

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Fishermen's Contingency Fund
OMB Control No. 0648-0082

Abstract

This request is for extension of a currently approved information collection. United States (U.S.) commercial fishermen may file claims for compensation for losses of, or damage to, fishing gear or vessels, plus 50 percent of resulting economic losses, attributable to oil and gas activities on the U.S. Outer Continental Shelf. To obtain compensation, applicants must comply with requirements set forth in [50 CFR part 296](#).

The requirements include a "report" within 15 days of the date the vessel first returns to port after the casualty incident to gain a presumption of eligible causation, and a "Claim Application" within 90 days of when the applicant first became aware of the loss and/or damage.

The 15-Day Report is NOAA Form 88-166 and it requests identifying information such as: Respondent's name; address; social security number; and casualty location. The information in the report is usually completed by NOAA during a telephone call with the respondent.

The Claim Application is NOAA Form 88-164 and it requires the respondent to provide information on the property and economic losses and/or damages including type of damage; purchase date and price of lost/damaged gear; and income from recent fishing trips. It also includes an affidavit by which the applicant attests to the truthfulness of the claim.

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.

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. 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 reported information is used by NOAA NMFS to process and approve, or disapprove, FCF claims. The information is only collected when a U.S. commercial fisherman contacts FCF to file an FCF claim. Barring revisions, NMFS collects one record of each of the 15-Day Report and Claim Application per claim. This is statutorily driven and has not changed since program inception.

Per 50 CFR Part 296, NOAA Form 88-166, or the 15-Day Report, requests information from the claimant 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. It can also be transmitted electronically via fax or secure email.

NOAA Form 88-164, or the Claim Application, requests information from the claimant 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. This form is collected electronically via fax or secure email.

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 #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. This has not changed since program inception.

Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
1	Fishermen's Contingency Fund 15-Day Report	43 U.S.C. 1841,	50 CFR Part 296	88-166	<ul style="list-style-type: none">Used by the public to claim benefits.Used by NOAA/NMFS to determine if statutory regulations required to disburse contingency funds are met.
Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
2	Fishermen's Contingency Fund Claim Application	43 U.S.C. 1841,	50 CFR Part 296	88-164	<ul style="list-style-type: none">Used by the public to claim benefitsUsed by NOAA/NMFS to determine if statutory regulations required to disburse contingency funds are met.

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.

The current forms are available for printing online at <https://www.fisheries.noaa.gov/national/funding-and-financial-services/fishermens-contingency-fund-program>. After approval of this request, revised forms will be available as pdf-fillable forms online. Because NOAA Forms 88-164 and 88-166 require PII (name, address, TIN, etc.), FCF requires submission of a hard copy with original signatures by fax, or secure 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

Because NOAA NMFS is the sole provider of FCF compensation, there is no duplication of other information collection. Both the 15-Day Report and Claim Application ask for SSN and/or TaxID numbers (TIN). As potential claimants could have the same name, SSN and/or TINs are required to verify unique identity and, if the claim is accepted, to disburse funds. No other sensitive questions are asked.

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

Most respondents are small businesses. Information requested is limited to statutory and regulatory requirements that are necessary to ensure that the FCF only reimburses legitimate losses.

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.

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 would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

The information requested on the forms is required to deliver statutorily funded financial assistance. Information collected is required once per claim to process claims. Other than the 15-Day Report, no form requires a written response in less than 30 days. The 15-Day Report is required to be filed in that time frame by statute. All other OMB guidelines are applicable to this information collection.

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 December 29, 2020, (85 FR 84305) solicited public comments on this extension. We received no public comments in response to this notice.

Prior to the publication of the PRA Federal Register Notice, FCF reviewed prior submissions and queried claimants by contacting several prior FCF claimants and recipients, as well as the program specialists for a similar state run compensation program, to obtain their views and comments on the current versions of the forms. FCF received 3 replies, 2 from Louisiana Department of Natural Resource employees and one from a vessel/owner. Responses included: (1) "Both forms are adequate. The clarity of instructions and record keeping is good. The reporting format is adequate. The accuracy of estimated

burden hours are adequate. I don't not have any suggestions or concerns about both forms;" (2) "I see no issue with your forms. We give them 3 months to report and get the claim materials to us. You guys go further into details on the long one than we do in our compensation program. We don't ask about their economic losses for example, but I don't know how high your program's compensation goes. Ours maxes out at \$5,000 per claim;" and (3) "Reviewed and no comments."

