

SUPPORTING STATEMENT
ATLANTIC HIGHLY MIGRATORY SPECIES INDIVIDUAL BLUEFIN QUOTA (IBQ)
TRACKING AND APPEALS
OMB CONTROL NO. 0648-0677

A. JUSTIFICATION

This is a resubmission of a request for a new information collection in conjunction with Final Rule 0648-BC09. NMFS received public comments requesting additional detail on the appeal process and criteria used to evaluate data provided in appeals. In response to this comment, NMFS added detail to the FEIS and final rule that describes acceptable data, and further describes the two-step appeal process.

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

The United States (U.S.) Secretary of Commerce is authorized to regulate fisheries for Atlantic highly migratory species (HMS) under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA; 16 U.S.C. 1801 *et. seq.*) and the [Atlantic Tunas Convention Act of 1975](#) (ATCA; 16 U.S.C. 971 *et. seq.*), as amended. ATCA authorizes the Secretary to promulgate regulations as may be necessary and appropriate to carry out the binding recommendations from the International Commission for the Conservation of Atlantic Tunas (ICCAT).

The highly valued, internationally pursued Atlantic bluefin tuna resource is managed by ICCAT. ICCAT recommendations allocate a limited portion of the Western Atlantic bluefin tuna quota to the United States for distribution among domestic user groups. The National Marine Fisheries Service (NMFS) regulations at [50 CFR part 635](#) per the 2006 Consolidated HMS Fishery Management Plan (Consolidated HMS FMP) govern domestic allocation of the ICCAT recommended bluefin tuna quota.

In recent years, during the annual bluefin quota specifications process setting out the quota allocations domestically for the year, it has become apparent that the adjusted quota may be insufficient to account for anticipated dead discards from the incidental Longline category while also providing full baseline allocations to the directed fishing categories per the percentages outlined in the 2006 Consolidated HMS FMP. To address this issue, among others, NMFS developed Amendment 7 to the 2006 Consolidated HMS FMP, which is implementing individual bluefin quota (IBQ) shares and allocations to active permitted vessels fishing in the Atlantic tunas Longline category.

This new collection of information will add reporting of IBQ allocation leases among pelagic longline (PLL) vessels and between PLL and purse seine vessels. IBQs are intended to fairly and effectively allocate limited quota for incidental capture of bluefin tuna among vessels in the Longline category, while minimizing dead discards and discouraging interactions with bluefin tuna, and better utilizing the Purse seine category quota. An on-line system developed by NMFS will track allocations and allocation leases, and reconcile leases with bluefin tuna catch for quota monitoring.

This collection also adds the reporting burden associated with submitting supporting documentation during appeals process for two Amendment 7 related analyses. The first appeal process is associated with the initial IBQ share determination, which will be assigned to eligible permits holders whose valid permit was associated with a vessel as of August 21, 2013, and that was determined to be “active”. “Active” vessels are those vessels that have used pelagic longline gear on at least one set between 2006 and 2012 as reported to NMFS on logbooks

The second appeal process established in Amendment 7 is associated with the assignment of individual vessel performance metrics. Each Longline category permit holder’s vessel will be assigned a performance metric calculated by NMFS, based on historical compliance with NMFS reporting and observer regulations, and avoiding interaction with bluefin tuna from the period 2006 to 2012 to determine a vessel’s score and qualification status. Subsequently, NMFS will analyze available data from the most recent complete three consecutive year period to determine a vessel’s score and qualification status.. Qualifying permitted vessels would be allowed access to the Cape Hatteras gear restricted area (GRA).

Upon publication of the final rule, NMFS will notify all permit holders by certified letter of their initial IBQ share and resultant allocation and whether they have granted access to the Cape Hatteras GRA. If permit holders wish to appeal their IBQ share determination or GRA access determination, they must first submit a written request for adjustment of their initial IBQ share or GRA access determination to the HMS Management Division, indicating the reason for the requested change and providing supporting documentation as detailed below. All requests for adjustment to initial IBQ shares or GRA access determination must be submitted to the HMS Management Division within 90 days of publication of the final rule.

