

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Surfclam/Ocean Quahog Individual Transferable Quota Administration
OMB Control No. 0648-0240

Abstract

This is a request for an extension to a currently approved information collection. Federally permitted fishing vessels participating in the Atlantic surfclam or ocean quahog individual transferable quota (ITQ) fishery in the Northeast Region of the U.S. are subject to certain information collection requirements in order for NMFS to process requests for the transfer of surfclam or ocean quahog quota shares or authorization to shuck surfclams or ocean quahogs at sea.

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.

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is requesting an extension of OMB Control No. 0648-0240, to continue management of the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP) developed under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (16 U.S.C. 1801 *et seq.*, Section 303). This extension would enable NMFS to continue to collect information necessary for the management of the individual transferable quota (ITQ) program.

Individual Transferable Quota (ITQ)

Amendment 8 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan became effective September 30, 1990. The amendment provided for ITQs by species (surfclam or ocean quahog) for individuals who were qualified to receive an ITQ for either or both species. ITQs were issued in September 1990 to individual owners, based on their percentage share of the annual allowed quota for harvest.

Allocations are expressed in terms of bushels, but tracked and transferred in terms of the cages in which harvested product is landed and shipped (a cage contains 32 bushels of product). To facilitate enforcement and tracking, sequentially numbered tags are issued to each owner on an annual basis and all cages of product must be tagged, with tag use reported by both the harvesting vessel and the purchasing dealer. Each allocation holder must renew a surfclam/ocean quahog ITQ permit each year, which specifies the amount of their allocation and the tag numbers they are required to use during the harvest of their allocation. Individual allocations are transferable per regulations found at 50 CFR 648.74(b). Owners may transfer their allocation on a permanent basis or may transfer tags to other vessel owners to use on a

temporary (annual) basis. This transferability means that the allocation ownership frequently changes.

The surfclam/ocean quahog ITQ permit must be renewed annually. This is necessary to ensure that the information NMFS collects about allocation holders stays up-to-date. In order to receive an ITQ permit, applicants must complete the surfclam/ocean quahog ITQ permit application form and the surfclam/ocean quahog ITQ ownership form (See Question 2). Both of these forms are necessary each year to ensure that permit holders are qualified to hold ITQ and to identify the individual owners of entities that hold ITQ allocation. Once an individual has an ITQ permit, the applicant will receive a pre-filled copy of the permit renewal forms to review and verify the information is still accurate.

The application to transfer ITQ form is required by NMFS to process and register all ITQ transactions. Information required on the transfer form includes ITQ permit holder name, allocation number (assigned by NMFS for internal tracking), the numbers of tags associated with the transfer, and the price paid.

Shucking clams at sea

Because of potential difficulties in disposing of clam shells on shore, Amendment 8 allowed for the Regional Administrator to approve requests to shuck product at sea. However, because of the difficulties involved in converting the volume of shucked clam meats to bushels, the regulations allow shucking at sea only if the vessel carries a NMFS-approved observer. The observer is necessary to certify the amount, in bushels, of unshucked product that the vessel has processed at sea. The regulations authorizing this collection are found at 50 CFR 648.75.

Reopened Portion of the Georges Bank (GB) Closed Area

The GB Closed Area has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause paralytic shellfish poisoning (PSP). The closure was implemented based on advice from the U.S. Food and Drug Administration (FDA), after samples tested positive for toxins that cause PSP. Shellfish contaminated with the toxin, if eaten in large enough quantity, can cause illness or death in humans.

Due to inadequate testing or monitoring of this area for the presence of PSP-causing toxins, the closure was made permanent in 1999. NMFS began issuing exempted fishing permits (EFPs) in 2008 to certain surfclam and ocean quahog vessels to conduct research in the closure area. Testing of clams on GB by the FDA in cooperation with NMFS and the fishing industry under the EFPs demonstrate that PSP toxin levels have been well below the regulatory limit established for public health safety. The FDA, the industry, and NMFS developed a Protocol for Onboard Screening and Dockside Testing in Molluscan Shellfish that is designed to test and verify that clams harvested from the GB continue to be safe. The protocol was formally adopted into the National Shellfish Sanitation Program (NSSP) at the October 2011 Interstate Shellfish Sanitation Conference (ISSC).

