catcher vessel owner	leased or sold the vessel to another party, and harvested no CR crab in the vessel during the calendar year	name, address, and telephone number of the person to whom you leased or sold the vessel during the calendar year		X
Catcher vessel owner	no one harvested CR crab in the vessel during the calendar year			X

Catcher vessel crab EDR Certification Page

Catcher Vessel Information

- Vessel Name and ADF&G Vessel Registration Number
- Crab License Limitation Permit Number(s)
- USCG Documentation Number
- Current Estimated Market Value of Vessel and Equipment
- Replacement Value of Vessel and Equipment
- Name of Crab Harvesting Cooperative (if applicable)

Vessel Owner Information

- Name of company, partnership, or sole proprietorship
- Business Telephone Number and Business fax Number
- Business E-mail address, if available

Vessel Leaseholder Information (if applicable)

- Name of company, partnership, or sole proprietorship
- Business Telephone Number and Business fax Number
- Business E-mail address, if available

Person Completing this Report (check one)

- Owner (If name and address are the same as the Owner Information block, do not repeat)
- Leaseholder (If name and address are the same as the Leaseholder Information block, do not repeat)
- Designated Representative
 - Name and Title
 - Business Telephone Number and Business fax Number
 - Business E-mail address (if available)

EDR filing Status

- Check appropriate statement to describe EDR filing status
- Buyer/Leaseholder Information (if applicable)
 - Buyer/Leaseholder Name
 - Telephone No (include area code)
 - Business Address
 - Date of Sale or Lease (day/month/year)

Certification Signature and date signed

Catcher Vessel Crab EDR

CR Crab Ex-vessel Sales, by CR Fishery and Quota Type

- Total pounds of BSAI crab landed by this vessel and sold to crab buyers during the previous calendar year
 - Exclude deadloss crab that is discarded unsold at the landing
- Gross revenue from crab delivered to processors during the calendar year

CR Crab Fishing Quota Costs, by CR Fishery and Quota Type Market-Value and Negotiated-Price Transfers Only

- Total pounds of transferred crab fishing quota used to land crab caught by the vessel during the previous calendar year
- Total gross cost paid as monetary compensation, after taxes or fees are deducted

CR Crab Crew Labor Costs, by CR Fishery

Total amount paid to vessel crew members for fishing labor services in CR fisheries during the previous calendar year, not including any amount paid to individuals as captain or vessel master. Include all post-season adjustments paid as of the date of submitting this EDR

Total payment made to the captain(s) for vessel master services in CR fisheries during the previous calendar year. Include all post-season adjustments paid as of the date of submitting this EDR

Vessel Operating Expenses, by CR Fishery

Total cost of food and provisions purchased for use in each CR fishery during the previous calendar year

Total cost of bait purchased for use in each CR fishery during the calendar year

Total gallons of fuel consumed by the vessel while operating in each CR fishery

Vessel Operating Expenses, Annual

Fuel Cost, Annual

Total quantity of fuel purchased for the vessel during the previous calendar year, in gallons

Total payment for fuel purchased for the vessel for all crab, non-crab, and non-fishing operations during the previous calendar year, including all sales taxes and surcharges

Vessel Labor Cost

Total direct payment to vessel crew and captain for labor performed in all vessel operations during the calendar year, including shipyard labor and tendering

Indicate whether the vessel performed tendering in any fishery during the previous calendar year

BSAI Crab Crew Licenses and CFEC Permits

Record either the Alaska Commercial Crew license number or a State of Alaska Commercial Fisheries Entry Commission (CFEC) gear operator permit number for each individual who worked as a captain or crewmember during the previous calendar year

For Commercial Crew Licenses, report the full 7-digit license number.

For Gear Operator Permits, include the fishery code and permit number (e.g. M71B25321N).

Indicate if the number reported is an ADF&G Commercial Crew License number or a CFEC Gear Operator Permit Number. Record one license or permit number per crewmember. Do not record any crewmember more than once.

The number of catcher vessels participating in the CR Program that submitted a full EDR was 81 in 2011, 89 in 2010, 95 in 2009, 98 in 2008, 108 in 2007, 217 in 2006, and 378 in 2005. In 2010, 89 full EDRs were submitted and 18 certifications were submitted. Because the trend for participating vessels appears to be decreasing, the estimated number of catcher vessels submitting full EDRs is 80 and 15 for certifications only. This analysis assumes accountant completion of entire EDR and personnel completion of certification only.

Catcher vessel crab EDR, Respondent	
Number of respondents	95
Full EDRs = 80	
Certifications only = 15	
Total annual responses	95
Frequency of response = 1	
Total burden hours	830 hr
Time per full EDR response = 10 hr x 80 = 800	
Time per certification only = 2 hr x 15 = 30	
Total personnel cost (\$25/hr x 30 = 750)	\$750
Total miscellaneous costs (8127.75)	\$80,128
Photocopy	
Full EDR = \$0.10 x 15pp x 80 = 120	
Certifications = \$0.10 x 2pp x 15 = 3.00	
Online costs (95 x \$0.05 = 4.75)	
Postage paid by PSMFC	
Accountant completion of EDR (\$100 x 800 = \$80,000)	

Time spent by NMFS to compare EDR submittal with permit application is all done through the computer. No one in RAM physically checks a list or documents. One hour is the estimated amount of time the IT staff spend loading the data from PSMFC. This one hour time period includes all of the crab permit comparisons.

Catcher vessel crab EDR, Federal Government	
Total annual responses	0
Total burden hours 1 hr to load data from PSMFC	1 hr
Total personnel costs (\$25/hr)	\$25
Total miscellaneous costs	0

b. Annual catcher/processor crab EDR

Catcher/processors participate in both harvesting and processing and therefore, the catcher/processor crab EDR includes elements for the collection of harvesting and processing information.

The table below displays catcher/processor participants and participant activity with required EDR submittal for each.

