

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

02/28/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 02/11/2005.

TITLE: Alaska Region Arbitration

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0516

EXPIRATION DATE: 02/29/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	96	742	5
Difference	96	742	5
Program Change		742	5
Adjustment		0	0

TERMS OF CLEARANCE:

This approval is associated with the final rule published under RIN 0648-AS47. The agency is instructed to conduct a focused outreach campaign prior to submission of a request for extension for this ICR to validate burden estimates and elicit suggestions from the regulated community for reducing the burden of this program. The results of this campaign must be summarized in the submission.

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	10. Abstract
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
ALASKA REGION ARBITRATION
OMB CONTROL NO. 0648-xxxx**

INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the North Pacific Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. National Marine Fisheries Service (NMFS) manages the crab fisheries in the waters off the coast of Alaska under the Fishery Management Plan for Bering Sea and Aleutian Islands Crab (FMP). Regulations implementing the FMP appear at 50 CFR part 680. Regulations at 50 CFR part 679 also pertain.

Amendments 18 and 19 amend the FMP to include a Voluntary Three-Pie Cooperative Program (hereinafter referred to as the Crab Rationalization Program (CR Program)). Congress amended the Magnuson-Stevens Act to require the Secretary of Commerce to approve the CR Program.

The CR Program reallocates Bering Sea and Aleutian Islands (BSAI) crab resources among harvesters, processors, and coastal communities. This collection-of-information addresses the binding arbitration provisions of the CR Program.

A. JUSTIFICATION

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

The Arbitration System would commence pre-season, when the Arbitration QS Arbitration Organizations and the PQS Arbitration Organizations nominate persons for the positions of Market Analyst, Formula Arbitrator, and Contract Arbitrators. The PQS and QS holders, who are members of their respective Arbitration Organizations, then choose, by mutual agreement, the persons for these positions.

BSAI crab fisheries have a history of contentious price negotiations. Harvesters have often acted collectively to negotiate an ex-vessel price with processors, which at times delayed fishing. The Arbitration System was developed to compensate for complications arising from the creation of quota share/individual fishing quota (QS/IFQ) and quota share/individual processor quota (PQS/IPQ). The complications include price negotiations that could continue indefinitely and result in costly delays as well as the “last person standing” problem, where the last Class A IFQ holder to contract deliveries would have a single IPQ holder to contract with, effectively limiting any ability to use other processor markets for negotiating leverage.

To ensure fair price negotiations, the Arbitration System includes a provision for open negotiations among IPQ and IFQ holders as well as various negotiation approaches, including: (a) a share matching approach where IPQ holders make known to unaffiliated IFQ holders that have uncommitted IFQ available the amount of uncommitted IPQ they have available so the IFQ holder can match up its uncommitted IFQ by indicating an intent to deliver its catch to that IPQ holder; (b) a lengthy season approach that allows parties to postpone binding arbitration until

sometime during the season; and (c) a binding arbitration procedure to resolve price disputes between an IPQ holder and eligible IFQ holders.

The Arbitration System is designed to alleviate many of the concerns arising from the parity of supply and demand under the Program. If an IPQ holder or IFQ holder were unable to reach an agreement on price during open negotiations, the negotiation approaches could be used by certain participants to settle their disputes. This also encourages more efficient negotiations by preventing indefinite stalemates.

The Arbitration System is designed to accommodate the varied interests of the parties involved as well as reflect the historical negotiations between harvesters and processors. The Arbitration System identifies the general structure of the system and the general principles that guide oversight and management. It also identifies the roles and fundamental standards for the Market Analyst in developing and producing a preseason Market Report for each fishery, the Formula Arbitrator in developing a single annual fleet-wide pricing formula (non-binding price formula), the Contract Arbitrators in making decisions, and the last best offer binding arbitration method as the arbitration procedure for participants.

Reflecting the economic reality faced by both harvesters and processors, the Council determined that preserving the historical division of revenues in the fisheries in order to protect the investment and reliance of the harvesters and processors should guide the Arbitration System. The Program requires the Market Analyst, Formula Arbitrator and Contract Arbitrators, in developing the non-binding price formula and deciding an individual arbitration, to consider: (1) current pricing; (2) consumer and wholesale product prices; (3) innovations and developments of the different sectors; (4) efficiency and productivity of the different sectors; (5) quality standards for each market; (6) maintaining financially healthy and stable harvesting and processing sectors; (7) safety; (8) the timing and location of deliveries; and (9) reasonable underages to avoid penalties for over-harvesting IFQ and reasonable deadloss.

