

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Alaska Crab Arbitration
OMB Control No. 0648-0516

Abstract

The National Marine Fisheries Service (NMFS) Alaska Region requests extension of this currently approved information collection, which supports the arbitration system, a component of the Crab Rationalization Program. The arbitration system was designed to fairly and equitably resolve price, delivery terms, performance standards, and other disputes in the event that individual fishing quota (IFQ) and individual processor quota (IPQ) holders are unable to reach agreement on arbitration proceedings. The arbitration system and information collected is necessary to reduce contention in price negotiations and to verify the membership of the arbitration organizations. There are five elements of this information collection, four of which are submitted to NMFS annually: the Annual Arbitration Organization Report, Market Report, Non-binding Price Formula Report, and Cost Allocation Agreement. The Contract Arbitrator Report is submitted to NMFS if any arbitrations occur within a fishery.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This collection of information is required by regulations implementing the Bering Sea and Aleutian Islands (BSAI) Crab Rationalization Program (CR Program) as mandated by Congress and implemented by NMFS. In June 1989, the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crab (FMP) was approved by the Secretary of Commerce. The FMP established a state and Federal cooperative management regime that defers management to the state with Federal oversight for commercial fishing and processing of nine fisheries that harvest red king crab (*Paralithodes camtschaticus*), blue king crab (*P. platypus*), golden king crab (*Lithodes aequispinus*), Tanner crab (*Chionoecetes bairdi*), and snow crab (*C. opilio*).

In January 2004, the United States Congress amended section 313(j) of the [Magnuson-Stevens Act](#) (16 U.S.C. 1801 *et seq.*) to mandate the Secretary of Commerce to implement the CR Program for the BSAI crab fisheries ([50 CFR 680](#)). The CR Program allocated BSAI crab resources among harvesters, processors, and coastal communities through the FMP. Under the CR Program, eligible License Limitation Program license holders (see OMB Control No. 0648-0334) were issued crab quota shares (QS), which are long term shares based on license holders qualifying license histories. QS yield annual IFQ, which is an exclusive harvest privilege for a portion of the total allowable catch. Processor quota shares (PQS) issued yield annual IPQ, which is an exclusive privilege to receive, for processing, a portion of the crab harvested with Class A IFQ.

Arbitration System

The Arbitration System ([50 CFR 680.20](#)) is a necessary element of the CR Program. It is designed to accommodate the varied interests of the participants in the crab fisheries, reflect the historical negotiations between harvesters and processors, and identify the general principles that guide oversight and management standards consistent with applicable antitrust laws (such as the Fishermen’s Collective Marketing Act, Public Law 15 U.S.C. 512). Prior to the CR Program, BSAI crab fisheries had a history of contentious price negotiations. Harvesters often acted collectively to negotiate an ex-vessel price with processors, which at times delayed fishing in order to pressure price concessions. During the development of the CR Program, participants in both the harvesting and processing sectors were interested in ending that practice, particularly due to concerns that market power could be unbalanced by the rationalization of the fisheries. In a system with a one-to-one relationship of harvesting to processing shares, as exists with the CR Program, the concern of market power imbalance is heightened because the CR Program limits the pool of persons with which a QS holder may transact. The concern is most acute for the last QS holders from each sector to commit their harvesting or processing shares. This “last person standing” problem, where the last harvesting QS holder to contract deliveries would have a single PQS holder to contract with, could effectively limit any ability to use other processor markets for negotiating leverage. Therefore, to ensure fair price negotiations and to compensate for complications arising from the creation of harvesting quota share (QS/IFQ) and processing quota share (PQS/IPQ), the CR Program includes the Arbitration System for the settlement of price disputes between harvesters and processors. Additionally, the Arbitration System is designed to minimize the potential for antitrust violations. A thorough description of the provisions of the Arbitration System that have been developed to avoid antitrust issues is provided in the proposed rule for the CR Program ([69 FR 63200, October 29, 2004](#)).