Participant type	Participation activity	Provide additional Information	Complete & submit	
			Entire EDR	EDR Certification Pages only
Catcher/processor owner	harvested or processed CR crab during the calendar year		X	
Catcher/processor leaseholder	harvested or processed CR crab during the calendar year		X	
Catcher/processor owner	leased or sold vessel for a portion of the year to another party, and harvested or processed some CR crab during the calendar year	name, address, and telephone number of the person to whom you leased or sold the vessel during the calendar year	X	
Catcher/processor owner	vessel was lost or rendered permanently inoperable due to accident, and harvested or processed no CR crab in vessel during the calendar year		X	
Catcher/processor owner	leased or sold the vessel to another party, and harvested or processed no CR crab in the vessel during the calendar year	name, address, and telephone number of the person to whom you leased or sold the vessel during the calendar year		X
Catcher/processor Owner	Vessel was lost or rendered permanently inoperable due to accident and harvested or processed no CR crab in the vessel during the calendar year			X
Catcher/processor Owner	No one harvested or processed CR crab in the vessel during the calendar year			X

Annual catcher/processor crab EDR Certification page

Catcher/processor Information

Catcher/processor Name and ADF&G Processor Code
Registered Crab Receiver Permit Number
Crab License Limitation Permit Number(s)
USCG Documentation Number
Current Estimated Market Value of Vessel and Equipment
Replacement Value of Vessel and Equipment
Name of Crab Harvesting Cooperative (if applicable)

Vessel Owner Information

Name of company, partnership, or sole proprietorship
Business Telephone Number and Business fax Number
Business E-mail address, if available

Leaseholder Information (if applicable)

Name of company, partnership, or sole proprietorship
Business Telephone Number and Business fax Number
Business E-mail address, if available

Person Completing this Report (check one)

Owner (If name and address are the same as Owner Information block, do not repeat)
Leaseholder (If name and address are as Leaseholder Information block, do not repeat)
Designated Representative
Name and Title
Business Telephone Number and Business fax Number
Business E-mail address (if available)

EDR filing Status

Check appropriate statement to describe EDR filing status
Buyer/Leaseholder Information (if applicable)
Buyer/Leaseholder Name
Telephone Number (include area code)
Business Address
Date of Sale or Lease (day/month/year)

Signature and date signed

Annual catcher/processor crab EDR

CR Crab Ex-vessel Sales, by CR Fishery and Quota Type

Total pounds of BSAI crab landed by this vessel and sold to crab buyers during the previous calendar year.
Gross Revenue from crab delivered to processors during the calendar year

CR Crab Product Sales

Species Code for CR crab product sold in previous calendar year
Product Code for each product.
Process Code. If more than one process was used to create a specific crab product form (such as cooked and frozen crab sections), enter more than one process code in the process code box for that product
Box Size category code for each product sold
Total finished pounds of each product sold
Gross First Wholesale Revenue: Record the amount you received for each product sold

CR Crab Custom Processing Services Provided, by CR Fishery

CR Fishery Code for each CR fishery in which you provided custom processing services
Product Code for each product
Process Code for each product
Total Raw Pounds of CR crab provided by RCRs receiving custom processing services
Finished Pounds or total pounds of output for each custom processed product
Custom Processing Revenue received for custom processing the specified products

Raw CR Crab Purchases from Delivering Vessels, by CR Fishery and Quota Type

Total pounds of Raw Pounds Purchased
Total Gross value of raw crab purchases, including all post-season adjustments paid to sellers

CR Crab Custom Processing Services Purchased, by CR fishery

CR Fishery Code for each CR fishery in which you purchased custom processing services
Product Code for each product.

Process Code for each product.

Total Raw Pounds of CR crab provided to processors providing custom processing services

Finished Pounds or total pounds of output for each custom processed product

Processing Fee or payment made to custom processors for each crab product

CR Crab Fishing and Processing Quota Costs, by CR Fishery and Quota type - Market-Value and Negotiated-Price Transfers Only

Total pounds of transferred crab fishing (IFQ, CDQ) and/or processing (IPQ) quota used to harvest CR crab on the vessel or purchase CR crab from delivering vessels during the previous calendar year

Total gross cost paid as monetary compensation, before taxes or fees are deducted

CR Crab Crew Labor Cost, by CR Fishery

Total amount paid to vessel fishing crew and processing employees for labor services in CR fisheries during the previous calendar year, not including any amount paid to individuals as captain or vessel master

Total payment made to the captain(s) for vessel master services in CR fisheries during the calendar year

Indicate whether you provided paid health insurance or retirement benefits to captain or crew members in addition to labor payments reported above

Vessel Operating Expenses, by CR Fishery

Total cost of food and provisions purchased for use in each CR fishery during the previous calendar year

Total cost of bait purchased for use in each CR fishery during the calendar year

Total gallons of fuel consumed by the vessel while operating in each of the CR fisheries

Vessel Operating Expenses, Annual

Fuel Cost, Annual

Total quantity of fuel purchased for the vessel during the previous calendar year, in gallons.

Total payment for fuel purchased for the vessel during the previous calendar year, including all sales taxes and surcharges

Vessel Labor Cost, Annual

Total direct payment to vessel processing employees, fishing crew, and captain for labor performed in all vessel operations during the calendar year, including shipyard labor and tendering

BSAI Crab Crew Licenses and CFEC Permits

For Commercial Crew Licenses, report the full 7-digit license number.

For Gear Operator Permits, include the fishery code and permit number (e.g. M71B25321N).

The number of catcher/processors participating in the CR Program that submitted a full EDR was 3 in 2011, 5 in 2010, 5 in 2009, 6 in 2008, 7 in 2007, 10 in 2006, and 19 in 2005. All three EDRs received in 2011 were full EDRs. The estimated number of 3 catcher/processors is used in this analysis.