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

a. Market Report

The arbitration process would begin pre-season with a market report for each fishery prepared by an independent market analyst selected by the PQS and QS holders and the establishment of a non-binding fleet wide benchmark price by an arbitrator who has consulted with fleet representatives and processors. Information provided by the sectors would be historical in nature and at least 3 months old. This non-binding price would guide the arbitration negotiations. Information sharing among IPQ and IFQ holders, collective negotiations, and release of arbitration results would be limited to minimize the antitrust risks of participants in the Program.

The Market Report shall provide an analysis of the market for products of each fishery and shall:
Include only data that is based on information regarding activities occurring more than three months prior to the generation of the Market Report;

Include only statistics for which there are at least five providers reporting data upon which each statistic is based and for which no single provider's data represents more than 25 percent of a weighted basis of that statistic; and

Sufficiently aggregate any information disseminated in the report such that it would not identify specific price information by an individual provider of information.

The Market Analyst will provide the Market Report not later than 50 days prior to the first crab fishing season for that crab QS fishery in that crab fishing year to:

- Each Arbitration Organization in that fishery;
- NMFS by electronic mail or mail to the Alaska Regional Administrator; and
- The Formula Arbitrator and any Contract Arbitrator(s) for the fishery.

Market Report

Shall consider the following factors:

Current ex-vessel prices, including ex-vessel prices received for crab harvested under Class A IFQ, Class B IFQ, and CVC IFQ permits;

Consumer and wholesale product prices for the processing sector and the participants in the arbitration (recognizing the impact of sales to affiliates on wholesale pricing);

Innovations and developments of the harvesting and processing sectors and the participants in the arbitration (including new product forms);

Efficiency and productivity of the harvesting and processing sectors (recognizing the limitations on efficiency and productivity arising out of the management program structure);

Quality (including quality standards of markets served by the fishery and recognizing the influence of harvest strategies on the quality of landings);

The interest of maintaining financially healthy and stable harvesting and processing sectors;

Safety and expenditures for ensuring adequate safety;

Timing and location of deliveries; and

The cost of harvesting and processing less than the full IFQ or IPQ allocation (underages) to avoid penalties for overharvesting IFQ and a mechanism for reasonably accounting for deadloss.

Market Report, Respondent	
Number of respondents	8
Responses per respondent	1
Total annual responses	8
Hours per response	40 hr
Total burden hours (8 x 40)	320 hr
Total personnel cost (\$25 x 320)	\$8000
Total miscellaneous cost Postage (\$6 x 8)	\$48

Market Report, Federal Government	
Total responses	8
Total burden hours (8 x .25)	2 hr
Total personnel cost (2 x \$25)	\$50

b. Annual Arbitration Organization report

An Arbitration Organization must be formed to select and contract a Market Analyst, Formula Arbitrator, Contract Arbitrator(s), and establish the Arbitration System, including the payment of

costs of arbitration for each crab QS fishery. The members of each Arbitration Organization must enter into a contract that specifies the terms and conditions of participation in the organization. The following persons are the only persons eligible to join an Arbitration Organization:

- Holders of CVO and CVC QS,
- Holders of PQS,
- Holders of Arbitration IFQ,
- Holders of Class A IFQ affiliated with a PQS or IPQ holder, and
- Holders of IPQ.

An Arbitration Organization, with members who are QS or PQS holders, must submit a complete Annual Arbitration Organization Report to NMFS by electronic mail to the Regional Administrator, NMFS, or by mail addressed to the Regional Administrator, NMFS, Post Office Box 21668, Juneau, Alaska 99802 by:

- August 20, 2005 for the crab fishing year beginning on July 1, 2005.
- May 1 of each subsequent year for the crab fishing year beginning on July 1 of that year.

An Arbitration Organization, with members who are IFQ or IPQ holders, must submit a complete Annual Arbitration Organization Report to NMFS by electronic mail to the Regional Administrator, NMFS, or by mail addressed to the Regional Administrator, NMFS, Post Office Box 21668, Juneau, Alaska 99802 by not later than 15 days after the issuance of IFQ and IPQ for that crab QS fishery.

Each Arbitration Organization must submit a complete Annual Arbitration Organization report to NMFS.