HMS Management Division staff will evaluate all such requests and supporting documentation, then notify the appellant by letter signed by the HMS Management Division Chief of NMFS’ decision to approve or deny the request. If the request is approved, then NMFS will appropriately adjust the appellant’s initial IBQ share and resultant allocation and/or grant access to the Cape Hatteras GRA. If denied, the permit holder may appeal the decision to the NMFS National Appeals Office within 90 days of receipt of the notice of denial by submitting a written petition of appeal. Appeals will be governed by the regulations and policy of the National Appeals Office at 15 CFR part 906. National Appeals Office regulations detail the procedure for appealing the quota share decision (See § 906.3).

Specifically, the decisions subject to a request for appeal are: 1) Initial eligibility for IBQ shares based on ownership of an active vessel (as defined by the final rule under § 635.15) with a valid Atlantic Tunas Longline category permit combined with the shark and swordfish limited access permits required under the current permit regulations; 2) the accuracy of NMFS records regarding that vessel’s amount of designated species landings and/or bluefin interactions; and 3) correct assignment of target species landings and bluefin interactions to the vessel owner/permit holder. The IBQ share formula is based upon historical data associated with a permitted vessel. Because vessels may have changed ownership, or permits may have been transferred during 2006 through 2012, the current owner of a permitted vessel may also appeal on the basis of historical changes in vessel ownership or permit transfers, if current owner believes that the data used in the analysis were not accurate because of such changes.

NMFS will consider only written requests for appeals. When permit holders are informed of

their initial IBQ shares and resultant allocations and/or access determination, they will be provided instructions regarding the process for appeal of the decision. Landings eligibility criteria require evidence of documented legal landings during the timeframe from January 1, 2006, through December 31, 2012.

Public comment on the DEIS and proposed rule reflected a need to clarify aspects of the appeals process. Thus, NMFS is clarifying in the final rule that, regarding what will be considered “documented legal landings,” NMFS will consider official NMFS logbook records or weighout slips for landings between January 1, 2006, through December 31, 2012, that were submitted to NMFS prior to March 2, 2013 (60 days after the cutoff date for eligible landings), and verifiable sales slips, receipts from registered dealers, state landings records, and permit records as accompanying documentation of an appeal. Landings data are required to be submitted within 7 days of landing under the applicable regulations. Recognizing that somewhat-late reporting could have occurred for a variety of reasons, however, NMFS is clarifying that it will consider “documented” landings for appeals purposes to be those reported within 60 days.

NMFS will count only those designated species landings that were landed legally when the vessel owner had a valid permit. Appeals regarding bluefin interactions may be based on HMS logbook records as described, observer data, or other NMFS data. No other proof of catch history will be considered. NMFS permit records will be the sole basis for determining permit transfers. Photocopies of the written documents are acceptable in the original application or appeal; NMFS may request the originals at a later date. NMFS may refer any submitted materials that are of questionable authenticity to the NMFS Office of Enforcement for investigation. Appeals based on hardship factors will not be considered. Consistent with most limited effort and catch share programs, hardship is not a valid basis for appeal due to the multitude of potential definitions of hardship and the difficulty and complexity of administering such criteria in a fair manner.

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.

Eligible Atlantic Tunas Longline category permit holders must have an IBQ System account in order to be issued IBQ shares and resultant allocation or lease IBQ. NMFS will set up these accounts for initial IBQ System accounts for eligible IBQ participants. To use the electronic IBQ System, participants will need to fill out an IBQ System account holder application. The information collected by this application will be used by NMFS to verify the identity of the individual/business and whether they qualify for IBQ allocation leasing. The information will be collected or updated as needed.

The lease monitoring information collected by the IBQ System will be used by eligible permit holders in the pelagic longline fishery and Purse Seine fishery participants in accounting for their respective IBQ and Purse Seine allocations and documenting allocation leases with other IBQ participants. NMFS will use these data to ensure proper accounting of allocations among participants, and to track use of quota allocations and reconcile allocation usage with bluefin tuna catch and landings. Eligible IBQ participants will use the system to monitor their IBQ

allocations, Purse Seine allocations and catch data, and to execute leases, as warranted. NMFS will use the IBQ system to monitor those leases and relevant catch data.