The Arbitration System includes a provision for open negotiations among IPQ and IFQ holders, as well as various negotiation approaches, including a share matching approach, a lengthy season approach where parties may postpone binding arbitration until during the season, and a binding arbitration procedure to resolve price disputes between an IPQ holder and eligible IFQ holders. The Arbitration System also provides for dissemination of market information to facilitate negotiations, coordination of matching Class A IFQ held by harvesters to IPQ held by processors, and the opportunity to use the binding arbitration process to resolve terms of price and delivery. Certain aspects of the Arbitration System are required of catcher vessel owners who hold QS/IFQ and PQS/IPQ holders and operate regardless of whether participants in the fishery actually initiate binding arbitration in order to resolve terms of price or delivery.

The following provides a description of roles and responsibilities within the Arbitration System:

- **Arbitration Organization**: Establishes an arbitration system through a series of contracts that define and govern the share matching and arbitration system among shareholders and the organization. The organization is responsible for selecting arbitrators, coordinating and disseminating information among participants, ensuring confidentiality of sensitive information, and collection and disbursement of arbitration costs. A third-party data provider arranges for the receipt and delivery of up-to-date information as required by an arbitration organization. The CR Program requires that costs are shared equally between IPQ holders and Class A IFQ holders where processors and harvesters each pay half.
- **Market Analyst**: Provides a pre-season market report of likely market conditions for each crab fishery to aid in price negotiations and arbitrations.
- **Formula Arbitrator**: Prepares a non-binding price formula report that describes the historic division of first wholesale values among harvesters and processors that can be used in price negotiations and arbitrations. For standards applicable to the formula arbitrator, see 50 CFR

680.20(g)(2). Typically, the market analyst and formula arbitrator roles are fulfilled by the same person. Since the first year of the CR Program, a single analytical team has prepared all market reports and price formula reports.

- **Contract Arbitrator:** Reviews the positions of the parties during an arbitration proceeding and issues a binding decision based on a last-best offer form of arbitration. For standards applicable to the contract arbitrator see 50 CFR 680.20(h) and (i).

Need for This Information Collection

This section provides justification for why this information collection is necessary, especially the Market Report. The additional detail provided is based on a request from the 2018 OMB Terms of Clearance, to more thoroughly evaluate the information collection based on comments received.

This information collection is necessary for NMFS to manage the CR Program crab fisheries in the BSAI. This information collection is implemented under the CR Program and required by regulations specified at 50 CFR 680.20. NMFS requires that harvesters and processors abide by an Arbitration System established to stabilize prices and negotiations during the crab harvest season. The Arbitration System is necessary to reduce contention in price negotiations. The information collected is necessary to verify the membership of the arbitration organizations and maintain the Arbitration System.

The Market Report is intended to provide baseline information concerning the market and a signal of a reasonable price. The Market Report provides background information on each crab fishery, the products generated by each fishery, and the position of those products in the marketplace. The Market Report also discusses the historical division of wholesale revenue, provides a methodology for predicting wholesale prices before the fishery occurs, and examines trends in both ex-vessel prices and in wholesale prices. This report is expected to benefit independent participants that may be small entities in the program, which might otherwise be costly information for them to gather ([76 FR 68358, November, 4, 2011](#)). In addition, during an arbitration proceeding, the contract arbitrator is required to consider the Market Report when considering the offers provided by the parties to the arbitration proceedings.