In 2013, NMFS reopened a portion of the existing GB Closed Area for the harvest of surfclams and ocean quahogs at the request of the Mid-Atlantic Fishery Management Council and the

industry. The reopening is based upon use the PSP testing on all trips into the area. The protocol, and its associated reporting requirements, is necessary to ensure shellfish harvested are safe for human consumption.

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.

ITQ permit application form

In order to receive cage tags, an entity needs to have a valid ITQ permit. This application form collects standard contact information (name, address, telephone number, email, date of birth, or taxpayer identification number for businesses, and fishing vessel) as well as verification that the entity is eligible to own a documented vessel under the terms of 46 U.S.C. 12103(b), General Eligibility Requirements. This section of the United States Code outlines the U.S. citizenship requirements for owning a vessel that has been issued a certificate of documentation by the United States Coast Guard (USCG). Because the ITQ program conveys certain rights over a natural resource of the U.S., it is required that the allocation owner meet the same citizenship requirements as that required to document a fishing vessel. This requirement is authorized at 50 CFR 648.74(b)(1). If the entity is renewing an existing ITQ permit, the form will be auto-populated with the information NMFS has on file. The applicant will then just need to review the information to ensure it is still accurate, sign the form, and submit it to NMFS in order for the permit to be renewed.

ITQ ownership form

The information on the ITQ ownership form is used by NMFS to identify individuals who may hold ITQ allocation through multiple businesses or through members of their immediate family. This is necessary in order to determine the current level of potential control any single person or entity can exert on the fishery. Some allocations are held by banks, which have taken possession of the quota share as collateral on a loan. The form includes questions to identify when a bank holds quota share, but does not control how the cage tags are used. In these cases, the detailed ownership information will be collected from the borrower rather than from the bank. Like the ITQ permit application, this form needs to be submitted annually, but after the first year the applicant will only have to identify changes from the information previously submitted. Signatures are required to ensure that the information is complete and accurate. This information is necessary for NMFS to identify and track individuals who hold an exclusive privilege to harvest a natural resource. The information will also be used to monitor and enforce excessive share caps in this fishery.

ITQ transfer form

The information on the ITQ transfer form is used by NMFS to maintain a proper accounting of an individual or corporation's quota share. Specific questions on the form include the type of transfer requested (permanent or temporary), the name and ITQ allocation numbers of the transferor and the transferee, and the cage tags requested to be transferred. These data fields are necessary in order to identify the companies or individuals and ITQ tags involved in the

transaction. The form also collects how much was paid for the transfer. Both parties involved in the transfer, or their authorized agents, are required to sign the form.

Shucking clams at sea

The information contained in the application to shuck product at sea is used by the NMFS to evaluate if the process used to shuck at sea allows for the proper accounting of the harvest in terms of unshucked bushels, which is the measure used to monitor the quota. The NMFS-approved observer is necessary to certify the information reported in the vessel's shellfish logbook. Information requested includes the applicant's contact information (name, address, and ITQ allocation number), specifications of the harvesting vessel, and accommodations for the observer. Specifications on the harvesting vessel and the harvesting process are required in order to evaluate if the operations facilitate the proper accounting of harvested unshucked product. As mentioned previously, the quotas are monitored and enforced using unshucked bushels. Thus, any authorization to deviate from this method of accounting needs to be thoroughly evaluated. Since a NMFS-approved observer is required to certify the vessel's shellfish logbook, NMFS requires that suitable accommodations for the observer are available on the vessel.