9. Explain any decision to provide any payment or gift 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 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.

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 forms 88-166 and 88-164.

The Privacy Act does apply to these forms. A System of Records Notice was posted under document number 2016-16171, titled Privacy Act of 1974; System of Records, 81 FR 44593. FCF data is not maintained in NMFS Apex database. All FCF data is stored on restricted and encrypted files with access limited to FCF staff. Files with PII are sent via Kiteworks for additional security when disbursing funds. All of this is behind NOAA's firewall. The systems also require a CAC and a VPN to access the files.

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.

Both the 15-Day Report and Claim Application ask for SSN and/or TaxID numbers (TIN). As potential claimants could have the same name, SSN and/or TINs are required to verify unique identity and, if the claim is accepted, to disburse funds. No other sensitive questions are asked.

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

FCF Claim Application: 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

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents (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)
0648-0082 15-Day Report	Fisherpersons/Anglers, Vessel Operators, Ship Captains	20	1	20	0.25	5	\$15.07	\$75.35
0648-0082 Claim Application	Fisherpersons/Anglers, Vessel Operators, Ship Captains	20	1	20	7.75	155	\$15.07	\$2,335.85
Totals				40		160		\$2,411.20

Data source for wages was downloaded on 3/9/2021 by CPM from https://www.bls.gov/oes/current/oes_nat.htm

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).

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

Annualized costs per respondent are estimated at printing costs of \$0.20 for form 88-166, 15-Day Report, and \$1.40 for form 88-164 FCF Claim Application. Based on 20 respondents printing 2 copies of each record (\$0.20*2 and \$1.40*2), this equates to \$64.00.

	# of Respondents (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)
0648-0082 15-Day Report	20	1	20	\$0.40 (\$0.20 x 2)	\$8.00
0648-0082 Claim Application	20	1	20	\$2.80 (\$1.40 x 2)	\$56.00
TOTALS			40	\$3.20	\$64.00

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.

Average Washington DC area Path ZA Band 3 Interval III salary is \$108,850.

62.8% overhead is \$65,524.26.

Total loaded salary for a DC area Path ZA Band 3 Interval III is \$169,862.26.

Per FCF staffers performance plan 25% is weighted to FCF program.

12	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Other Federal Positions	Z-3	\$169,862.26	25%		\$42,465.57
Contractor Cost		0	0		\$0.00
Travel					\$0.00
Other Costs:					\$0.00
TOTAL					\$42,465.57

Salary source downloaded on 3/5/2021 by CPM from

<https://www.commerce.gov/sites/default/files/2021-01/CAPS%20Standard%20Chart%202021.pdf>

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

Program adjustment: The record keeping burden has changed due to the diminished price in copying and in method of collection as stamps are no longer required since all submissions are now made electronically. The federal oversight cost has changed due to a changed in burden approach-the table

used in question #14 uses a different method for calculating oversight costs that the method previously used by FCF. The federal oversight cost change also represents an increase in pay since the last FCF form 0082 PRA renewal.

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	
0648-0082 15-Day Report	20	20	20	20	0.25	0.25	
0648-0082 Claim Application	20	20	20	20	7.75	7.75	
Total for Collection	40	40	40	40	8	8	
Difference	0	0	0	0	0	0	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
0648-0082 15-Day Report	\$75.35	NA	\$8	\$250	Costs have decreased as submissions are only being accepted via electronic submission, thus reducing postage costs. Labor costs not previously calculated
0648-0082 Claim Application	\$2,335.85	NA	\$56	\$250	Costs have decreased as submissions are only being accepted via electronic submission, thus reducing postage costs. Labor costs not previously calculated
Total for Collection	\$2,411.20	NA	\$64	\$500	
Difference	\$2,411.20		-436		

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.

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 that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

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)**