The Arbitration System was last revised with the implementation of Amendment 30 to the FMP. This action modified procedures for producing and submitting documents required under the Arbitration System ([76 FR 68358, November 4, 2011](#)). Amendment 30 modified the Arbitration System by (1) allowing arbitration organizations to forgo preparing a market report and non-binding price formula if a fishery is unlikely to, and does not open; (2) modifying when the price formula is released for the western Aleutian Islands golden king crab (WAG) and eastern Aleutian Islands golden king crab (EAG) fisheries; (3) modifying what is used in the Market Report and allowing arbitration organizations to mutually agree to modify when the Market Report is released; and (4) clarifying the authority of arbitration organizations. These actions were implemented to reduce the cost of compliance with the Arbitration System, provide more timely and useful information to be used in negotiations, and provide clarity concerning administration. In adopting and approving Amendment 30, the North Pacific Fishery Management Council (Council) and NMFS determined that removing the Market Report requirement would be inconsistent with the basic program objectives for price arbitration in the crab fisheries ([76 FR 68358, November, 4, 2011](#)).

Following comments received and OMB's Terms of Clearance for the 2018 renewal of this information collection, NMFS requested the Council assist in evaluating existing regulations under its authority and

make recommendations under the Regulatory Reform Agenda and through the requirements of Executive Order 13771. At that time, the Council could have chosen to recommend changes to these information collection requirements by tasking an analysis of revisions to the CR Program or by including recommended changes in an omnibus recordkeeping and reporting rulemaking ([NPFMC 2018](#)). However, since this request was made in 2018, no changes have been made to the Arbitration System. The Council scheduled the next comprehensive review of the CR Program (including the Arbitration System) for 2023.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Arbitration System information collection requirements are shown in the table below. No forms are submitted to NMFS. There is an optional template for the Annual Arbitration Organization Report.

Respondents, Submission Method, Frequency of Collection, and Whether Information will be Shared

Requirement	From whom will the information be collected?	Submission Method ^{1/}	How frequently will the information be collected?	Will the information be shared with any other organizations outside the Department of Commerce or the government?
Annual Arbitration Organization Report ^{2/}	Arbitration Organization(s)	Mail, delivery, fax, email	Annually	No
Market Report	Market Analyst	Mail or email	50 days prior to the first crab fishing season ^{3/}	Arbitration Organizations; Formula Arbitrator; Contract Arbitrator
Non-binding Price Formula Report	Formula Arbitrator	Mail or email	50 days prior to the first season ^{3/} for all crab fisheries except for the western Aleutian Islands golden king crab fishery and the eastern Aleutian Islands golden king crab fishery, which must be submitted no later than 30 days prior to the first season	Arbitration Organizations
Contract Arbitrator Report	Contract Arbitrator	Mail, delivery, fax, email	As needed	No
Cost Allocation Agreement	Arbitration Organization(s)	Included as a component of the Annual Arbitration Organization Report	Annually	Arbitration Organizations

^{1/} **Mail:** Regional Administrator, NMFS, P.O. Box 21668, Juneau, AK 99802-1668

Delivery: 709 West 9th Street, Room 401, Juneau, AK, 99801

Fax: (907) 586-7465

Email: Glenn.merrill@noaa.gov (The authorized representatives may scan and email the materials to NMFS to avoid the cost of mail.)

^{2/} The template is available on the [NMFS Alaska Region website](#).

^{3/} The Market Report and Non-binding Price Formula Report are not required if the crab QS fishery will not open during a crab fishing year.

All of the information collections are submitted to NMFS in accordance with regulations found at 50 CFR 680.20. The information collected will not be disseminated to the public or used to support publicly disseminated information.

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 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 106-544](#).

The following sections provide additional information on each element of the information collection.

a. Annual Arbitration Organization Report

Since 2006, there have been the same two arbitration organizations:

- Alaska Crab Processors Arbitration Organization (ACPAO) combined with Alaska Affiliated Crab Harvester Arbitration Organization, which includes processors and affiliated harvesters; and
- Bering Sea Arbitration Organization (BSAO), which includes unaffiliated harvesters.

Both of these organizations have an authorized representative (not an employee of the organization) who is responsible for submitting required information to NMFS, establishing the administrative aspects of the Arbitration System, coordinating the dissemination of information among the participants, ensuring confidentiality of sensitive information, and collecting payments to disburse program costs.

