

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/08/2011

Department of Commerce  
National Oceanic and Atmospheric Administration  
FOR CERTIFYING OFFICIAL: Simon Szykman  
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 05/09/2011

ACTION REQUESTED: New collection (Request for a new OMB Control Number)  
TYPE OF REVIEW REQUESTED: Regular  
ICR REFERENCE NUMBER: 201104-0648-008  
AGENCY ICR TRACKING NUMBER:  
TITLE: Profiles of Fish Processing Plants in Alaska  
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change  
OMB CONTROL NUMBER: 0648-0629  
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 07/31/2014 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	429	95	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	429	95	0
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland  
Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Recruitment/scheduling/refusal telephone call	NA	Telephone and site visit Alaska Fish Processing Plants Survey (includes initial telephone call)	
Telephone/on-site survey including additional call to complete if respondent needs to check records	NA	Alaska Fish Processor Plant Survey (telephone and site visit)	
Follow-up call to telephone interviewees for clarification or to complete gaps after reviewing information			

# 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 <span style="float: right;">b. <input type="checkbox"/> None</span> 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  
PROFILES OF FISH PROCESSING  
PLANTS IN ALASKA  
OMB CONTROL NO. 0648-xxxx**

**A. JUSTIFICATION**

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

This is a request for a new information collection.

Workers come from many places inside and outside Alaska to work seasonally in its fish processing facilities. In 2008, 23,047 people were employed in processing jobs in Alaska and “seventy-four percent of Alaska’s seafood processing workers were nonresidents” (Warren and Hadland 2009: 6-7). Thus, the population of an Alaska community with a fish processing plant can increase significantly during peak processing seasons from an influx of seasonal workers. In addition, shore-based fish processing plants rely on the community for many types of public infrastructure. In many cases, processing plants also provide a variety of services to their workers and to the community’s fishing sector, including the fishing vessels and fishermen that deliver landings to their plant. However, very limited information is available in a consolidated location or format about these fish processing facilities. This type of information is important when attempting to forecast the possible social impacts of fishing regulations on communities which have a shore-based fish processing facility.

The National Marine Fisheries Service’s (NMFS) Alaska Fisheries Science Center (AFSC) will obtain basic information about shore-based processing plants, including: 1) the location of the fishing plant in relation to the community, 2) reliance on public infrastructure, 3) plant-supplied services and facilities for fishing vessels, 4) plant-supplied services and facilities for processing plant employees, 5) history of fish processing by plant, 6) number of individuals employed at each processing facility during the months of operation, 7) number of workers that stay in company-provided living accommodations, and 8) the number of workers that receive meals provided from a company galley.

In 2005, AFSC social scientists produced NOAA Technical Memorandum NMFS-AFSC-160 [\*Community Profiles for North Pacific Fisheries – Alaska\*](#), which provides short descriptions of 136 communities in Alaska that are involved in commercial, recreational, and subsistence fishing. These profiles have served as a consolidated source of baseline information for assessing community impacts in Alaska; however, they include very limited information on the fish processors present in each community due to the lack of availability of this type of data. A small number of the community profiles include information on the number of processing employees at a certain processing plant only if this information was readily available on the internet; however, for the most part, the community profiles include only the total number of processing plants in each community and the species they are capable of processing. This limited information does not allow for a detailed picture of the social role of fish processors in the profiled communities.

These community profiles will be updated when the 2010 U.S. Census data is released in 2011-2012 and a separate effort is being undertaken to update these profiles including a community survey which will gather community level information from government entities.

The processor survey is a part of this larger project and this survey will produce “processor profiles” which will be included in the updated community profiles. These “processor profiles” will be comprised of short narrative descriptions of all shore-based fish processing plants in the state of Alaska. These descriptions will add important information to the community profiles and will help to demonstrate the processing sector’s contribution to the community in terms of jobs and services.

The data collected from this survey and resulting processor profiles will show how intricately connected many processing plants are with their communities such that effects of management actions on the processing sector can be linked to communities. Since the community profiles are often the starting point for social impact analysis of North Pacific Fishery Management Council (NPFMC) actions, increasing the information available about processing plants will increase the ability of impact assessments to take into account the effects of management actions on shore-based processing plants and processing workers at the community level.

