

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 or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

Supporting Statement

Section A - Justification

1. Section 315 of the National Marine Sanctuaries Act (16 U.S.C. 1445a; attached) allows the Secretary of Commerce to establish one or more advisory councils to provide advice to the Secretary regarding the designation and management of national marine sanctuaries. Councils are individually chartered for each sanctuary to meet the needs of that specific site; eight Councils exist as of 9/23/99. Once a Council has been chartered, the Sanctuary Manager starts a process to recruit members for that Council by providing notice to the public and asking interested parties to apply for the available seats. An application form has been developed to help ease the application process for the public and facilitate the review process for the Sanctuary Manager.

2. The availability of seats on a Council are announced by the appropriate sanctuary through various public channels, including local press releases, announcements at local meetings, and posting on the sanctuary's web page. Interested persons can request the application kit (containing the application form, a copy of the Council's charter, and some information about the sanctuary itself) by phone, fax, or e-mail. The applicant then completes and returns the form to the sanctuary office, by mail, fax, or electronically. At least one and usually several sanctuaries a year will have to fill some vacancies on existing Councils; one new Council may be created in the next several years.

The specific information requested by the application (attached) will be used in the following ways:

- Seat applying for (applicants are asked to check a box for the seat for which they are applying): This information is used to determine which seat on the Council the applicant is interested in holding.
- Name, addresses, and phone numbers: This is basic contact information that is necessary in order to notify the applicant about whether he or she will serve on the Council; if the applicant becomes a member of the Council, this information is used to keep them informed of meeting dates, upcoming events, etc.
- Reasons for interest in serving on the Council: This information is used to help the Sanctuary Manager determine the nature of the applicant's views on marine conservation and management.
- Community and professional affiliations, length of residence in community, and particular expertise and experience germane to the goals and uses of the Sanctuary, particularly in relation to the relevant seat: This information is used to determine the qualifications of the applicant for the seat for which he or she is applying, relative to those of other applicants for the same seat.

- Other qualifications or information: This information allows the applicant to provide additional information about his or her qualifications for the seat that might not be readily apparent elsewhere in the application.
3. The National Marine Sanctuary Program (NMSP) provides a broad opportunity for the public to apply for membership on Councils. Application kits are generally available by mail or electronically on the individual sanctuary's webpage, and can be submitted through the mail, by fax, or electronically. While names of members of the Council are available to the public, general applicant information is not available, to protect the privacy of unsuccessful applicants.
 4. Sanctuary Advisory Councils are bodies unique to the NMSP; no other collection of information meets the needs of the NMSP for the purpose of selecting members of Councils.
 5. The collection of this information does not have a significant impact on small entities.
 6. Councils serve an important function in the management of sanctuaries, by providing advice to the Sanctuary Manager (from a variety of different perspectives and interests) and helping link the sanctuary to the community. Congress understood this importance and deliberately provided the NMSP with its own authority to have Councils, making the Councils exempt from the Federal Advisory Committee Act. Being able to collect this information allows the NMSP to choose the best applicants to serve as members on the Council.
 7. The collection would be conducted consistent with OMB guidelines.
 8. A Federal Register notice requesting comments on the Council application form was issued on September 10, 1999, and closed on November 9, 1999. No public comments were received.
 9. Applicants are not given payment or gifts. If selected to serve on a Council, members are eligible for invitational travel expenses (e.g., *per diem*) for costs associated with official meetings (per the National Marine Sanctuaries Act).
 10. Applicants are protected under applicable privacy laws. If chosen to serve on a Council, members understand that their names and business contact information (or other contact information as the member prefers) is made available so that constituents from the segment of the community the member represents can contact him or her.
 11. No questions of a sensitive nature are asked.
 12. The NMSP expects to have an average of 75 applicants per year, with an estimated time per applicant of one hour for obtaining, completing, and returning the application, for a total annual response time of 75 hours.

13. There are no capital or start-up costs. No special equipment will need to be obtained for this information collection. The NMSP expects applications to cost about \$2.00 per person for the cost of a phone call or e-mail request for the application and the cost of electronically returning or mailing the completed application, for a total annual cost to the public of \$150.00.