Catcher/processor crab EDR, Respondent	
Number of respondents	3
Total annual responses	3
Frequency of response = 1	
Total burden hours	30 hr
Time per response = 10 hr	
Total personnel cost	\$0
Total miscellaneous costs (3001.08)	\$3,001
Photocopy \$0.05 x 12pp x 3 = 1.80	
Postage paid by PSMFC	
Accountant fee to complete EDR (\$100 x 30 = \$3,000)	

Catcher/processor crab EDR, Federal Government	
Total annual responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous costs	0

c. Annual Processor Crab EDR

The annual Shoreside Processor crab EDR would be combined with the annual Stationary Floating Processor Crab EDR to create the proposed Processor EDR. Several elements would be removed from the current EDRs, much of which currently suffer from data quality limitations. Most of the elements are from the production data, which are similar to data found within the State of Alaska Commercial Operators Annual Report (see OMB Control No. 0648-0428) and processing and plant costs. The production data that isn't available through other sources could be estimated based on landings data from fish tickets. Therefore, the exclusion of these data would not affect the analysis and may decrease the time burden required to fill in the form.

The table below displays processor participants and participant activity with required EDR submittal for each.

Participant type	Participation activity	Provide additional Information	Complete & submit	
			Entire EDR	EDR Certification Pages only
Processor owner	processed CR crab in the Processor during the calendar year		X	
Processor leaseholder	Operated the processor and processed CR crab during the calendar year		X	
Processor owner	leased a portion of your IPQ to another party, and processed CR crab during the calendar year	name, address, and telephone number of the person to whom you leased the IPQ during the calendar year	X	
Processor owner	leased all of your IPQ to another party, and processed no CR crab during the calendar year	name, address, and telephone number of the person to whom you leased the IPQ during the calendar year		X
Processor owner	No one processed CR crab in the processor during the calendar year			X

Processor EDR Certification page_

Processor Information

- Name and ADF&G Processor Code
- RCR Permit Number
- USCG Documentation Number
- Current Estimated Market Value of processor and Equipment
- Replacement Value of SFCP and Equipment

Owner Information

- Name of company, partnership, or sole proprietorship
- Business Telephone Number and Business Fax Number
- Business E-mail address, if available

Leaseholder Information (if applicable)

- Name of company, partnership, or sole proprietorship
- Business Telephone Number and Business Fax Number
- Business E-mail address, if available

Person Completing this Report

Indicate if owner, leaseholder, or designated representative

If Designated Representative

Name and Title

Business Telephone Number and Business Fax Number

Business E-mail address (if available)

EDR Filing Status

Select the appropriate statement to describe EDR filing status

Buyer/leaseholder Information

Name

Business Telephone Number and Business Fax Number

Business E-mail address (if available)

Signature and date signed

Processor EDR

CR Crab Product Sales

CR Crab Sales to Affiliated Entities

Species Code for CR crab product sold in 2012

Product Code for each product

Process Code

Box Size Code for each product sold

Total finished Pounds of each product sold

Gross First Wholesale Revenue you received for each product sold

CR Crab Sales to Unaffiliated Entities

Species Code for CR crab product sold in 2012

Product Code for each product

Process Code

Box Size Code for each product sold

Total finished Pounds of each product sold

Gross First Wholesale Revenue you received for each product sold

CR Crab Custom Processing Services Provided, by CR Fishery

CR fishery code for each CR fishery in which you provided custom processing services

Product Code for each product

Process Code

Total raw pounds of CR crab provided by RCRs receiving custom processing services from this facility

Total finished pounds or total pounds of output for each custom processed product

Custom Processing Revenue received for custom processing the specified products

Raw CR Crab Purchases from Delivering Vessels, by CR Fishery and Quota Type

Total Raw pounds purchased

Total gross value of raw crab purchases, including all post-season adjustments paid to sellers

CR Crab Custom Processing Services Purchased, by CR Fishery

CR Fishery Code for each CR fishery in which you purchased custom processing services

Product Code for each product.

Process Code

Total Raw Pounds of CR crab provided to processors providing custom processing services

Finished Pounds or total pounds of output for each custom processed product

Processing Fee or payment made to custom processors for each crab product.

CR Crab Processing Quota Costs by CR Fishery - Market-Value and Negotiated-Price Transfers Only

Total pounds of transferred crab (IPQ) acquired for your use in purchasing landed CR crab during the previous calendar year

Total gross cost paid as monetary compensation, before taxes or fees are deducted. Include all post-season adjustments paid as of the date of submitting this EDR, but do not report any payments not paid by this date

Crab Processing Labor Cost, by CR Fishery

Total Man-Hours or the sum of all hours worked by crab processing workers for each CR fishery

Total Labor Payment or total gross wages paid to crab processing workers in each CR fishery

Computed Average Hourly Wage (web form only)

General Non-processing Labor Expenses, Annual

Number of Employees or the number persons employed in non-processing positions at the processing facility during the previous calendar year

Salaries and wages or total calendar year gross wages for non-processing employees

CR Crab Processing Employee Residence

Official locations of residence

Number of individuals employed, by location.

For residence locations in Alaska, list individual Alaska cities

For US locations outside of Alaska, list individual US states

For non-US locations, list individual counties

For each location of residence

Total number of individuals employed processing CR crab

Total number of individuals employed in seafood processing in all fisheries, including CR crab

The number of SFCPs participating in the CR Program was 3 in 2011, 1 in 2010, 4 in 2009, 4 in 2008, 6 in 2007, 6 in 2006, and 7 in 2005. The estimated number of 3 SFCPs is used in this analysis. The number of shoreside processors participating in the CR Program was 15 in 2011, 15 in 2010, 16 in 2009, 15 in 2008, 16 in 2007, 18 in 2006, and 30 in 2005. The estimated number of 15 shoreside processors is used in this analysis, for a total of 18 processor respondents. All of the EDRs submitted were entire EDRs.