The processor profiles will also support several legal requirements (see below for description) for future management actions.

## **MSA**

National Standard 8 of the [Magnuson-Stevens Act](#) (MSA) gives a statutory mandate for utilizing economic and social data to provide for the sustained participation of communities in fisheries and minimize adverse economic impacts on those communities. The following sections of the MSA pertain specifically to the requirements needing social and cultural data. Data collected in this effort will support current and future requirements of the MSA.

### **1) National Standard 8 Sec 301(a)(8) states:**

*Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.*

### **2) Requirements for Limited Access Privileges Sec.303A(c)(1)(C) states:**

*... any limited access privilege program (LAPP) to harvest fish submitted by a Council or approved by the Secretary under this section shall promote:  
... (iii) Social and economic benefits.*

### **3) Sec. 303A(B) PARTICIPATION CRITERIA:**

*In developing participation criteria for eligible communities under this paragraph, a Council shall consider -*

- (i) Traditional fishing or processing practices in, and dependence on, the fishery;*
- (ii) The cultural and social framework relevant to the fishery;*
- ...(iv) The existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion*

**4) Sec. 404(a) refers to:**

*.....acquire knowledge and information including statistics, on fishery conservation and management and on the economic and social characteristics of the fishery.*

The act clarifies this in Sec 404(c)(3) indicating

*Research on fisheries, including the social, cultural, and economic relationships among fishing vessel owners, crew, United States fish processors, associated shoreside labor, seafood markets and fishing communities.*

**NEPA**

The [National Environmental Protection Act](#) (NEPA) requires Federal agencies to consider the interactions of natural and human environments, and the impacts on both systems of any changes due to governmental activities or policies. This consideration is to be done through the use of ‘...a systematic, interdisciplinary approach that will insure the integrated use of the natural and social sciences...in planning and decision-making which may have an impact on man’s environment;’ (NEPA Section 102 (2) (A)). Under NEPA, an Environmental Impact Statement (EIS) or Environmental Assessment (EA) is required to assess the impacts on the human environment of any Federal activity. NEPA specifies that the term ‘human environment’ shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment’ [NEPA Section 102 (C)].

**Regulatory Flexibility Act**

The Regulatory Flexibility (RegFlex) Act requires Federal agencies to prepare an initial and final regulatory flexibility analysis which ‘...shall describe the impact of the proposed rule on small entities...’... The initial regulatory flexibility analysis ‘...shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. [RegFlex Section 603 (b) (5) (c)]. In addition, each final regulatory flexibility analysis shall contain ‘...a description of the steps the agency has taken to minimize the significant economic impact on small entities....’ [RegFlex Section 604 (a) (5)].

**Executive Order 12898**

The [Executive Order 12898](#) of February 11, 1994 on Environmental Justice requires Federal agencies to consider the impacts of any action on disadvantaged, at risk and minority populations. To evaluate these impacts, information about the vulnerability of certain stakeholders must be better understood. Indicators of vulnerability can include but are not

limited to income, race/ethnicity, household structure, education levels and age. Although some general information related to this issue is available through census and other quantitative data, these sources do not disaggregate those individuals or groups that are affected by changes in marine resource management or the quality of the resource itself. Therefore, other types of data collection tools, such as that proposed here, must be utilized to gather information related to this executive order.

**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 all applicable Information Quality Guidelines.**

Information from this collection will be used by NMFS social scientists at the AFSC and Alaska Regional Office, and by the staff at the NPFMC, to meet the requirements of the regulations discussed in Part A, Question 1 above. The information sought will be of practical use, as NMFS social scientists will utilize the information for descriptive and analytical purposes. The principal form of the results of this collection will be to provide “processor profiles”, short narrative descriptions of all the shore-based fish processing plants in the state of Alaska as part of a broader effort that is currently underway to update the Alaska community profiles, *Community Profiles for North Pacific Fisheries – Alaska* (Sepez et al. 2005). The profiles are produced for the purpose of providing baseline information on communities involved in fishing and will be utilized by NMFS and NPFMC in their role in fisheries management. In addition to direct fisheries management utility, this research and the resultant data may be utilized in increased and future ecosystem management efforts. These efforts include the development of various ecosystem models which incorporate various socio-economic indicators and other social information. The results of this research will increase the availability of social data to the extent that it may significantly benefit new research efforts in ecosystem modeling. The updated profiles, including the processor profiles, will also be available for public use to support community development, other research concepts and future research design.