The information collected in support for appeals will be used by NMFS to evaluate the merit of the appeal request, and may be used to update quota share or performance metric calculations. Participants would likely only provide information for an adjustment and appeal once for each set of performance metrics and initial quota share assignments.

None of these data will be released for public review, except in aggregate form. 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.

The IBQ data management a system will be an online system developed and maintained by NMFS to track IBQs and, along with the automated bluefin tuna dealer reporting system, to monitor the status of the Longline category quota. The system will also be used by shareholders to track their IBQ and lease allocations with other shareholders. Shareholders would sign into the system to monitor their IBQ, and to indicate the amount of quota allocation they would like to lease, and identify the other shareholder to whom they will transfer the allocation. The system also tracks the cost of allocations and amount of allocation leased.

4. Describe efforts to identify duplication.

All of the programs covered under this collection of information are new programs implemented by NMFS, which is the sole authority responsible for managing the domestic bluefin tuna fishery, on behalf of the Secretary of Commerce. No other agency has authority to implement an IBQ system for bluefin tuna fisheries, or provide appeals to the quota share or performance metrics of Amendment 7 to the 2006 Consolidated HMS FMP.

The Atlantic HMS management program includes a high degree of internal coordination across NMFS regions, science centers, and headquarters offices. The distributed nature of the HMS staff throughout the agency helps the program avoid duplication and leverage other NMFS assets such as the Gulf of Mexico Red Snapper IFQ program (OMB Control No 0648-0551) that will serve as the operational basis for the IBQ data management system.

When developing an HMS FMP amendment, NMFS coordinates with the HMS Advisory Panel (AP). The HMS AP includes citizens from HMS commercial and recreational fishing interests, environmental interests, academia, state fishery agencies, and federal fishery management councils. These individuals provide significant input and direction to NMFS, including the status of other fishery management or research programs and any potential for duplication of or

similar reporting requirements in other fisheries. NMFS also coordinates directly with the states of the Atlantic and Gulf of Mexico coasts, and the fishery management councils and interstate marine fisheries commissions operating in these geographic areas

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

This collection of information will affect Atlantic Tunas Longline and Purse seine category vessel owners/participants, all of whom are small businesses. Since the IBQ System will be an extension of the Southeast Gulf of Mexico red snapper IFQ system, permit holders who currently use the IFQ system to satisfy their Gulf fisheries reporting requirements would already be familiar with and have access to the new system.

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

If the IBQ portion of the collection were not conducted, NMFS would not be able to effectively implement the IBQ tracking and leasing component of Amendment 7. Without the tracking component of the IBQ System, NMFS and IBQ shareholders would not be able to effectively track the amount of IBQ allocation used by vessel owners/participants. Without the leasing component, the management program would be less effective, in part because of the small relative size of the IBQ shares and resulting allocations that will be available to each Longline category vessel. The catch of bluefin among Longline category vessels is not evenly distributed geographically or among the fleet. It would be very difficult award IBQ shares and resultant allocation to permit holders in a way that they would have the IBQ allocation that they “need” to account for their bluefin landings and dead discards. Without transferability, a permit holder’s IBQ allocation could severely constrain their potential fishing effort. Further, the Purse seine category participants would not be able to participate in the IBQ leasing process.

Real-time data collection is required to enhance management of the limited IBQ shares and Longline category quota because ICCAT quotas are accounted on a yearly basis. Overages by the Longline category could impact other domestic user groups or result in an annual quota overage. ICCAT could assess a penalty if the United States overharvests its quota.

If the appeals portion of the collection were not conducted, then participants would not be fairly considered if the data NMFS’ used to assign quota shares or performance metrics were incorrect or incomplete.

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

OMB guidelines state that respondents should not be required to report information more often than quarterly. However, the IBQ System requires information regarding IBQ tracking and leasing to be entered in real-time. Without real-time data entry, NMFS and vessel owners/fishery participants would not be able to monitor the status of IBQ allocations in real-time. Further, vessel owners/participants would not be able to conduct IBQ allocation leases in real-time and the IBQ System would not be useful to the respondents.