The arbitration organization for each crab fishery must notify NMFS annually of the persons selected as the Market Analyst, Formula Arbitrator, and Contract Arbitrator(s) for each crab fishery with QS/PQS members by June 1. The notification must include signatures of representatives of the organizations, a copy of the contract, and a curriculum vitae or other relevant biographical information for each selected role. Each arbitration organization must provide its members with a copy of the contracts for the Market Analyst, Formula Arbitrator, and Contract Arbitrator for each fishery in which the member participates.

An arbitration organization with members who are QS or PQS holders must submit a complete Annual Arbitration Organization Report to NMFS by May 1. An arbitration organization with members who are IFQ or IPQ holders must submit a complete Annual Arbitration Organization Report by no later than 15 days after the issuance of IFQ and IPQ for the crab QS fishery. The report is submitted by the arbitration organization's authorized representative (typically the executive director). The executive directors assemble and submit the annual reports at no charge to the membership. The report must include organization contact information and attachments of a business license, resumes, bylaws, meeting minutes, organization members, and information or data given to individuals outside of the arbitration process. The requirements for the Annual Arbitration Organization Report are specified at 50 CFR 680.20(d)(2).

b. Market Report

The Market Report provides an analysis of the market for products of a specific crab fishery and reports on activities occurring within three months prior to its generation. Data must be sufficiently aggregated in the report such that it does not identify specific price information by an individual provider. The report provides background information on each crab fishery, the products generated by each fishery, and the position of those products in the marketplace. The Market Report also discusses the historical division of wholesale revenue, and provides a methodology for predicting wholesale prices before the fishery occurs. In addition, the Market Report examines trends in both ex-vessel prices and in wholesale prices.

A contracted party, the Market Analyst, produces two Market Reports annually. The first report is for all crab QS fisheries anticipated to be open except for WAG and EAG. The second report is for the WAG and EAG fisheries. These reports are due just before the season opens, so it is known in advance if a fishery will be open or not. The Market Analyst must provide Market Reports no later than 50 days prior to the first crab fishing season for each crab QS fishery in that crab fishing year to each arbitration organization, the NMFS Alaska Regional Administrator, the Formula Arbitrator, and the Contract Arbitrator(s). The Market Report must consider the factors specified in 50 CFR 680.20(f)(2)(iii).

c. Non-binding Price Formula Report

The Non-binding Price Formula Report is designed to serve as a starting point for negotiations between fishermen and processors, or as a starting point for an arbitrator in evaluating offers in an arbitration process. It is not binding. The recommended formula is not considered the only possible formula for all fishermen and processors; negotiations between individual fishermen and processors may find that other price formulas work better for their specific needs. The Non-binding Price Formula Report for each crab fishery is presented as a report with complete documentation as to how each formula was developed, and with detailed analysis of each of the elements entering into each non-binding price formula calculation. Regulations for the Non-binding Price Formula Report are at 50 CFR 680.20(g).

A contracted party, the Price Formula Analyst, produces two reports annually. The first report is for all crab QS fisheries except for WAG and EAG and must be produced no later than 50 days prior to the first crab fishing season. The second report, which is for the WAG and the EAG crab fisheries, must be produced no later than 30 days prior to the first crab fishing seasons.

The Non-binding Price Formula Report may rely on any relevant information available to the Formula Arbitrator, including, but not limited to, information provided by the QS, PQS, IPQ, and IFQ holders in the fishery, the Market Report for the fishery, and the Formula Arbitrator. The non-binding price formula remains as a tool to use in private negotiations in crab price arbitrations and is required to be submitted to NMFS via mail or email.

d. Contract Arbitrator Report

The Contract Arbitrator documents arbitration proceedings if they occur within a fishery. Each arbitrator provides professional services under an agreement to resolve disputes concerning the terms of delivery, price, performance, quality, or other factors in the crab fishery. The Contract Arbitrator must provide the following to NMFS as specified in 50 CFR 680.20(h)(6):