The data will be collected once in order to be included in the updated community profiles, which are based in large part on information gathered from the U.S. Census; however it is likely that this data will be collected again in about nine years, in 2020, to accompany the decennial Census information.

The primary data collection tool is a questionnaire administered by telephone. The questionnaire will collect social information about fish processing plants at the plant level, which is currently unavailable. This information will be collected from plant managers at each shore-based fish processing plant in Alaska. The questionnaire was designed after conducting secondary research to determine what needed data are not already available, consulting with experts in survey research design, and partnering extensively with members of industry to test the survey instrument and to ensure that all of the questions are clear and can be answered easily by the respondents. The questions are designed to provide processing plant-specific and community-specific information by calling each individual processing plant, inserting the processing plant’s name in the telephone script in order to verify the name, and by inserting the community name of where the plant is located into the relevant questions (which makes it clear to the respondent

about which community they are being asked). The following is a discussion of how individual questions in the survey instrument will be used:

- Q1 collects information about where the processing plant is located in relation to the community and how the plant can be accessed from the community. The data collected in this question will facilitate an understanding of how intricately tied into the community the specific processing plant is and whether workers from the plant are accessing and using community-provided services (i.e., if the plant is located outside the community and can only be accessed by plane, workers are likely not interacting with the community on a regular basis).
- Q2 collects information on the types of public infrastructure that the plant relies on. This information is necessary to determine the level of linkage and dependence on the community by the specific processing plant and the importance of municipal budgets in creating and maintaining the infrastructure conditions that support shore-based processing. Some plants have built most of their own private infrastructure, while others rely to varying degrees on public infrastructure. The relationship between fisheries' infrastructure and resilient fishing communities has been well documented on the East Coast (Hall-Arber et al. 2001); however, prior to this survey, adequate data has not been available to assess these relationships in Alaska.
- Q3 requests information about the types of facilities and services that plants offer to fishing vessels and fishermen that deliver landings to their plants. The data collected with this question will facilitate an understanding of which facilities and services the plant provides to vessels and individuals that deliver fish to the community and will be used to provide insight into how each processing plant contributes to fishing locally through the services that they provide as a facility. Understanding the source of these services to fishing vessels is important to assessing the effects of management decisions that could effect shore-side processing. For example, if fishing seasons are reorganized so that a plant closes for a portion of the year, the impact of the reorganization would effect the fishing fleet through the unavailability of these services as much as it would effect the processors and the community.
- Q4 requests information about the services and facilities that plants offer for their processing plant employees. The information gathered in this question will facilitate an understanding of whether services and facilities are available at individual plants for their employees and give insight into how tied workers are to the community in which the processor is located and how dependent these workers are on community services. For example, if a plant provides services and facilities to its workers, it's likely that the workers are not depending directly on the community for such services.
- Q5 collects information on the date the fish processing plant first began operations. This provides information on the length of time that a given fish processing facility has been contributing to the community's economy and provides otherwise unavailable information on how long a fishing community has been involved in fisheries through the processing sector.