Reopened Portion of the GB Closed Area

The results from the testing protocol will be used regularly by a number of entities including the harvesters, the FDA, laboratories, seafood dealers, the State Shellfish Control Authority (SSCA) in the state of landing, and possibly the general public as well to assist with the coordination, testing, and monitoring of shellfish harvested from the reopened area. Although a number of entities may use the information, they will all essentially be utilizing the data for the same purpose: to determine if shellfish harvested are safe for human consumption. Secondly, data obtained from test results may also be archived and further analyzed to assist in determining if additional areas are suitable for reopening or if there should be additional closures. The following information is required under the protocol (detailed instructions available at <https://www.fda.gov/media/117080/download>):

- Submission of concurrence from state of landing;
- Maintenance and submission of harvest records;
- Compilation and submission of laboratory test results;
- Creation and maintenance of a written onboard lot segregation plan; and
- Provision of notification prior to unloading.

NMFS retains control over the information and safeguards 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 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 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 ITQ permit application, ITQ ownership form, application to shuck at sea, and ITQ transfer form will all be available online in a fillable and printable version through the NMFS forms portal at <http://www.greateratlantic.fisheries.noaa.gov/aps/forms.html>. Completed forms can be submitted through email or printed and sent by mail.

NMFS is currently working to allow ITQ permit applications, ITQ ownership forms, and ITQ transfer forms to be completed and submitted electronically through our existing Fish-on-Line web application. This web-based application is currently used in the Greater Atlantic Region for similar leasing programs in other fisheries.

The method of transmitting the collection of information requirements in the protocol is not specifically outlined. The protocol was developed primarily by the industry, the FDA, and the SSCA and was approved by the NSSP at the ISSC. NMFS adopted the protocol as it was approved. Therefore, it is not NMFS's position to further dictate the terms and conditions of the protocol including the methods of transmission outside of what is in the currently approved protocol. Therefore, the method of submission will be worked out by the industry, the FDA, and the SSCA. NMFS is only concerned that the protocol is followed; hence, the method of submission will be largely up to the industry's discretion. Due to the nature of the requirements in the protocol, it is likely that the majority of the requirements will need to be completed in writing and submitted as such, however it is not required to be hand written and, therefore, could be hand written or could be completed and submitted through a computer. The notification requirement only requires that a notification be made, and, therefore, it is likely electronic means will be used such as cellular phone or via shipboard electronic equipment such as VHF radio, email, or the vessel's vessel monitoring system.

A copy of the protocol was mailed to all Atlantic surfclam and ocean quahog permit holders. A copy of the protocol is also available online at <https://www.fda.gov/media/117080/download>.

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.

The information requested is unique to this fishery; thus, there is no duplication of items in this collection with other collections. Because NMFS is the lead agency implementing the Magnuson-Stevens Act, NMFS is very aware of all information collections required from fishermen.

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

Small businesses are the primary respondents of the data collection. The forms used to gather the required information are designed to be simple and easy to complete, thus saving time for both the respondents and managers of the system. The ability to make timely transfers gives these businesses the flexibility to make rational business decisions. Once the ITQ permit application and the ITQ ownership form have been completed, the allocation holder will only need to verify that the information is still accurate in order to renew their ITQ permit. This will save the applicants time and effort in completing the forms.

The application to shuck product at sea is required only if the entity wishes to shuck product at sea. The authorization to shuck at sea is valid for one year.

Vessels are required to follow the PSP testing protocol only if they wish to fish in the reopened portion of the GB Closed Area. The protocol was developed by the industry and NMFS did not add any additional reporting requirements that would further increase burden.

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 ITQ permit application and ownership form must be submitted annually to issue the ITQ permit. For the ITQ transfer form, the frequency of submission is dependent upon how often the allocation holder desires to transfer quota. If these information collections were not conducted, NMFS could not properly monitor and enforce the quota restrictions in the Atlantic surfclam and ocean quahog ITQ program. If the additional ownership data collected through the ITQ ownership form and the ITQ transfer form were not collected NMFS would be unable to effectively monitor and enforce the excessive share caps that are required by law. If the application and the requirement to carry an observer for operations where product is shucked at sea were removed, then a means to verify the quantity of product harvested by the vessel would not exist. The consequences from the removal of any of these information collections would compromise the ability of NMFS to conserve and manage the resource.