- a copy of any minutes from any meeting attended by that Contract Arbitrator between or among any PQS or IPQ holders concerning any negotiations under this section;
- any last-best offers made during the binding arbitration process, including all contract details, the names of other participants in the arbitration, and whether the bid was accepted by the Contract Arbitrator; and
- a copy of any information, data, or documents given by the Contract Arbitrator to any person who is not a party to the particular arbitration for which that information was provided. The Contract Arbitrator must identify the arbitration to which the information, data, or documents apply, and the person to whom those information, data, or documents were provided.

Each Contract Arbitrator is part of a pool of contract arbitrators available to all unaffiliated holders of Class A IFQ in the crab fishery that are eligible to use the Arbitration System to resolve disputes with IPQ holders. The Contract Arbitrator serves as mediator and arbitrator of disputes in accordance with an agreement with the arbitration organization's representative. The arbitration organizations will pay the Contract Arbitrator at an hourly rate, based on work performed as itemized on a written, monthly invoice to the arbitration organizations.

e. Cost Allocation Agreement

Federal regulations for the CR Program require that the crab arbitration costs are shared equally between IPQ holders and Class A IFQ holders (processors pay half and fishermen pay half). The costs and contracts associated with this requirement are private, between the arbitration organizations. NMFS requires the arbitration organizations to enter into a contract for the payment of the costs of arbitration but does not require notification or collect information regarding this contract.

According to the annual Cost Allocation Agreement, the arbitration organizations submit the year-end accounting of the shared Arbitration System costs for the crab fishing year. This year-end accounting covers the period March through June. These costs are allocated equally between Class A IFQ holders and IPQ holders for the entire crab fishing year. The ACPAO holds landing fees paid by Class A IFQ holders that are to be used only for payment of the Class A IFQ holder's share of the shared Arbitration System costs. The IPQ holders receive reimbursement of the season shared Arbitration System costs incurred from March through June.

The accounting report is completed by the ACPAO and copies are provided to BSAO and NMFS.

The Cost Allocation Agreement includes the combined shared arbitration accounting costs that include the following:

- Cost to produce the Market Report and non-binding pricing formula for each fishery.
- Cost of the third party data provider (Sharematch.com). The contractor shall design, construct, and maintain a system in accordance with NMFS regulations for—
 - tracking uncommitted IPQ
 - allowing the matching of uncommitted Arbitration IFQ with uncommitted IPQ (and the unmatching of Arbitration IFQ and IPQ as necessary)
 - communicating the identity of holders of uncommitted IPQ and their amount of uncommitted IPQ to holders of uncommitted Arbitration IFQ
 - communicating arbitration results to holders of uncommitted class A IFQ.
- Fees and expenses necessary for the participation in the CR Program.
- Cost of the contract arbitrators for each fishery.

- General liability insurance, and directors and officers insurance for each arbitration organization.
- Cost of attorney's fees to prepare, negotiate, and administer the contracts; participate in the CR Program review process; and otherwise implement the Arbitration System, as amended from time to time by NOAA regulation.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

Based on comments received during the 2018 renewal of this information collection, the Market Report, Annual Arbitration Organization Report, and the Non-binding Price Formula Report may be submitted by email to avoid the cost of mail. Notifications from the contract arbitrator are typically submitted by email.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other. Federal regulations specify use of this information collection to administer the Arbitration System, and there are no alternative means or methods to perform the functions described in this Supporting Statement.

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

The respondents of this collection are arbitration organizations in the CR Program. These organizations are not estimated to be small entities; the collection of information does not impose a significant impact on small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information collected is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). Without the collection of specified information to support the Arbitration System, the CR Program would be jeopardized. NMFS could not fulfill the intent of the law created under [Public Law No. 108-199](#) if this information is not collected. This law also requires that each component of the CR Program enacted by Congress must be implemented or the whole program must be withdrawn. Thus, disapproval of this data collection program would threaten all components of Public Law No. 108-199.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection is conducted in a manner that is consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A *Federal Register* Notice published on September 14, 2020 ([85 FR 56583](#)), solicited public comments. No comments were received.