Processor crab EDR, Respondent	
Number of respondents	18
SFCP = 3	
Shoreside = 15	
Total annual responses	18
Frequency of response = 1	
Total burden hours	180 hr
Time per response = 10 hr	
Total personnel cost	\$0
Total miscellaneous costs (18010.80)	\$18,011
Photocopy (\$0.05 x 12pp x 18 = 10.80)	
Postage paid by PSMFC	
Accountant fee to complete EDR	
(\$100 x 180 = 18,000)	

Processor crab EDR, Federal Government	
Total annual responses	0
Total burden hours	0
Total personnel costs	0
Total miscellaneous costs	0

d. Verification of data.

A data verification audit process was initiated in 2006 to ascertain the accuracy of data recording in the EDR forms. The validation audit was performed by the accounting firm Aldrich Kilbride & Tatone of Portland, Oregon. In May of 2007, PSMFC released the report of their findings and audit methods employed to conduct the study. The general findings of the audit review were that the information submitted in the EDR forms for 1998, 2001, 2004, and 2005 was supported by documentation and records. Where errors were identified, there was generally not a directional bias in the submission of the data; that is, auditors found no strategic misreporting of the information requested.

Data verification takes two forms. One is the method used by PSMFC to understand the individual answers given by the participant on the EDR. By calling and speaking directly to the participant, minor questions can be easily and informally cleared up. The second method is actually the audit process. Originally, NMFS believed that only selected participants would be audited. *But because there are so few participants submitting EDRs, each of the participants can be audited without too much burden. Information provided by the audit review and ongoing interaction with data submitters were used to improve directions and definitions in the EDR forms used with reports submitted for 2006.*

The verification questions are usually small in number and occur through a telephone call or other short communication. The owner or leaseholder must respond to data verification inquiries from PSMFC within 20 days of the date of issuance of the inquiry. The 20-day response period is necessary in case there are EDR verification questions that are sequential based on previous questions. It would be difficult to reasonably complete verification, if a longer period were allowed.

The PSMFC auditor may review and request copies of additional data provided by the owner or leaseholder, including but not limited to previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data. The owner or leaseholder must provide copies of additional data requested by the auditor. Auditors will verify records by comparing specific elements of the report with participant accounting records. To make this activity as efficient and non-intrusive as possible, NMFS suggests that participants:

- ◆ Keep a copy of the completed EDR or certification pages submitted to PSMFC. Copy and attach extra sheets as needed.
- ◆ Keep a file that has all of the supporting information used in the preparation of the EDR.
- ◆ Ensure that the EDR agrees to the company's highest level of financial information. For this purpose, the highest level of financial information is defined in order as:
 - Audited financial statements
 - Reviewed financial statements
 - Compiled financial statements
 - Tax returns.
- ◆ Record only whole numbers. Round up dollar figures to the next highest dollar.

Note: Due to the simplification of the reporting requirements, it is no longer considered necessary for respondents to pay for accounting services in addition to those for the actual reports.

Verification of Data, Respondent	
Number of respondents	101
Catcher vessels = 80 (complete EDRs)	
Catcher/processors = 3	
Processors = 18	
Total annual responses	101
Frequency of response = 1	
Total burden hours	808 hr
Time per response = 8 hr	
Total personnel cost (\$25/hr)	\$20,200
Total miscellaneous costs	\$606
Photocopy (\$0.05 x 20pp x 101 = 101)	
Telephone calls (\$5 x 101 = 505)	

Verification of Data, Federal Government	
Total annual responses	0
Total burden hours	0
Total personnel costs	0
Total miscellaneous costs	0

It is anticipated that the information collected by the proposed action will be disseminated in aggregated and non-confidential form to the public or used to support publicly disseminated information about Crab Rationalization. NMFS 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 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.

1The EDRs may be downloaded from the NMFS web site at <http://alaskafisheries.noaa.gov/sustainablefisheries/crab/rat/edr/default.htm>, printed, and submitted by e-mail or fax to PSMFC or completed on line: http://www.psmfc.org/alaska_crab/.

In 2010 an online web application version of the catcher vessel EDR was posted and became the version most frequently used and now all three forms may be completed online. The online version reduces the time required for data processing by PSMFC by allowing data providers to enter data directly into an online database. The online form includes additional directions and built-in error checking; this reduces the number of follow-up calls from PSMFC for error-correction purposes.

4. Describe efforts to identify duplication.

Previously, the Council conducted a five year review of the CR Program data collection program. Several elements of the EDR data being collected were found to be duplicative of

other data collection programs. In some cases, redundancies were partial and in other cases, the data collected in the EDRs are completely redundant. Based on the EDR review and testimony from EDR Program respondents, the Council considered a number of alternatives for revising EDRs to improve data quality, simplify the reporting requirement, and reduce reporting burden and duplication with other reporting requirements.

In February 2012, the Council recommended the proposed action to revise the crab EDR Program and survey instruments.

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

Elimination of inaccurate and duplicate data is mitigating the costs for the small business – cost reduction is one of the purposes of the proposed action.

Ninety-five vessel owners will be required to submit catcher vessel data reporting forms under this action, hence are directly regulated by this action. Of these, one is a small entity based on the \$4.0 million threshold for defining small entities. The reason few of these vessels are small entities is that crab are relatively high value and most vessels belong to harvesting cooperatives, which pool IFQ for harvest.

Three catcher processor owners will be required to submit catcher processor data reporting forms under this action, hence are directly regulated by this action. None of these catcher processors are small entities based on the \$4.0 million threshold for defining small entities.

Eighteen entities will be required to submit shore-based or floating processor forms (as either plant operators or individual processing quota holders that sell crab processed through custom processing arrangements). Of these, four are small entities that are controlled by community development corporations or non-profit entities; and five are estimated to be small entities because they employ fewer than 500 employees.

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

The intent of this collection is to study the impacts of the CR Program; to ensure that the program achieves equity between the harvesting and processing sectors; and to monitor the economic stability for harvesters, processors, and coastal communities. Without the specified reporting scheme described in this Supporting Statement, the program would be jeopardized.