14. The estimated annual costs to the Federal government would include:

copying = \$40.00 (1000 pages at \$.04 a page for copying applications, Council Charters, and other information for application packages)

mailing = \$150.00 (mailing 150 applications at \$1.00 each)

labor = \$6,000.00 (2 hours per application requested to cover responding to request for application, mailing, copying for review, conducting the review, and responding to applicant; estimate 2 hrs/application X 150 applications X \$20.00/hour)

Total = \$6,190.00

15. This is a collection that has been in use without an OMB control number. As Councils are exempt from the requirements of the Federal Advisory Committee Act, the NMSP believed that these advisory groups were subject only to the NMSA. We were unaware until recently that applying for membership on Councils was subject to the PRA. The NMSP is now taking steps to rectify the situation and obtain OMB approval.

16. The only results of this collection that would be published is the name and contact information for each successful applicant. Such information would likely appear in the individual sanctuary's webpage, newsletters, and other usual information outlets for that sanctuary. New Council members are usually announced about a month after the deadline for accepting applications has passed.

17. No exemptions are being sought.

18. No exceptions to the certification statement are identified.

Section B - Not applicable; no statistical methods are necessary.

**NATIONAL MARINE SANCTUARY ADVISORY COUNCIL
APPLICATION GUIDELINES**

NOTE: Before applying for Advisory Council membership, please review the Advisory Council Charter provided in your application kit. The Charter outlines the purposes and governs the operation of the Council. In applying for Council membership, you are agreeing to abide by the terms of the Charter if you are selected as a member or alternate.

Seat applying for: *(NOTE: will vary according to the individual sanctuary)*

Name: _____

Home Address: _____

Home Phone: _____

Work Address: _____

Work Phone: _____

Fax: _____ **E-mail:** _____

Please address the following in an attached statement:

1. Reasons for interest in serving on the Council, including a statement of guiding philosophy regarding conservation and management of marine resources.
2. Community and professional affiliations.
3. Length of residence in area affected by the Sanctuary.
4. Particular expertise and experience germane to the goals and uses of the Sanctuary, particularly in relation to the seat for which you are applying.
5. Other qualifications or information relevant to membership on the Council.

The information obtained through this application process will be used to determine the qualifications of the applicant for membership on the Sanctuary Advisory Council. This information will be provided only to National Marine Sanctuary Program staff and other members of the review panel; the privacy of all applicants will be protected and only the names and business contact information of successful applicants will be provided to the public. Applying for membership on the Council is voluntary.

Public reporting burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Marine Sanctuaries Division, 1305 East West Highway, N/ORM6, Silver Spring, Maryland 29010.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control # _____
Expires _____

Sec. 315. ADVISORY COUNCILS

(a) ESTABLISHMENT. The Secretary may establish one or more advisory councils (in this section referred to as an 'Advisory Council') to provide assistance to the Secretary regarding the designation and management of national marine sanctuaries. The Advisory Councils shall be exempt from the Federal Advisory Committee Act.

(b) MEMBERSHIP. Members of the Advisory Councils may be appointed from among

- (1) persons employed by Federal or State agencies with expertise in management of natural resources;
- (2) members of relevant Regional Fishery Management Councils established under section 302 of the Magnuson Fishery Conservation and Management Act; and
- (3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.

(c) LIMITS ON MEMBERSHIP. For sanctuaries designated after the date of enactment of the National Marine Sanctuaries Program Amendments Act of 1992, the membership of Advisory Councils shall be limited to no more than 15 members.

(d) STAFFING AND ASSISTANCE. The Secretary may make available to an Advisory Council any staff, information, administrative services, or assistance the Secretary determines are reasonably required to enable the Advisory Council to carry out its functions.

(e) PUBLIC PARTICIPATION AND PROCEDURAL MATTERS. The following guidelines apply with respect to the conduct of business meetings of an Advisory Council:

- (1) Each meeting shall be open to the public, and interested persons shall be permitted to present oral or written statements on items on the agenda.
- (2) Emergency meetings may be held at the call of the chairman or presiding officer.
- (3) Timely notice of each meeting, including the time, place, and agenda of the meeting, shall be published locally and in the Federal Register, except that in the case of a meeting of an Advisory Council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the Federal Register.
- (4) Minutes of each meeting shall be kept and contain a summary of the attendees and matters discussed.