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 (RIN 0648-BC-09) was published on August 21, 2013 (78 FR 52032) and solicited public comment on the information collection requirements. The following comment and response was included in the final rule:

Comment 4: Commenters stated that the Amendment 7 DEIS contained too much information, was too complex, and was difficult to understand. Others were concerned that the DEIS was developed too quickly, leaving out too many details such as those associated with implementation of measures.

Response: The proposed rule clearly described the proposed management measures, and NMFS facilitated communication with the public via the internet and its website. The amount and complexity of information in the DEIS and the FEIS reflect primarily the scope of the objectives of Amendment 7 and the number of alternatives analyzed. The complexity of the DEIS and FEIS also is due to the diversity of the bluefin tuna fisheries, and the number of applicable laws and processes (both national and international). The DEIS and FEIS contain an Executive Summary which provides a condensed version of the relevant information including tables of important information. NMFS conducted public hearings (including a language interpreter for one hearing) that were designed to inform the public of the proposed measures in a readily understandable format, as well as provide opportunities for the public to comment and ask questions.

Significant time and opportunity for public comment have gone into what has been a very thorough rulemaking process for this Amendment. The formal development of Amendment 7 began with the publication of the Notice of Intent (April 23, 2012; 78 FR 24161), which announced NMFS' intent to hold public scoping meetings to determine the scope and significance of issues to be analyzed in a DEIS and a potential amendment to the 2006 Consolidated HMS FMP. However, the informal development began several years previously. On June 1, 2009, NMFS published an Advanced Notice of Proposed Rulemaking (ANPR; 74 FR 26174) requesting specific comments on regulatory changes that would potentially increase opportunities for U.S. bluefin tuna and swordfish fisheries to fully harvest the U.S. quotas recommended by ICCAT while balancing continuing efforts to end BFT overfishing by 2010 and rebuild the stock by 2019 as set out in the 2006 Consolidated HMS FMP, consistent with the ICCAT rebuilding plan. The ANPR was in response to various public suggestions about bluefin tuna management during the previous two years, precipitated by declines in the total volume of bluefin tuna landings, which were well below the available U.S. quota, and a reduction in the overall allowable western Atlantic bluefin TAC recommended by ICCAT. In the ANPR, NMFS also requested public comment regarding the potential implementation of catch shares, limited access privilege programs (LAPPs), and individual bycatch caps (IBCs) in highly migratory species fisheries. In response, NMFS received a wide range of suggestions for changes to the management of the U.S. bluefin tuna fisheries.

While the DEIS and proposed regulations contained sufficient detail for the public to understand the measures and their potential impacts, including implementation, the FEIS and this final rule provide additional details to clarify certain aspects of implementation. These are not new measures but clarification of measures within the scope of the impacts analyzed by the DEIS. The regulatory process of proposed and final rulemaking allows for such flexibility to respond to public comments and implement regulations that address the regulatory objectives. The changes made from the proposed rule are summarized in the section of this final rule called "Changes from Proposed Rule".

In response to public comment that NMFS should provide additional administrative details about the appeals process, the final rule also includes an initial administrative step regarding the appeals of initial quota shares, and specifies the documentation that may be used to appeal. In the proposed rule, appeals were to be made directly to the NMFS National Appeal Office. The final

rule includes a provision that vessel owners may first submit a written request for review to the HMS Management Division within 90 days of publication of this final rule. The written request to adjust their initial quota share, must indicate the reason for the requested change and provide supporting documentation (see below). HMS Management Division staff will evaluate all requests and accompanying documentation, then notify the requestor by letter signed by the HMS Division Chief, of NMFS' decision to approve or deny the request for adjustment. If the request is approved, NMFS would issue the appropriate adjustment to the initial quota share and resultant allocation by letter, identifying any alteration to the quota share percentage and associated allocation. If the HMS Management Division denies the request, the permit holder may appeal the decision within 90 days of receipt of the notice of denial by submitting a written petition of appeal to the NMFS National Appeals Office in accordance with regulations at 15 CFR part 906.