NOAA Fisheries Office for Law Enforcement uses the individual and confidential EDR data to ensure industry compliance with the data reporting requirements of the CR Program. Compliance monitoring is an integral component of collecting reliable and accurate data. It would not be possible to ensure reporting compliance from the firms that are required to provide the data in a timely fashion without these enforcement tools.

If NMFS did not collect this information, all components of Pub. L. No. 108-199 would be threatened. Public Law No. 108-199 requires that each component of the CR Program enacted by Congress must be implemented or the whole program must be withdrawn. NMFS would be

unable to provide data to the Council and the State of Alaska to evaluate the CR Program for each of the required review periods if the collection were not conducted.

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

Not applicable.

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 proposed rule to implement Amendment 42 (RIN 0648-BC25) was published on 21 March 2013 (78 FR 17341). The comment period on the proposed rule ended on 22 April 2013.

NMFS received 5 letters of public comment from 3 individuals during the public comment periods for Amendment 42 and the proposed rule. NMFS summarized these letters by combining comments with similar content and ideas into 18 separate comments with the responses to them below.

NMFS made two changes from the proposed to final rule in response to requests for clarification. NMFS changed some wording in the preamble of the proposed rule. In the second paragraph under “Annual Shoreside Processor/Stationary Floating Processor Crab EDR the text says, “Revenues from custom processing (an arrangement under which a person processes crab on behalf of another) would be added, as that data is currently unavailable from other sources and may provide insights into the costs of processing and markets for custom services in the fisheries. Unlike the current processor EDRs, the proposed processor EDR provides for the reporting of processed output and revenue received for custom processing of CR crab performed for other crab buyers or registered crab receivers (RCR) for each CR fishery in which custom processing was provided.”

NMFS will not make any major changes to the crab EDR based on the comments received. Some minor changes will be made to the instructions on the actual EDR forms.

Comment 1: The proposed rule is consistent with Amendment 42 as adopted by the Council. We urge the Secretary to adopt Amendment 42 to the FMP for the Bering Sea/Aleutian Islands King and Tanner crab as soon as legally permissible.

Response: NMFS acknowledges this comment.

Comment 1: We note the annual submission date for the EDR forms is June 28 of each year. If this action does not move forward expeditiously, data submitters will be subjected to another year of an overly burdensome reporting requirement that yields data of questionable quality and utility.

Response: NMFS acknowledges the comment. NMFS has worked to finalize Amendment 42 and this rule as expeditiously as possible. NMFS and the PSMFC will coordinate with affected CR Program participants to implement the EDR requirements.

Comment 2: The quality of data this agency works with is poor. The information is inaccurate and unrealistic.

Response: NMFS disagrees. This action ensures that EDRs collect the best data currently available. The purpose of Amendment 42 and the final rule is to address the current problems with the EDR Program so that the data collected is accurate and informative to the Council, not redundant with existing reporting requirements, and can be reported by industry and administered at a reasonable cost. Regulations implementing the EDR found at 50 C.F.R. § 680.6(f) also provide for verification of information to ensure that the data collected is error-free.

Comment 3: NMFS and the Council need to be more responsive to the Magnuson-Stevens Act requirements for economic data collection and analysis and do a better job of explaining why meeting those requirements should be beneficial to the industry and the public.

Response: NMFS disagrees. NMFS and the Council both believe they have responded adequately to the Magnuson-Stevens requirements for economic data collection. Section 313(j)(1) of the Magnuson-Stevens Act required the Secretary to approve and implement the CR Program approved by the Council, which included a requirement to collect economic data. Under the CR Program, the EDR data will be used “to study the impacts of the crab rationalization program” and to ensure that the program will achieve “equity between the harvesting and processing sectors” and to monitor the “economic stability for harvesters, processors, and coastal communities”. The CR Program required by section 313(j)(1) of the Magnuson-Stevens Act also provides specific guidance on the type of data to be collected, requirements for selecting a data collection agent, verification of data, and treatment and distribution of confidential data that are included in this collection.

The CR Program EDR provides information to aid the public at-large, industry, and decision makers in reviewing the impacts of the CR Program. NMFS has determined that this final rule is consistent with the Magnuson-Stevens Act and other applicable law.

Comment 4: The proposed rule and Amendment 42 would substantially decrease the economic data that are available to the Council and NMFS.

Response: NMFS disagrees. NMFS acknowledges that this action will quantitatively reduce the number of reported data elements. However, NMFS has worked with the Council and industry to ensure that the data that can be accurately, reliably, and consistently reported will be collected in this revised EDR. The Council and NMFS are eliminating particular data elements, which were determined to be inaccurate or inconsistently reported after a careful, comprehensive multi-year CR Program EDR review as described in detail in the preamble to the proposed rule (78 FR 17341, March 21, 2013) and the RIR/IRFA prepared for this action (see ADDRESSES). NMFS will continue to work with the Council and industry to ensure that the best scientific information available is collected.

Comment 10: Too much weight is given to the objective of reducing the data collection on the industry and insufficient weight to having adequate economic data for these fisheries.

Response: NMFS disagrees. NMFS and the Council only considered removing the data elements after several reviews of the CR Program and the EDRs. While every effort is made to ensure that the best available data are collected in the EDRs, NMFS and the Council are required to balance data that can be accurately and consistently reported with the industry's reporting burden. Based on the information assessments of the CR Program data, the RIR/IRFA prepared for this action, and public testimony, the Council recommended, and NMFS agrees, that the EDR revisions implemented by this final rule achieve this balance.

Comment 7: The RIR/IRFA was incomplete, did not include suggestions from the SSC or the Alaska Fisheries Science Center (AFSC), appears to be biased towards industry, and does not clearly state the objectives of the action.

Response: NMFS disagrees. The RIR/IRFA was developed by Council staff, in cooperation with individuals from NMFS, the SSC, the AFSC, and the AP. Information found in the RIR/IRFA is taken directly from the multi-year review of the quality of data collected through the EDRs, as well as reports from the AFSC, the Council, and PSMFC. The RIR/IRFA was also made available to the public beginning in early 2012. The public has had several opportunities to provide comment on the revised EDR forms and the RIR. NMFS has determined that the RIR/IRFA provides a comprehensive review of the objectives of Amendment 42 and meets the requirements of Executive Order 12866 and other applicable law.