- Q6 collects information on whether the fish processing plant has operated continuously or has not operated during certain years since it opened. Some plants will show a high level of stability over time, while others will show a high degree of variability indicating extreme sensitivity to external conditions such as ecological sustainability, global market forces, and/or fishery management regimes. The information gathered in this question will help facilitate an understanding of the pattern of operation of fish processing facilities and their contribution to their host community's economy.
- Q7 asks whether or not the participant is able to answer the remaining questions without reviewing his/her records and requests a time to call back to ask the remaining questions if the information is not readily available. This information will be used to conduct a follow-up phone call to gather information for Q8 through Q10.
- Q8 collects information on the range of the number of workers (including processing line workers, supervisors, mechanics, quality control, office, and food service) employed at the fish processing plant by month. This question and the other questions in this section ask for a range because there are some months in which the processing plant may go from having a skeleton crew of less than ten for part of the month to a complete processing workforce in the hundreds. Reporting on this range was determined to be easier for processing plants than stating a single number for the month, based on consultations with the Pacific Seafood Processors Association. The information gathered in this question will provide an understanding of the extent to which the processing plant contributes to the host community's economy in terms of employment and also an understanding of the burden to the community and its services in terms of the number of workers (who are in many cases transient workers as opposed to permanent residents) in the community that might utilize or depend on the community's services.
- Q9 collects information on the range of the number of workers employed at the fish processing plant that stay in company-provided living accommodations (such as dormitories or onsite apartments) by month. The information gathered in this question will provide an understanding of the extent to which processing plant workers interact with other community members (e.g., if they are living at the fish processing plant, it's likely that they are not interacting with the community as much as those workers who live in offsite housing) and the extent to which they are contributing to the community's economy in terms of paying for housing in the community.
- Q10 collects information on the range of the number of workers employed at the fish processing plant that receive meals provided from a company galley by month. The information gathered in this question will provide an understanding similar to Q9 including the extent to which processing plant workers interact with other community members and the extent to which they are contributing to the community's economy in terms of purchasing food for meals or frequenting community restaurants.

It is anticipated that the information collected will be used by the NPFMC to inform decision making, disseminated to the public or used to support publicly disseminated information. As

explained in the preceding paragraphs, the information gathered has utility. 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 to Question 10 of this Supporting Statement for more information on anonymity, 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 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.**

The survey data collection does not utilize any specialized information technology.

**4. Describe efforts to identify duplication.**

AFSC social scientists have been in contact with other NMFS social scientists and other agencies to ensure that if duplication is occurring, it is only because of confidentiality issues and an inability to share the confidential information.

A large effort has also been made to ensure that no duplication is occurring with the community data collection survey mentioned above (in Part A, Question 1) as being an integral part of the community profile update process. The community data collection survey is being conducted by AFSC social scientist, Amber Himes-Cornell. This survey asks questions of government organizations including city governments and tribal governments. The survey does not ask fish processors for information and does not duplicate the information asked as part of the processor profiles survey described in this supporting statement.

Some relevant data are already collected on employment in fish processing facilities in Alaska; however, these data are insufficient for the following reasons:

1) **Data are not reported at the appropriate level.** The Alaska Department of Labor collects a monthly count of processing jobs, but this information is reported at the regional rather than community level or processing plant level and gives a count of jobs rather than a count of employees. The decennial U.S. Census also collects sample data on employment by industry; however, does include a separate category for fish processing;

2) **Workers are omitted because of the time of year the information is collected.** The decennial U.S. Census counts people based on where they were living on April 1<sup>st</sup> of the census year and workers can be excluded from the total count of the community's population if the processing facility is not in operation at that time; or

3) **The data does not cover all types of fish processing employees and facilities.** NOAA/AFSC's Crab Economic Data Reporting program collects detailed information on the residence, number of processing positions, total man-hours, and total labor earnings only for

those individuals and plants engaged in crab processing, but no information is collected on workers engaged in processing activities for other species.

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

This request includes the collection of data from fish processing businesses, including small fish processing businesses. Prior to contacting these respondents, researchers will have gathered any publicly available data relevant to this study. In addition, participation in the proposed data collection will be voluntary. This data collection will not require any reporting or equipment cost burdens. The burden will be limited to the time required to complete the survey and the time that might be required to review records in order to answer the questions pertaining to the number of employees by month (Q8-Q10). Arrangements to collect data from research participants will be at the convenience of the participant, and as flexible as possible to minimize the burden on all parties.

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

In the absence of basic information on processing facilities, NMFS and NPFMC will be unable to adequately understand impacts of fisheries policy and management decisions on Alaskan communities and on shore-based fish processing facilities that are a part of these communities.