If the collection is not conducted under the protocol, shellfish harvested from the reopened portion of the GB Closed Area would not be adequately monitored and screened for PSP. This could potentially result in toxic shellfish being released to the public for human consumption. This could be harmful to public health as well as it would likely result in long term damage to the industry as the public may purchase and consume less shellfish products if incidences of illness increase as a result of consuming shellfish.

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

This information collection 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.

Notice was published in the *Federal Register* on January 20, 2022, (87 FR 3088) describing this information collection and seeking public comment on its renewal. No comments were received.

NMFS reached out to several stakeholders at the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council 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. No comments were received.

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

No payments or gifts are made.

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 NMFS General Counsel has ruled that allocation information is public information because the ITQ system assigns shares of a public resource to the allocation holders. Industry participants are well aware of this fact, and they are among the primary requesters of this information as they seek to transfer or obtain allocation.

The information submitted under the PSP testing protocol is also public as it is distributed to state and other Federal agencies with the intent of making it publicly available for analysis. It is beneficial to make this information available to the public as it displays that the product being harvested is safe for human consumption and could potentially lead to other areas being reopened for shellfish harvesting.

The respondents are aware that the data collected with the testing protocol is not confidential, and is available to the public. The industry was involved in developing the protocol, and they know that having the information publicly available for use by the FDA is essential to continuing to monitor the area, in order to ensure shellfish harvested are safe for human consumption. It is advantageous for the industry to make this information publicly available so the public is informed that shellfish harvested are safe for consumption, allowing the industry to maintain the Atlantic surfclam and ocean quahog markets.

Otherwise, as stated on the forms, information submitted to NMFS by any person in compliance with this information collection is confidential pursuant to 16 U.S.C. 1881a.

This information is covered by the Privacy Act System of Records Notice COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries.

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.

No sensitive questions are asked.

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

Table 1 below summarizes the burden hours estimated for this collection. From 2018 to 2020, the average annual number of ITQ allocation holders that either held ITQ quota share or participated in an ITQ transfer was 180. Each ITQ permit application form is estimated to take 5 minutes to complete. **Therefore, the annual burden for the ITQ permit application is 15 hours.**

Each ITQ ownership form is estimated to take 1 hour to complete for new entrants and 5 minutes when pre-filled in for renewing entities. On average, 177 ITQ permit applicants are renewals and 3 are new applicants. Factoring in the higher initial reporting burden for 3 new applicants each year, **the estimated average annual burden over three years for the ITQ ownership form is 18 hours (3 hours for new applicants, 15 hours for renewals).**

The average annual number of ITQ transfer requests processed by NMFS from 2018 to 2020 was 321. It is estimated that each ITQ transfer form takes approximately 5 minutes to complete, with a **total annual burden of approximately 27 hours.**

NMFS received no applications to shuck surfclams at sea during 2018-2020. For the purpose of estimating potential burden we will assume one application each year at 30 minutes per application.

The requirements under the protocol are based on the number of vessels that landed surfclams or ocean quahogs and the number of trips taken into the area in 2018, **with a total annual burden of 1,578 hours. The total burden for this collection of information is 1,639 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)
ITQ Permit Application ^{1,2}	Fishermen	180 ²	1 ²	180	5 minutes	15	\$16.70	\$250.50
ITQ Ownership Form-New Entrant ²	Fishermen	3 ²	1 ²	3	60 minutes	3	\$16.70	\$50.10
ITQ Ownership Form-Renewal ^{1,2}	Fishermen	177 ²	1 ²	177	5 minutes	15	\$16.70	\$250.50
ITQ Transfer Form ^{1,2,3}	Fishermen	360	1	360	5 minutes	30	\$16.70	\$501.00
Shuck-at-Sea Application ¹	Fishermen	1	1	1	30 minutes	0.5	\$16.70	\$8.35
Protocol - Submission of concurrence from state of landing	Fishermen	9	1	9	60 minutes	9	\$16.70	\$150.30
Protocol - Maintain and submit	Fishermen	9	160 ⁵	1,440	30 minutes	720	\$16.70	\$12,024.00