Comment 5: A fundamental problem with the initial EDR Program was that the Council and NMFS decided that it be limited to collecting purely crab fishery data and exclude collection of economic data associated with other activities of the fishing vessels and processors that participate in the crab fisheries.

Response: NMFS disagrees. The EDR Program collects data necessary to understand the CR Program's effects and performance. The EDR Program's original goals and implementing regulations focused on crab fishery data collection. The EDR Program was established this way to provide more detailed information for analyses, as the individual crab fisheries differ in their prosecution. Regulations implementing the EDR Program were intended to meet a specific purpose and need to collect crab fishery data. The alternatives considered, and the revisions implemented by this action are consistent with that purpose and need.

Comment 6: A fundamental problem with the initial EDR Program was that the EDR data are maintained by a third party data manager who provides those data to analysts in a blind format that does not allow analysts to directly identify the source of any observations. Additionally, an alternative that allowed for the removal of blind formatting was discussed in the RIR/IRFA for this action, but the discussion is not complete.

Response: NMFS disagrees. According to the PRA support statement from the original EDR Program, Congress required that an independent third party data collection agent (DCA) administer the collection and dissemination of EDR data to address concerns for strict control over sensitive economic data. NMFS then selected PSMFC to be the DCA. Additionally, NMFS and the Council considered the information provided in the RIR/IRFA prepared for Amendment

42, as well as public testimony, in determining whether or not to remove the blind formatting requirement. Section 2.5.1 of the RIR/IRFA discusses the potential impacts of removing the requirements of removing blind formatting. This section was reviewed by the public, the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP), and the Council. Based on the information presented in the RIR, and public concern that the removal of blind formatting could result in the release of sensitive business information, NMFS and the Council concluded that maintaining blind formatting would reduce the risk of releasing sensitive business information when providing data to analysts.

Comment 8: Were the RIR/IRFA objectives specified clearly or at all for Amendment 42?

Response: NMFS acknowledges this comment. The objectives for data collection for the CR Program were clearly identified in the original RIR/IRFA for the Program, as well as in the development of Amendments 18 and 19 to the FMP, which established the CR Program. In revising the EDR collection, the Council provided a "purpose and need statement" in the RIR/IRFA for Amendment 42. The Council developed the purpose and need statement after its assessment of the original EDR Program. The purpose and need statement identified objectives as follows: To address these problems, the Council intends to amend the EDR process so that the data collected is accurate, informative to the Council, not redundant with existing reporting requirements, and can be reported by industry and administered at a reasonable cost. The Council expressly wants to limit the EDR to the collection of data that have been demonstrated, through the development of the EDR metadata, and other reviews of the data, to be sufficiently accurate." NMFS has determined that this final rule is consistent with the objectives found in the purpose and need statement for Amendment 42.

Comment 14: If the shoreside processor and floating processor EDR forms are essentially the same, it makes sense to combine them, but it is not clear why that would be a "major change" as stated in the proposed rule.

Response: NMFS acknowledges this comment. Both NMFS and the Council believed that moving a reduction from four EDR forms to three constituted one of the larger changes made to the EDR Program under this action. However, neither the Council nor NMFS meant to imply that this change was in any way more important or significant than any of the other changes to the EDR Program made by this action.

Comment 9: The examples of redundant reporting are not documented well and the redundancies may be overstated. There appears to be little or no considerations of methods for improving the scope, quality, and access to economic data from other sources (e.g. elandings, fish ticket, and Restricted Access Management (RAM) data).

Response: NMFS Disagrees. Several data quality assessments were conducted prior to the development of the RIR/IRFA. Information taken from those assessments has been summarized in the RIR/IRFA and is referenced in section 2.5.6. These assessments describe the EDR Program data inaccuracy and collection redundancy concerns. These initial assessments were published in the "Bering Sea and Aleutian Islands Crab Economic Data Report Database Metadata Documentation report available on the NOAA Fisheries website (at <http://www.fakr.noaa.gov/sustainablefisheries/crab/rat/edr/default.htm>. [These data quality assessments](#) were reviewed by the Council and were used in the development of the

RIR/IRFA. The EDR data assessment included determining whether the data was available through other federal and state sources. In instances where another source provided EDR data or more accurate data, NMFS and the Council determined that it was more efficient and less burdensome to industry to remove the data element from the crab EDR and rely on data from the other source. The Council and NMFS will review the EDR Program periodically, and use the opportunity to determine whether additional CR Program data is available from other sources.

Comment 12: Are the statements that the “Council was advised that for the current EDR the actual time required to complete the forms was approximately 45 to 50 hours” and that “in the majority of cases, the data collected in the EDRs are already collected under other programs reported elsewhere” consistent? If the data reporting burden is excessive, more efficient data collection methods are probably preferable to severely curtailing the Program.

Response: NMFS acknowledges this comment. The statements are consistent. During the development of this action, the Council and NMFS were presented with information from the affected CR Program participants that demonstrated that some of the EDR data requested was already available through other data collection programs. For example, EDR forms required submitters to specify the number of days fishing by a catcher vessel. This information could be gleaned from the state fish ticket data by looking at the date the first gear was set and the day the last gear was hauled. However, traditionally this information obtained through catcher vessel logbooks, which collect date and time of setting and hauling for each string, catch in each string, and offload date. Using the data from the logbooks required the EDR submitter to do additional calculations to provide the information requested in the EDR. Industry participants voiced concern that the process of aggregating or disaggregating data already collected is a considerable time burden. Based on their testimony and the assessments of the data, NMFS and the Council removed the information on fishing days and days traveling. Instead NMFS and the Council will refer to the information already submitted through fish tickets to obtain information on fishing days. The same process was followed in instances where industry participants were able to demonstrate that information required by the EDR was already available through a different data collection.