Annual Arbitration Organization report

A copy of the business license of the Arbitration Organization;

A statement identifying the members of the organization and the amount of Arbitration QS and Arbitration IFQ, Non-Arbitration QS and Non-Arbitration IFQ, or PQS and IPQ held by each member and represented by that Arbitration Organization;

QS, PQS, IFQ, and IPQ ownership information on the members of the organization;

Management organization information, including:

• The bylaws of the Arbitration Organization;

• A list of key personnel of the management organization including, but not limited to, the board of directors, officers, representatives, and any managers;

• The name of the Arbitration Organization, permanent business mailing addresses, name of contact persons and additional contact information of the managing personnel for the Arbitration Organization, resumes of management personnel; and

• A copy of all minutes of any meeting held by the Arbitration Organization or any members of the Arbitration Organization.

Annual Arbitration Organization report, Respondent	
Number of respondents	10
Responses per respondent	1
Total annual responses	10
Hours per response	4 hr
Total burden hours (10 x 4)	40 hr
Total personnel cost (\$25 x 40)	\$1000
Total miscellaneous cost	\$60
Postage to send report to NMFS (\$6 x 10 = \$60)	

Annual Arbitration Organization report, Federal Government	
Total responses	10
Total burden hours (4 x 10)	40 hr
Total personnel cost (\$25 x 40)	\$1000

c. Arbitration Organization miscellaneous reporting

The Arbitration Organization must provide to each of its members a copy of the contracts for the Market Analyst, Formula Arbitrator, and Contract Arbitrator for each fishery in which the member participates.

Arbitration Organizations must deliver to NMFS any data, information, and documents generated pursuant to § 680.20. In addition, in the case of a PQS/IPQ Arbitration Organization(s), contracts with its members must have a provision that requires the Arbitration Organization to:

Provide for the delivery of the names of and contact information for its members who hold uncommitted IPQ, and to identify the regional designations and amounts of such uncommitted IPQ, to any persons that hold uncommitted Arbitration IFQ, and prohibit the disclosure of any information received under this provision to any person except those holders of uncommitted Arbitration IFQ. The provision will require that information concerning uncommitted IPQ be updated within 24 hours of a change of any such information, including any commitment of IPQ, and that information be provided to those persons that hold uncommitted Arbitration IFQ. This provision may include a mechanism to provide information to uncommitted Arbitration IFQ holders through a secure website, or through other electronic means;

Arrange for the delivery to all holders of uncommitted Arbitration IFQ the terms of a decision of a Contract Arbitrator in a Binding Arbitration proceeding involving a member that holds uncommitted IPQ within 24 hours of notice of that decision. This provision may include a mechanism to provide information to uncommitted Arbitration IFQ holders through a secure website, or through other electronic means; and

Provide information concerning such uncommitted IPQ as necessary for the Arbitration Organization to comply with this paragraph and prohibits the disclosure of any such information by a member to any person, except as directed therein.

In addition, not later than June 1 for that crab fishing year, the arbitration organizations representing the holders of Arbitration QS and PQS in each fishery shall notify NMFS of the persons selected as the Market Analyst, Formula Arbitrator, and Contract Arbitrator(s) for the

fishery by electronic mail or by mail addressed to the Alaska Regional Administrator. The arbitration organizations shall include a list of arbitration organizations that mutually agreed to the selection of the Market Analyst, Formula Arbitrator, and Contract Arbitrator(s) and signatures of representatives of those arbitration organizations and a copy of the contract with Market Analyst, the Formula Arbitrator, and each Contract Arbitrator. The notification must include a curriculum vitae and other relevant biographical material for each of these individuals.

Arbitration Organization miscellaneous reporting, Respondent	
Number of respondents	10
Responses per respondent	4
Total annual responses	40
Hours per response	1hr
Total burden hours (10 x 4)	40 hr
Total personnel cost (\$25 x 40)	\$1000
Total miscellaneous cost	\$5,080
Postage to send reports to NMFS (\$2 x 40 = \$80)	
Photocopy of contracts for members (\$100 x 50 members = \$5000)	

Arbitration Organization miscellaneous reporting, Federal Government	
Total responses	40
Total burden hours (1 x 40)	40 hr
Total personnel cost (\$25 x 40)	\$1000

d. Non-binding Price Formula Report.