Additionally, a questionnaire was emailed to administrators of the two arbitration organizations and the market analyst/formula arbitrator. One response was received with the same comments submitted during the 2018 renewal process for this information collection. The comment and response are summarized in the supporting statement approved as part of the 2018 renewal package.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift to respondents is provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

All information collections by NMFS, Alaska Region, are protected under confidentiality provisions of section 402(b) of the Magnuson-Stevens Act as amended in 2006 (16 U.S.C. 1801, *et seq.*) and under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

Disclosure of this information is permitted under the Privacy Act of 1974 (5 U.S.C. Section 552a), to be shared within NMFS offices, in order to coordinate monitoring and management of sustainability of fisheries and protected resources, as well as with the applicable State or Regional Marine Fisheries Commissions and International Organizations. The System of Records Notice (SORN) that covers this information collection is [COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries](#). A notice was published in the *Federal Register* on August 7, 2015 (80 FR 47457), and became effective September 15, 2015 (80 FR 55327).

The Privacy Impact Assessment (PIA) that covers this information collection is [NOAA NMFS Alaska Region Local Area Network \(NOAA4700\)](#).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not involve information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents /year ^{1/} (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate(for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Annual Arbitration Organization Report	Arbitration Organization authorized representative	2	1	2	6	12	350 ^{2/}	4,200
Market Report	Market Analyst (contractor) ^{1/}	n/a	-	2	-	-	n/a ^{3/}	n/a ^{3/}
Non-Binding Price Formula Report	Formula Arbitrator (contractor) ^{1/}	n/a	-	2	-	-	n/a ^{3/}	n/a ^{3/}
Contract Arbitrator Report	Contract Arbitrator (contractor) ^{1/}	n/a	-	1	-	-	n/a ^{3/}	n/a ^{3/}
Cost Allocation Agreement	Arbitration Organization authorized representative	1	1	1	16	16	350 ^{1/}	5,600
Totals				8		28		\$9,800

^{1/} The respondents for this information collection are the two arbitration organizations. The arbitration organizations use contracted parties (Market Analyst, Formula Arbitrator, Contract Arbitrator) to meet the requirements for the Market Report, Non-binding Price Formula Report, and Contractor Arbitrator Report.

^{2/} The hourly wage rate is based on previous respondent comment.

^{3/} Costs incurred by contracting out and paying outside parties for information collection activities are included in the response to question 13.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Information Collection	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
Arbitration Organization Report	2	1	2	Operating costs ^{1/} - \$5	10
Market Report	n/a	-	2	n/a ^{2/}	n/a ^{2/}
Non-binding Price Formula Report	n/a	-	2	n/a ^{2/}	n/a ^{2/}
Contract Arbitrator Report	n/a	-	1	n/a ^{2/}	n/a ^{2/}
Cost Allocation Agreement	1	1	1	Operating costs ^{1/} - \$5 Total cost estimates ^{2/} - \$177,000	177,005
TOTALS			8		\$177,015

^{1/} Operating costs account for the typical inclusive general office services packages that include expenses for internet, email, fax, copying, mailing, and printing.

^{2/} The arbitration organizations use contracted parties to meet the requirements of the Market Reports, Non-binding Price Formula Reports, and Contractor Arbitrator Reports. The costs to the arbitration organizations are shown in the table below. The Cost Allocation Agreement identifies cost estimates and actual costs for each component of the Arbitration System. A total of \$177,000 is the 2019–2020 estimate for the annual combined shared arbitration costs. The table below displays a breakdown of these costs.