The final rule specifies what will be considered "documented legal landings" in support of an appeal of a quota share determination because public comment indicated that additional guidance on this issue was necessary. In the final rule regarding what will be considered "documented legal landings," NMFS will consider official NMFS logbook records or weighout slips for landings between January 1, 2006, through December 31, 2012, that were submitted to NMFS prior to March 2, 2013 (60 days after the cutoff date for eligible landings), and verifiable sales slips, receipts from registered dealers, state landings records, and permit records as accompanying documentation of an appeal. Landings data are required to be submitted within 7 days of landing under the applicable regulations. Recognizing that somewhat-late reporting could have occurred for a variety of reasons, however, NMFS is clarifying that it will consider "documented" landings for appeals purposes to be those reported within 60 days to include those that were slightly late.

The final rule also provides additional details about and clarifies requirements regarding the IBQ System used to track IBQ shares and resultant allocation, usage and balances of IBQ allocation, and conduct leasing of IBQ allocation. The proposed rule stated that NMFS would implement an internet based system to track leases of IBQ allocation, but did not specifically note that the IBQ system would also be used to track IBQ shares, or provide details regarding the associated requirements for IBQ Program participants to create an account.

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

There are no payments or other remunerations to respondents.

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

All data submitted under this collection will be handled as confidential in accordance with the MSA, Section 402b, and [NOAA Administrative Order 216-100](#), Protection of Confidential Fishery Statistics. Respondents are given this assurance as part of the initial information received upon enrollment to use the IBQ System. The initial information will either be mailed or emailed to the applicant, or available for download from the IFQ website.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

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

There are 135 active permitted Longline category vessels (respondents) who would receive an IBQ share plus five Purse Seine category participants that already have shares. All Longline category permit holders (252) would be allowed to lease IBQ allocations, and Longline and Purse Seine category permit holders/participants would need to apply for an IBQ System account to participate in IBQ allocation leasing (252 + 5 = 257). Reporting burden for IBQ System applications is estimated in Table 1.

The annual amount of IBQ allocation leasing would vary based on IBQ allocation size and the needs of permit holders or fishery participants. To estimate the reporting burden associated with IBQ leasing, NMFS averaged the Longline category bluefin tuna landings + dead discards for 2006-2012 (232.5 mt or 930 fish @ .25 mt/fish). NMFS estimates that if each fish were leased once, it would likely be an upper bound to the number of IBQ leases that could occur. Reporting burden for leasing is estimated in Table 1. NMFS estimates that approximately 10% of permit holders may appeal either their quota share (single occurrence during first year of program) or assigned performance metric (annual occurrence). Each step in the two-step appeal process is estimated to take respondents approximately 2 hours.

All Longline category vessel permits (252) will be assigned a performance metric annually and NMFS estimates that 10% (i.e., 25) may appeal the metric to the HMS Management Division. Of these 25, NMFS estimates that an additional 10% (i.e., 2.5 rounded to 3) will further appeal to the NMFS National Appeals Office. Thus NMFS estimates there may be 28 (25 + 3) performance metric appeals annually (Table 1).

Table 1. Annual reporting requirements.

Reporting Requirement	Time Per Response	Number of Responses per Respondent	No. of Annual Responses	Annualized Burden (Hours)
Initial/Renewal Application for IBQ Account (Longline category (252) + Purse seine category (5) participants)	10 mins.	1	257	43
IBQ Lease of Allocation	2 mins.	Varies	930	31
Appeal of Performance metric to HMS Division (10% of all Longline category permits (252))	2 hours	1	25	50
Appeal of Performance metric to NMFS National Appeals Office (10% of 25 appeals to HMS Management Division)	2 hours	1	3	6
TOTAL			1215	130

Active Longline category vessels (135) will be assigned a quota share during the first year of program implementation and NMFS estimates 10% (i.e., 13.5 rounded to 14) may appeal to the HMS Management Division, and 10% of the initial appeals (i.e., 1.4 rounded to 2) may further appeal to the NMFS National Appeals office. Thus NMFS estimates there may be 16 quota share appeals during the initial year of the program (annualized to 5 ($16/3 = 5.3$ rounded down) (Table 2).