harvest records								
Protocol - Compile and submit laboratory test results	Fishermen	9	160 ⁵	1,440	30 minutes	720	\$16.70	\$12,024.00
Protocol - Create and maintain a written onboard lot segregation plan	Fishermen	9	1	9	60 minutes	9	\$16.70	\$150.30
Protocol - Provide notification prior to unloading	Fishermen	9	160 ⁵	1,440	5 minutes	120	\$16.70	\$2,004.00
Totals				5,059		1,642		\$27,413.05

¹ Based on 2018 to 2020 annual averages.

² The "Number of Respondents" and "Frequency of Responses" treats each surfclam and ocean quahog ITQ allocation permit as separate and distinct entity. This creates a numerical inconsistency because a single entity can hold both types of ITQ permits.

³ The total number of entities using each ITQ Transfer Request Form will always be two, a transferor and a transferee.

⁵ Number of total items based on maximum number of trips per vessel that occurred in the area in 2018.

Occupational code 45-0000 for fishermen was used to calculate the wage rate for respondents. See [BLS Occupational Employment and Wage Estimates](#).

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).

The cost burden for the ITQ Permit Application, ITQ Ownership Form, ITQ Transfer Form, and the Shuck-at-Sea Application is based on the postage of \$0.58 per first-class stamp. However, this is an over-estimate of costs as almost all of the ITQ Transfer forms submitted annually are sent by email.

The cost to carry an observer as part of the authorization to shuck product at sea is based upon a rate of \$700 per day at sea to carry the observer, for an average of 156 sea days per vessel, or \$109,200.

In regard to the protocol, four of the five elements require document submission, two of which are annual submissions and the other two are required on each trip; the fifth requires no document submission. This is an over-estimate of costs because most if not all of these responses have been submitted through email in recent years. The fifth element, the offload notification requirement, does not impose any additional costs as the notification is completed through a pre-existing email or cellular phone account and is not required to be submitted in writing.

Information Collection	# 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)
ITQ Permit Application	180	1	180	\$0.58	\$104.40
ITQ Ownership Form-New Entrant	3	1	3	\$0.58	\$1.74
ITQ Ownership Form-Renewal	177	1	177	\$0.58	\$102.66
ITQ Transfer Form	360	1	360	\$0.58	\$104.40 ²
Shuck-at-Sea Application ¹	1	1	1	\$109,200	\$109,200
Protocol - Submission of concurrence from state of landing	9	1	9	\$0.58	\$5.22
Protocol - Maintain and submit harvest records	9	160	1,440	\$0.58	\$835.20
Protocol - Compile and submit laboratory test results	9	160	1,440	\$0.58	\$835.20
Protocol - Create and maintain a written onboard lot segregation plan	9	1	9	\$0.58	\$5.22
Protocol - Provide notification prior to unloading	9	160	1,440	\$0.00	\$0
TOTALS			5,059		\$111,194.04

¹ This cost includes the cost to carry a NMFS-approved observer on board the vessel during trips where product is shucked at sea.

² There are two respondents on each transfer form. Therefore, the cost to the public is based on 180 form submissions (360 / 2 = 180).

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.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZA-4	\$217,464	0.1%		\$217.46
Other Federal Positions	ZA-2	\$117,522	3%		\$3,525.66
Contractor Cost					
Travel					
Other Costs:					
TOTAL					\$3,743.12

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

Program Changes

There are no program changes since the previous renewal of this collection.

Adjustments

There have been small adjustments based on the last three years’ respondents, responses, and hours.