The Federal mandates and Executive Order described in Part A, Question 1 above require the analysis of the impacts that government actions have on the communities involved in fishing and require a program to conduct fisheries research on social, cultural, and economic relationships, including United States fish processors, associated shoreside labor, and fishing communities in order to assess those impacts. Socio-economic impact assessments, analysis of the affected human environment, cumulative impacts, as well as the distribution of impacts with a special emphasis on vulnerable or at risk communities, are all examples of these requirements. The ability of NOAA Social Scientists to adequately respond to this charge relies on access to timely and relevant information about the stakeholders involved.

A significant concern related to the quality of these analyses is the risk of being vulnerable to litigation for not fulfilling these mandates and executive order. Therefore, not collecting this information may lead to incomplete representation of the communities affected by fisheries policies and management decisions in Alaska. This could impact the decision making process and negatively impact the communities subject to the decisions.

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

This information collection is consistent with OMB guidelines.

**8. Provide information on 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.**

A Federal Register Notice published on April 21, 2010 (75 FR 20811) solicited public comments.

Two comments were received, from representatives from Pacific Seafood Processors Association (PSPA) and Petersburg Fisheries, a division of Icicle Seafoods, Inc.

The following is a summary of comments received on four points requested by the Federal Register Notice.

- A. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility.

Comments included concern over:

1. Whether collecting this data is related to a current specific fishery management plan or whether collecting this data is related to an amendment that is authorized by the MSA;
2. Whether these data support agency functions;
3. Whether the project seeks to obtain information from processing plants managers on topics that they are not knowledgeable about;
4. Whether the data request includes information that processors are mandated to provide to other agencies;
5. The appropriateness of specific topics of the survey; and
6. The use of questions dealing with ethnicity and country to origin of workers, types of lodging and other accommodations and activities available for processing workers, whether or not the company provides meals for the processing workforce in a company galley, and the interactions between seasonal processing workers and permanent residents of the community.

Agency Response

(1 and 2) The collection of these data is related to National Standard 8 of the MSA, which requires the utilization of social data in order to take into account the importance of fishery resources to fishing communities to provide for their sustained participation and minimize adverse economic impacts (as explained above in section, Part A, Question 1). Although these data are not being collected for a specific NPFMC or fishery management plan, these data are being collected for the purpose of being included in AFSC's updated community profiles, which are utilized in analyzing the impacts of such plans. The

collection of these data at this time will allow access to the information in the future for impact assessments so that the information necessary for each specific social impact assessment (SIA) does not have to be gathered for each individual analysis. Since the original version (Sepez et al. 2005) has frequently served as a consolidated source of baseline information for assessing community impacts in Alaska, there is no danger that the information will not be utilized. These data are fulfilling a data gap necessary for the requirements of National Standard 8 of MSA and will be utilized in future SIAs. No changes were made on the basis of these concerns.

(3, 5 and 6) Several questions were omitted because of concerns expressed by industry members through their public comments and through conversations with industry aimed at receiving feedback and addressing their concerns. Questions that were originally desired for inclusion in the survey were deleted in response to concerns expressed by industry representatives, including ethnicity and the country of origin of workers, interactions between seasonal processing workers and permanent residents, what percentage of workers living offsite reside with their families, what social activities and social services are available in the community, and the history of plants that are no longer in operation. These questions were omitted because further conversations with the entities that submitted public comment indicated that plant managers wouldn't be able to answer the questions with any reasonable certainty. While information on race/ethnicity and national origin are important pieces of information for us to gather, we believe that this survey might not be the best mechanism by which to gather the information.

(6) Questions dealing with the types of lodging and other accommodations and activities available for processing workers (at the plant) and whether or not the company provides meals for the processing workers in a company galley were refined with the help of a representative of PSPA and remain in the questionnaire. These questions are important in understanding the social role of a fish processing plant (as explained above in Section A, Question 2 for Q4, Q9, and Q10). The public comments from Icicle Seafoods mention that the information about lodging accommodations and meals is readily available on their company's website; however, information about these services is not available for every company. An extensive background search has been completed by AFSC social scientists to gather information from fish processing company websites and if this information was available from the company's public website at the plant level, the question will not be asked during the survey.

(4) We have not been able to identify any other agencies that currently mandate collection of the information requested in the present survey.