Annual Combined Shared Arbitration Costs

Arbitration System Cost Category	2019–2020 Estimate (\$)
Third Party Data Provider	20,000
Market Report and Price Formula Reports	61,000
Contract Arbitrators (\$2,000 each)	6,000
Arbitrations (\$15,000 x 3)	45,000
Legal Fees	40,000
Insurance, general liability, directors, and officers	5,000
TOTAL	\$177,000

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

A cost recovery program is in effect for the CR Program. Under this cost recovery program, NMFS is authorized to collect direct program costs from the permit holders. Therefore, the information collection requirements of the CR Program do not impose a cost on the Federal Government. Direct program costs are the costs NMFS incurs to manage, collect data from, and enforce the CR program.

The direct program costs for the CR Program in 2018-2019 were \$3,017,069.

The following are examples of the tasks that were included under the 2018/2019 CR Program direct program costs:

- management and stock assessment needs resulting from rationalization;
- fishery monitoring and observer support above pre-rationalized levels;
- maintenance of the catch accounting system;
- programming and web design for online applications;
- issuing and responding to questions about CR Program permits;
- regulatory development for the CR Program;
- training and outreach for electronic reporting of crab harvest;
- transfers of QS and IFQ, responding to questions about transfers;
- fee determination and collection processes;
- inspections, boardings, investigations, and enforcement activities; and
- administration of CR Program EDRs (Economic Data Reports).

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Annual Arbitration Organization Report	2	2	2	2	12	12	No Change
Market Report	0	0	2	0	0	0	Responses: The arbitration organizations use a contracted party to meet the requirements for the Market Report. The previous supporting statement did not include as responses the Market Reports that the contractor submits to NMFS.
Non-binding Price Formula Report	0	0	2	0	0	0	Responses: The arbitration organizations use a contracted party to meet the requirements of the Non-binding Price Formula Reports. The previous supporting statement did not include as responses the Non-binding Price Formula Reports that the contractor submits to NMFS.
Contract Arbitrator Report	0	0	1	0	0	0	Responses: The arbitration organizations use contracted parties to meet the requirements of the Contract Arbitrator Reports. The previous supporting statement did not include as responses the Contract Arbitrator Reports that the contractors submit to NMFS.
Cost Allocation Agreement	1	0	1	0	16	0	The previous supporting statement inadvertently omitted the number of respondents and responses, and the time burden. The time burden is from previous public comment.
Total for Collection	2^{1/}	2	8	2	28	12	
Difference	0		6		16		

^{1/}The respondents are the two arbitration organizations.

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Annual Arbitration Organization Report	4,200	4,200	10	1	Misc. costs: Revised amount to account for typical inclusive general

					office services packages.
Market Report ^{2/}	0	0	0	0	No Change
Non-binding Price Formula ^{2/} Report	0	0	0	0	No Change
Contract Arbitrator Report ^{2/}	0	0	0	0	No Change
Cost Allocation Agreement ^{2/}	5,600	0	177,005	157,700	Labor costs: The previous supporting statement inadvertently omitted the labor costs. Misc. costs: These costs were updated to reflect the estimated annual combined shared arbitration costs ^{2/} for 2019-2020, which is expected to be similar to the renewal period. The miscellaneous costs were also updated to account for typical inclusive general office services packages.
Total for Collection	5,600	4,200	177,015	157,701	
Difference		1,400		19,314	

^{2/}The Cost Allocation Agreement includes the annual combined shared arbitration costs, which are the estimates and actual costs of the Arbitration System. This includes the Market Report, Non-binding Price Formula Report, and Contract Arbitrator Report. For a breakdown of the costs for each element of this information collection, refer to the table titled "Annual Combined Shared Arbitration Costs" in question 13.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Results of the information collection will not be published.

Contact information for the arbitration organizations are posted on the [NMFS Alaska Region webpage](#) for the 2005 to 2015 fishing seasons. No additional information about arbitration organizations have been posted since.

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

The expiration date for OMB approval of this collection will be displayed.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).