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	
ITQ Permit Application	180	177	180	177	15	15	Adjustments to the number of respondents were made based on information from the past 3 years. The number of respondents for the ITQ Transfer Form was updated to reflect that there are 2 respondents per form. The number of responses and burden hours were adjusted accordingly. The number of responses was updated based on information received in the past 3 years. Burden hours were updated based on the number of responses.
ITQ Ownership Form-New Entrant	3	11	3	11	3	11	
ITQ Ownership Form-Renewal	177	166	177	166	15	14	
ITQ Transfer Form	360	177	360	377	30	31	
Shuck-at-Sea Application	1	1	1	1	0.5	1	
Protocol - Submission of concurrence from state of landing	9	11	9	11	9	11	
Protocol - Maintain and submit harvest records	9	47	1,440	2,162	720	1,081	
Protocol - Compile and submit laboratory test results	9	47	1,440	2,162	720	1,081	
Protocol - Create and maintain a written onboard lot segregation plan	9	47	9	47	9	47	
Protocol - Provide notification prior to unloading	9	47	1,440	2,162	120	180	
Total for Collection	180 (unique respondents)	177 (unique respondents)	5,059	7,276	1,642	2,472	
Difference	+3		-2,217		-830		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
ITQ Permit Application	\$250.50	Not Previously Calculated	\$104.40	\$88	Labor costs not previously included. Miscellaneous costs per response increased due to increase in postage costs, though overall decreased due to decrease in respondents.
ITQ Ownership Form-New Entrant	\$50.10		\$1.74	\$5	
ITQ Ownership Form-Renewal	\$250.50		\$102.66	\$83	
ITQ Transfer Form	\$501.00		\$104.40	\$188	
Shuck-at-Sea Application	\$8.35		\$109,200	\$109,200	
Protocol - Submission of concurrence from state of landing	\$150.30		\$5.22	\$6	
Protocol - Maintain and submit harvest records	\$12,024.00		\$835.20	\$1,081	
Protocol - Compile and submit laboratory test results	\$12,024.00		\$835.20	\$1,081	
Protocol - Create and maintain a written onboard lot segregation plan	\$150.30		\$5.22	\$24	
Protocol - Provide notification prior to unloading	\$2,004.00		\$0	\$0	
Total for Collection	\$27,413.05	n/a	\$111,194.04	\$111,756	
Difference	\$27,413.05		-\$561.96		

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 list of quota shareholders is posted each year on line. This listing will not contain date of birth or tax identification number, or the information collected through the ITQ Ownership form. The results of this collection will be available to the Mid-Atlantic Fishery Management Council staff for the technical analysis needed to assess the impacts of an excessive share cap. However, this information will only be available to the public in an aggregated form that preserves confidentiality. A list of permanent and temporary transfers has been posted online in the past for use by the public and may be made available in the future, upon request.

The results collected under the protocol are not planned for publication; however, it is possible that the data may be published in the future in support of scientific research to reopen or close additional areas on GB. Further, NMFS does not own the information collected under the protocol, so we do not have control over how and if information collected under the protocol will 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 expiration date will be displayed for the forms under this collection, with the exception of the protocol. The requirements in the protocol do not include any forms for the information submitted under this requirement. Further, NMFS is also not able to display the expiration number on the protocol itself. The testing protocol was developed by industry and was formally adopted into the NSSP at the ISSC. Therefore, although NMFS requires vessels to follow the terms and conditions of the protocol, the protocol itself and the requirements within it are not maintained by NMFS and it is not NMFS's position to modify the document. Therefore, NMFS will also not be able to display the expiration date on the testing protocol itself. However, an expiration date will be displayed in the bulletin that will be mailed to each permit holder who may be required to report under the terms and conditions of the protocol.

Further, vessels harvesting under the protocol obtain a letter of authorization (LOA) from NMFS. The LOA outlines the harvesting requirements for the reopened area, including the protocol, and by obtaining the LOA, a vessel is acknowledging and agreeing to the terms and conditions of the protocol and the LOA. The LOA is created and issued by NMFS and will therefore include an OMB expiration date. The collection of information requirements for the LOA is part of the 0648-0202 family of forms.

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\(b\)\(3\)](#).