Additionally, [Executive Order 13563](#), Section 6(a), requires that “[t]o facilitate the periodic review of existing significant regulations, agencies shall consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.” In compliance with E.O. 13563, NMFS analyzed the EDR Program and found areas where data collection was ineffective and excessively burdensome. In response, NMFS has modified the EDR Program accordingly.

Comment 13: Does the EDR data element “Health Insurance and Retirement Benefits – available for captain and crew” on the proposed EDR forms refer to the type of benefits or their costs?

Response: NMFS acknowledges this comment. The question regarding “Health Insurance and Retirement Benefits” specifically asks, “Did you provide paid health insurance or retirement benefits to captain or crew members in addition to labor payments reported above?” CR Program participants will only be required to complete a “yes/no” check box in order to report whether or not such benefits are offered to the captain and crew for the EDR entity and will not be required to report the types of benefits or their costs.

Comment 15: The crew member contracts and settlement sheets could provide a wealth of information with a minimal reporting burden for the industry. That option may have been discarded without adequate consideration of the benefits of those data.

Response: NMFS disagrees. Both NMFS and the Council weighed the cost and benefits of collecting crew contract information. Additionally, public testimony was given in regard to requiring crew contract submittal as part of the EDR Program. The majority of that testimony did not support the collection of crew contracts. The public had concerns over the collection of personally identifying information (i.e. addresses) that is contained in crew contracts. NMFS and the Council also determined that collecting crew contracts and settlement sheets would substantially increase the administrative costs of the EDR Program. Additionally, the data from crew contracts may not be accurate, may not include all compensation, and may not provide more information than what is already requested in the revised EDR forms. Therefore, NMFS and the Council suggested that CR Program participants continue to submit aggregated crew compensation information.

Comment 16: What's the difference between "variable input quantities and prices" and "input quantities and prices" as indicated on page 9 of the RIR?

Response: NMFS acknowledges this comment. The information on page 9 (section 2.4.2) of the RIR/IRFA was taken from the original PRA supporting statement from the initial EDR Program. The original document appears to have a typographical error, which was carried forward to the RIR. NMFS updated the RIR/IRFA to remove the second phrase "input quantities and prices".

Comment 17: The RIR/IRFA states that "This element [leased pounds and lease costs] would remove those complications by limiting reporting to market transactions for exclusively monetary compensation", but it does not discuss the huge reporting loophole this would create in the data on transfers of crab quota share and individual fishing quota.

Response: NMFS disagrees. In determining which data elements to collect, the Council and NMFS had to weigh the usefulness and accuracy of the data being collected against the accuracy and burden of the specific data element. For the data element "leased pounds and lease costs", the Council and NMFS believed that it was most beneficial and least costly to CR Program participants to collect this information by fishery for "arm's length transactions and monetary payments" only. While it does leave out those transfers that are not "arm's length" or may include non-monetary assets, the Council and NMFS determined that including those elements would complicate the reporting requirement. By including transactions that are not "arm's length" or transactions that include non-monetary payments, CR Program participants would be required to report each transaction separately to isolate transactions that are non-market or that would require the valuation of non-monetary assets. By only requiring share transfers for monetary payments, CR Program participants are able to avoid collecting information concerning assets that are more difficult to value. NMFS and the Council believe limiting the requirement will result in more consistent and accurate reporting by all CR Program participants.

Comment 18: Footnote 11 on page 17, of the RIR, states that "Depending on the specific reporting requirements established for crew under the revised C share active participation

requirements adopted by the Council (Amendment 31 to the FMP) and pending Secretarial approval, this information could be available through other sources. Regulations for that action should be finalized in early 2012.” These regulations have not yet been finalized, so the date is incorrect.

Response: NMFS acknowledges the comment and revised the RIR/IRFA to indicate that NMFS is developing a proposed rule for Amendment 31 to the FMP.

In 2010, the Council initiated an analysis to modify the EDR based on the results of its data quality review process and public comment received during the Council’s five-year review of the CR Program. As part of this analysis, the Council considered input from a Center for Independent Experts review of the data collection program that was completed in October 2011 (see Section 2.4.3 of the analysis for additional detail).

In February 2012, the Council recommended Amendment 42 to the FMP to modify the EDR. This action would implement the Council’s recommended changes to the EDR under Amendment 42.

Following the Council’s recommendation of Amendment 42, additional industry outreach and Council review of the proposed EDR revisions was carried out to ensure that the revisions were compatible with industry recordkeeping procedures and consistent with the intent of the Council recommendations. In October 2011, the Council reviewed the three proposed EDR forms developed for this action, and the draft Paperwork Reduction Act submission. The Council expressed its support that NMFS go forward with this action with minor, clarifying revisions to the EDR forms.

In preparation for revision of the Crab EDRs

- ◆ NMFS and the Alaska Fisheries Science Center (AFSC) held a public workshop in Seattle, WA (77 FR 40341, July 9, 2012) on Friday, July 20, 2012, from 9 a.m. to 5 p.m. The objective of the workshop was to review preliminary draft EDR forms for catcher vessels, catcher/processors, shoreside crab processors, and SFCPs participating in the CR Program fisheries, as well as Registered Crab Receivers that participate in the fisheries as non-processing crab buyers.

The workshop, planned as a focus group to work out in detail any issues with the EDRs, was intended to gather input from participants on the preliminary draft EDR forms. NMFS will use feedback received during the workshop to develop the proposed rule to implement the Council’s preferred alternative. Other topics addressed at the workshop include general planning for administration of the EDR process by PSMFC, future potential for online reporting, and the development of the draft proposed rule implementing the Council’s preferred alternative to revise the EDR requirements.

- ◆ Workshop Revisions to EDRs. NMFS and Council staff gathered comments from the workshop participants on the proposed the EDRs. New EDR drafts incorporating the public comments were distributed to select participants for additional comments.