The Formula Arbitrator may request any relevant information from QS, PQS, IPQ, and IFQ holders in the fishery, but the Formula Arbitrator shall not have subpoena power. The Formula Arbitrator may obtain information from persons other than QS, PQS, IPQ, and IFQ holders in the fishery, if those persons agree to provide such data. Any information that is provided must be based on activities occurring more than three months prior to the date of submission to the Formula Arbitrator.

The Formula Arbitrator shall keep confidential the information that is not publicly available and not disclose the identity of the persons providing specific information. To facilitate the gathering of information, the Formula Arbitrator shall be permitted to meet with IFQ permit holders who are members of any single Fishermen’s Collective Marketing Act (FCMA), 15 U.S.C. 521) cooperative collectively, but shall meet with IPQ permit holders individually and shall meet with distinct FCMA cooperatives individually.

The contract with the Formula Arbitrator must specify that the Formula Arbitrator will provide the non-binding price formula not later than 50 days prior to the first crab fishing season for that crab QS fishery in that crab fishing year to:

- Each Arbitration Organization in that fishery;
- NMFS by electronic mail or mail to the Alaska Regional Administrator; and
- The Market Analyst and all Contract Arbitrators in the fishery.

Non-binding Price Formula Report, Respondent	
Number of respondents	1
Responses per respondent	8
Total annual responses	8
Hours per response	40 hr
Total burden hours (8 x 40)	320 hr
Total personnel cost (\$25 x 320)	\$8000
Total miscellaneous cost	\$4
(Submit report by electronic file: 0.50 x 8)	

Non-binding Price Formula Arbitration Report, Federal Government	
Total responses	8
Total burden hours (0.25 x 8)	2 hr
Total personnel cost (2 x 25)	\$50

e. Establish price for arbitration negotiations

The contract with the Contract Arbitrator must specify that the Contract Arbitrator provide NMFS with:

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 § 680.20;

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 those information, data, or documents apply, and the person to whom those information, data, or documents were provided.

The Contract Arbitrator must provide any information, documents, or data required under this paragraph to NMFS via mail to the Alaska Regional Administrator, or electronically not later than 30 days prior to the end of the crab fishing year for which the open negotiation or arbitration applied.

Establish Price for arbitration negotiations, Respondent	
Number of respondents	30
Responses per respondent	1
Total annual responses	30
Hours per response	0.75 hr
Total burden hours (30 x 0.75 hr)	22 hr
Total personnel cost (\$25 x 22)	\$550
Total miscellaneous cost (Postage \$6 x 30)	\$180

Establish Price for arbitration negotiations, Federal Government	
Total responses	30
Total burden hours (0.25 hr x 30)	8 hr
Total personnel cost (8 x \$25)	\$200

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following paragraphs, the information gathered has utility. NOAA Fisheries 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. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

This action addresses mainly the submittal of copies to NMFS and members. Where possible, copies may be submitted as an attachment to e-mail.

4. Describe efforts to identify duplication.

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.

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

This collection of information does not impose a significant impact on small entities.

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

The intent of this action is to develop arbitration. Without the specified information reporting scheme described in this Supporting Statement, the Crab Program would be jeopardized. The consequences of not collecting this information would be that NMFS could not fulfill the intent of the law created under Pub. L. No. 108-199. This law also requires that each component of the crab 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 Pub. L. No. 108-199.

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

There are no inconsistencies.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those

comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The NMFS Alaska Region submitted the attached proposed rule (69 FR 63200, October 29, 2004) requesting comments from the public. No comments regarding this specific collection were received.

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

There are no plans to provide any payment or gift to respondents.

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

The information collected under Magnuson-Stevens Act (16 U.S.C. 1801, et seq.) is confidential under section 402(b). The information is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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

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

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

The estimated total number of unique respondents is 49 (30 IFQ/IFQ holders, 10 Arbitration Organizations, eight market analysts and one formula arbitrator). The estimated total number of annual responses is 96. The estimated total number of annual burden hours is 742 hr. The estimated total annual personnel cost burden at \$25/hour is \$18,550.

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

Estimated annual total miscellaneous costs are \$5,372.

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

The total estimated burden hours are 92. The estimated total annual cost to the Federal government for personnel costs is \$2,300.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a new program.

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

The information collected will not be published by NMFS, and no statistical sampling of the information is planned.

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

There are no forms used in connection with this collection.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no forms to be used in connection with this collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.