

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

A. JUSTIFICATION

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

When a U.S. commercial fisherman sustains losses and/or damages as a result of oil and gas activities on the U.S. Outer Continental Shelf (OCS), the fisherman may apply for compensation from the U.S. Federal government. Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1841) authorizes the Fishermen's Contingency Fund (Fund or FCF) program to compensate U.S. commercial fishermen for losses of, or damages to, fishing gear or vessels, plus 50% of resulting gross economic loss, attributable to oil and gas activities on the OCS. Program requirements are set forth in 50 CFR Part 296.

The collection of the information is necessary in order for fishermen to receive FCF compensation. The Fund's 15-day report (NOAA Form 88-166) and claim application (NOAA Form 88-164) allow U.S. commercial fishermen to file claims for FCF compensation. FCF is a program administered by the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NOAA NMFS).

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information is used by NOAA NMFS to process and approve, or disapprove, FCF claims. The information is collected only when a U.S. commercial fishermen contacts FCF to file an FCF claim. The frequency is dependent on when fishermen contact FCF to file a claim.

NOAA Form 88-166, or the 15-day report, requests information including: name, address, tax identification number (TIN), vessel name, description of what caused the damage or loss, and locational coordinates of obstruction. If the 15-day report is not filed in a timely manner, the fisherman must show by a preponderance of evidence that the obstruction that caused the damage is related to OCS oil and gas activities. The 15-day report information is usually collected by NOAA NMFS during a telephone call from a fisherman.

NOAA Form 88-164, or the claim application, requests information including: citizenship, TIN, details on the casualty, witness statements and contact information, details to support and document claimed economic losses, and original signatures. This information is needed to determine if the claim is filed timely, the extent of loss or damage, the amount eligible for FCF compensation, and to approve or disapprove the claim.

NOAA 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The current forms are available for printing online at http://www.nmfs.noaa.gov/gpea_forms/. After approval of this request, revised forms will be available as pdf-fillable forms online. Because NOAA Form 88-166 requires PII (name, address, TIN, etc.), FCF requires submission of a hard copy with original signatures. The 15-day report may be submitted via telephone or by mail.

4. Describe efforts to identify duplication.

Because NOAA NMFS is the sole provider of FCF compensation, there is no duplication of other information collection.

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

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

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

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

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

N/A.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on August 16, 2017, (82 FR 157) solicited public comments on this extension. One comment was received that was irrelevant and unconnected to the forms use.

Prior to the publication of the PRA Federal Register Notice, FCF reviewed prior submissions and queried claimants by contacting several FCF claimants and prior FCF recipients, as well as the program specialist for a similar state run compensation program, to obtain their views and comments on the current versions of the forms. Responses included: (1) The forms are easy to use; (2) Directions are clear cut; and (3) Reviewed and no comments.

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

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

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

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

This information is also included in a Privacy Act System of Records, **COMMERCE/NOAA-21**, Financial Services Division. There is a Privacy Act Statement on the application form.

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

No sensitive questions are asked.

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

The estimated burden is as follows:

Applications: 20 respondents x 1 response x 7 hours 45 minutes/response = 155 hours

15-day report: 20 respondents x 1 response x 15 min/response = 5 hours

Totals: 20 respondents, 40 responses, 160 hours.

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

Annualized costs per respondent are estimated at \$25.00 (\$16.00 for postage and \$9.00 for copying). Based on 20 respondents, this equates to \$500.

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

Number of applications times average response review time times average salary of claims examiner/hr plus 62.8% overhead and benefits = $20 \times 10 \text{ hours} \times \$49.66 = \$9,932.00 + 62.8\% = \$16,169.30$.

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

Adjustment: The number of respondents/responses was changed based on the average number of claims filed by U.S commercial fishermen in the past and projections for the next three (3) years. The change is not the result of a deliberate Federal government action.

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

The results will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

N/A.

18. Explain each exception to the certification statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used.