- ◆ EDR Pre-test. NMFS provided a pre-test to two or three selected respondents from a group of volunteers to go over each question on the EDRs.
- ◆ Council Briefing of Final EDRs. After revisions to the EDRs resulting from the pre-tests, NMFS will present the final CR Program EDRs to the Council for their final review. Any comments from the Council will be incorporated into the EDRs before publication of the proposed rule.

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

No payment or gift will be provided under this program.

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

The EDR data are confidential and are not disseminated to the public. PSMFC disseminates the EDR data to NMFS, ADF&G, and the Council staff after removing all personal identifiers such as vessel identification numbers, names, addresses, and telephone numbers. PSMFC supplants the data with a randomized identification number that can be matched between datasets.

As stated on the forms, the information collected is confidential under section 303(d) of the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and under [NOAA Administrative Order \(AO\) 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics. It was last revised in 1994.

NOAA also follows regulatory procedures for data confidentiality found at [50 CFR Sec. 600.405](#) et seq. The Magnuson-Stevens Act generally prohibits collection of economic data, particularly from processing entities. In the legislation for the CR Program, an exception was created to the prohibition. NMFS was directed to implement a mandatory economic data program and feed the data to prescribed entities, with or without identifiers, depending on the entity. NMFS will retain control over the information that is supplied, and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information.

System of Records: Routine Uses

The routine uses were described in the COMMERCE/NOAA System-16; Crab Economic Data Report for Bering Sea/Aleutian Islands Management Area (BSAI) off the coast of Alaska, published in 40 FR 28953-28955

1. In the event that a system of records maintained by the Department to carry out its functions indicates or is relevant to a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, or rule, regulation or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records, including individual identifiers, may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of

investigation or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department. That agency may disclose such records in the course of conducting its investigation.

2. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures during the course of litigation, such as through discovery or to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed without individual identifiers to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).
5. A record in this system of records may be disclosed with individual identifiers to Department of Justice and the Federal Trade Commission when such records are requested by those agencies for anti-trust analyses or enforcement proceedings.

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: 116, down from 132. Estimated total responses: 217, up from 176. Estimated total burden: 1,848 hr, down from 4,534 hr. Estimated total personnel costs: \$20,950, up from \$0.

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: \$101,746, down from \$454,367.

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

Estimated total burden: 1 hr, down from 4 hr. Estimated total personnel costs: \$25, down from \$200.

The online forms will result in cost savings for NMFS because it will not need to update the online forms annually, beyond changing the year and perhaps clarifying instructions for some data elements. As more people submit their EDRs online it will save them time posting data and

will save time for PSMFC when data entering and reviewing the EDR. It takes a few years to get a majority of submitters using the online form vs. the paper fillable pdf forms.

A significant cost of administering the EDR is the cost of the contract with the independent third party. In Pub. L. No. 108-199, section 801, Congress required that the economic data collection be administered by an independent third party under contract to NMFS. The PSMFC is the independent agent selected by NMFS to disseminate EDR forms, to be the collection point for the EDR, and to verify the accuracy of the data collected from the BSAI crab fishing industry. The estimated cost of this contract is \$500,000 annually.

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

This action is a revision with program changes and adjustments to the CR Program and CR Program EDRs. Through the reiterative process of working with the industry prior to finalization of the EDR forms, the time to complete each EDR was reduced to 10 hr. Total estimated changes are shown below:

Program changes: Additional 66 responses (9 vessel EDR certifications, 57 data verifications), 2,633 fewer hours, \$346,718 less in recordkeeping/reporting costs:

Combined processor form (does not in itself affect burden).

Changes to EDRs result in shorter response times and no need for additional accounting fees for the verification of data.

Auditing of all reports, rather than a sample.

Adjustments: Twenty-five fewer responses, 53 fewer hours, \$5,903 less in recordkeeping/reporting costs:

Fewer responses (other than verification of data) are due to re-estimation of respondents. Certification response time is adjusted from one hour to two, based on re-estimation.

Catcher Vessel EDR

Respondents and responses: 95, changed from 90

Burden hours: 830 hr, changed from 3,114 hr (includes re-estimate of 2 hours per certification, up from 1 hour)

Miscellaneous costs: \$80,128, changed from \$ 311,464

Catcher/processor Crab EDR

Respondents and responses: 3, changed from 5

Burden hours: 30 hr, changed from 185 hr

Miscellaneous costs: \$3,001, changed from \$ 18,508

Shoreside processor crab EDR (REMOVED)

Respondents and responses: 0, changed from 29

Burden hours: 0 hr, changed from 781 hr

Miscellaneous costs: \$0, changed from \$ 78,113

Stationary floating crab processor EDR (REMOVED)

Respondents and responses: 0, changed from 8
Burden hours: 0 hr, changed from 102 hr
Miscellaneous costs: \$0, changed from \$10,202

Processor Crab EDR (NEW -- combined shoreside processor/SFCP EDRs)

Respondents and responses: 18, changed from 0
Burden hours: 180, changed from 0 hr
Miscellaneous costs: \$18,011, changed from \$ 0

Verification of Data

Respondents and responses: 101, changed from 44
Burden hours: 808, changed from 352 hr
Personnel costs: \$ 20,200, changed from \$0
Miscellaneous costs: \$606, changed from \$ 36,080 – due to EDRs now being significantly simpler, no need for additional accountant auditing fees.

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

The Council will use the data for ongoing monitoring of and developing amendments to the CR Program. In addition, the EDR data are used in analyses for the Alaska Stock Assessment and Fishery Evaluation (SAFE) Report. The SAFE is a document or set of documents that provides the Council with a summary of information concerning the most recent biological condition of stocks and the marine ecosystems in the Fishery Management Unit and the social and economic condition of the recreational and commercial fishing interests, fishing communities, and the fish processing industries. The SAFE report may be used to update or expand previous environmental and regulatory impact documents, and ecosystem and habitat descriptions.

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.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.