Table 2. Reporting requirements that will occur only during the first year of the program. Number of responses and burden hours are divided by 3 to annualize over a 3-year period.

Reporting Requirement	Time Per Response	Number of Responses per Respondent	No. of Responses	Annualized Burden (Hours)
Appeal of initial quota share to HMS Division (10% of Active Longline category permits (135))	2 hours	1	14 total 5 per year	(28 total) 10 per year
Appeal of initial quota share to NMFS National Appeals Office (10% of 14 appeals to HMS Division)	2 hours	1	2 total 1 per year	(4 total) 2 per year
TOTAL			16 total 6 per year	(32 total) 12 per year

Total number of responses per year = 1,215 (Total from Table 1) + 6 (Table 2) = **1,221 responses.**

Total burden hours per year = 130 (Total from Table 1) + 12 (Table 2) = **142 hours.**

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Each year, an application or renewal form for an IBQ System account would need to be filled out. Participants can use the online application, or print a hard copy application and fill it out. Mailing a hard-copy application via USPS would cost approximately \$0.75 (adjusted for potential future increase in postage stamps) x 257 = **\$192.75 (\$193).**

Most applicants are likely to have a computer and access to the internet. If applicants prefer not to purchase a computer, they could use one at a local library. In the unlikely event that an applicant purchases a computer because of the changes in Amendment 7, they would have a one-time capital expense of approximately \$1,500 (\$500/year annualized over 3 years) plus \$50/month internet access. NMFS estimates that 5% of Longline category permit holders (13) may make this purchase which would result in annualized costs of (\$500 + 600) x 13 = **\$14,300.**

Mailing of information supporting an appeal would likely cost \$5.60 (priority mail small flat rate box) per occurrence. For performance metric appeals, NMFS estimates that 28 respondents will spend a total of \$156.80 (28 x 5.60) per year. For quota share appeals, 6 respondents per year will spend a total of \$33.60 (6 x 5.60) for an annualized cost of \$33.60. Total annual mailing costs for appeals (\$156.80 + \$33.60) = **\$190.40 (\$190).**

Total annual costs to the public from this collection: $\$193 + \$14,300 + \$190 = \mathbf{\$14,683}$.

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

The Federal government costs for this information collection would include building and maintaining the electronic IBQ System to account for trade, program administration, and processing any requested appeals.

In an effort to reduce costs, NMFS is coordinating internally to build the IBQ System onto a similar system that is already in operation (Southeast Region Gulf of Mexico Red Snapper IFQ Program, OMB 0648-0551). NMFS expects the start-up costs to modify the system will be approximately \$35,000 (annualized to \$11,667) with annual maintenance costs of \$10,000 per year.

Appeals will be administered by the HMS Management Division and the NMFS National Appeals Office. Each appeal will likely be evaluated by a NMFS staff member (GS-12, Step 5, Washington, DC Metro area, 2013; \$40.66/hr pay rate) and attorney (GS-14, Step 5, Washington, DC Metro area, 2013; \$57.13/hr pay rate). The staff member would likely spend 3 hours developing a recommendation based on reviewing the appellant's materials and comparing them with the data the agency used to make its original determination, for a total labor cost of \$121.98 per appeal. Legal review of the recommendation would likely take approximately 30 minutes for a labor cost of \$28.57. Labor cost for each appeal (\$150.55) multiplied by the total number of annual appeals ($28 + 6 = 34$) gives an annual agency cost of \$5,118.7 for the appeal program.

Total annualized government costs: $\$11,667 + \$10,000 + \$5,118.74 = \mathbf{\$26,785.74}$.

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

This is a new collection and there are no changes or adjustments.

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

The results from the collection are not planned for statistical publication, although NMFS may distribute the results in reports or other publications. Prior to publication, data would be aggregated, as needed, to maintain confidentiality, and any report would comply with the Information Quality Act guidelines.

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.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.