Regarding the information on the number of employees (mentioned by Icicle Seafoods in their public comments as being available at the plant level by month and by quarter from the Alaska Department of Labor), this information is confidential and is not available to AFSC at the plant level. A representative of the Alaska Department of Labor advised AFSC social scientists that the information can only be provided in an aggregate form and is confidential at the plant level.

- B. The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information.

Comments included concern that:

1. the stated annual cost to the public in the Federal Register Notice was zero, but that the cost of conducting the survey including AFSC salaries and the cost of travel required for the site-visits was not included;
2. the stated annual cost to the public did not include the cost of time for interviewees to participate in the survey;
3. since many processing operations in Petersburg, Cordova, and Kenai are small, family-owned operations, conducting the survey in person in those locations would represent a burden and would also even be difficult for those plants which are larger in size in the site-visit communities because of the time-constraints of fish processing; and
4. after experiences with AFSC's Economic Data Reporting (EDR) program associated with the Bering Sea and Aleutian Island Crab Rationalization Program, that the estimated times and associated costs of AFSC are not credible or reliable.

#### Agency Response

There is no annual cost to the public in the form of what the processing facilities would be required to pay for the project; however the amount listed in the Federal Register Notice did not include AFSC's budget for the project (per instructions for the Federal Register Notice, only recordkeeping and reporting costs were to be included in the notice.) The total budget for the project is \$44,000 (including \$28K for a contractor and overhead to conduct the survey and \$16K for travel to the site-visit communities). This funding was awarded for the most part to AFSC through fiscal year 2010 National Standard 8 competitive NMFS funding.

The annual cost to the public in the Federal Register Notice did not include the time required for interviewees to participate in the study; however, it is estimated that this survey will require approximately 30 minutes to complete (including 20 minutes for answering the bulk of the questions and a 10 minute call if necessary to answer the questions that will require consultation of records). Participation in the survey is voluntary.

In regard to the burden on small fish processors in the proposed site-visit communities of Petersburg, Cordova, and Kenai, the survey will only be completed in person at each facility if the specific plant manager is willing to take part in the survey in person. As stated above, participation in the survey either over the phone or in person is voluntary. This also applies to larger facilities in the site-visit communities and if a facility is not able or willing to complete the survey in person, interviewers will attempt to administer the questionnaire over the phone.

In regard to the estimated times and associated costs not being reliable or credible because of past experiences with the Economic Data Reporting program associated with

the Bering Sea and Aleutian Island Crab Rationalization Program, this data collection is significantly smaller in size in terms of the number of questions being asked and time it will take to complete the survey and is also voluntary; whereas the Economic Data Reporting program (referred to by public comments) is a mandatory data collection.

C. Ways to enhance the quality, utility, and clarity of the information to be collected.

Comments included concern that:

1. The proposal's description did not clearly outline the purpose and need for the project and concern was expressed over the utility of data collection in relation to fisheries management,
2. Some of the information gathered will be anecdotal or ballpark in nature because the language of the draft survey included the words "rough estimate" and "rough percentage" and concern over this anecdotal information being used to forecast social impacts of fishing regulations on communities which have an shore-based fish processing facility, and
3. Some of the questions on the draft survey (particularly any question about the social services available to workers in a community) should be asked of someone with a greater area of expertise in the subject.

Agency Response

Significant detail on the utility of this data collection, need for this project, and description of the purpose was not included in the Federal Register Notice given its brief nature; however this has been described above in detail in Section A, 1 and 2.

In regard to the concern expressed over information which might be anecdotal or ballpark because of the use of the words "rough estimate" and "rough percentage", these terms have been omitted from the questionnaire; however, the questionnaire does still include instructions for the questions pertaining to the number of workers (Q8-Q10), which state "If you do not have exact numbers, it is fine for you to provide me with your best educated guess." Although this could still be considered ballpark in nature, plant managers are considered the experts in this subject and it is reasonable to believe that they will be able to give a very close estimate. Also, plant managers will be given the opportunity to consult their records before answering these questions about the number of employees.

In regard to the appropriateness of asking some of the questions (that were contained in the draft survey instrument) of processing plant managers, particularly the question about the social services available to workers in the community, this question was deleted from the survey in response to concerns by industry representatives.

D. Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments included concern that:

1. Much of the information desired by AFSC is already collected by other entities (including: State of Alaska Commercial Operator's Annual Report (COAR), Crab Rationalization Program EDR, the Alaska Department of Fish and Game annual processing capacity survey, and reports by the Alaska Department of Labor including the annual seafood employment report) and asking for this information from processors is duplicative and burdensome;
2. AFSC should make every effort to ensure they are using data that is already available before requesting any additional information from the public;
3. A request that AFSC approach the Alaska Department of Labor (ADOL) to see what data might already be available; and
4. Questions for processors should be limited to the nature of their business (and not about social services available in a community or who employees reside with offsite).

### Agency Response

Regarding the issue of duplication, AFSC social scientists have been in contact with other NMFS social scientists and other agencies to ensure that any duplication is a result of confidentiality issues and an inability for the collecting agency to share the confidential information (as described above in Part A, Question 4). AFSC social scientists have reviewed the suggested data sources and have engaged in correspondence with representatives from the ADOL. All of the sources suggested through public comments were suggested with the purpose of providing employment information; however, the sources suggested either do not include data at the proper level of aggregation (the community and processing plant level) or do not include information for all processing employees (e.g., includes only information for the crab fishery). These data sources are described in detail below.

ADOL data on the number of processing workers is not available at the community or fish processing plant level because of confidentiality issues. The annual seafood employment report (mentioned in public comments) includes the total number of fish harvesting employees by month for the entire state of Alaska, but does not break out the number of employees by community or plant. Other reports by ADOL, including "Current Employment Statistics" (employment information by state or region), "Quarterly Census of Employment and Wages" (employment and wages information by state, borough, and by census areas including communities; but does not include an individual category for fish processing at any level other than that of the state), and the "State of Alaska Seafood Employment Estimates" (information on employment by month and region) do not break out the number of fish processing employees by community or plant.

NOAA/AFSC's Crab Economic Data Reporting (EDR) program collects detailed information on the residence, number of processing positions, total man-hours, and total labor earnings only for those individuals and plants engaged in crab processing, but no information is collected on workers engaged in processing activities for other species.

The State of Alaska COAR collects species, gear, area, processing type, and price information on fish purchased by fish processors; however, it does not include any information on employment at fish processing facilities.

Alaska Department of Fish and Game (ADFG) annual processing capacity survey only covers the Bristol Bay salmon fishery and gathers information about the processing capacity of fish processors including the processing capability in terms of pounds per day, the amount of days this processing capacity can be sustained at, whether the company provides tenders, and whether the company intends to purchase salmon. This survey does not include information on the number of employees at fish processing plants.

Regarding the issue of questions being limited to the nature of a processor's business, all of the questions contained in the draft survey which focused on issues outside of the nature of a processor's business, including social services available, have been omitted from the final version of the questionnaire.

**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.**

An assurance of the confidentiality of the data gathered will not be provided to respondents, given that the information gathered will be reported in the form of individual processor profiles which will be included in the updated community profiles and published at a NOAA Technical Memorandum. This is clearly stated in the telephone script, which reads:

“The information we collect in this survey will be compiled into processor profiles, which are short narrative descriptions of each shore-based fish processing plant. The profile we draft for your plant will be included in the profile for the community of [COMMUNITY NAME]. These community profiles are important sources of information for fisheries managers and are designed to provide background information on communities involved in fishing”.

When the information is reported in the profiles, it will list the plant manager, generically, as the source of the information; however, names of individual respondents will not be reported. Respondents will be provided the opportunity to review their processing plant's profile prior to publication in the community profiles. The original information gathered will not be available for public viewing; however the processor profiles will be included in a publicly available document.

**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.**

The survey does not include questions that are of a sensitive nature or include other matters that are commonly considered private.

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

A total of approximately 95 burden hours will be accumulated from the survey implementation. The census of 186 shore-based fish processing plants (plant managers) will be contacted. The survey will be completed over the phone with the majority of the shore-based fish processing plants (N = 162, expected response: 113). The remaining processors, located in Kenai, Petersburg, and Cordova (N = 24, expected response: 17), will have the survey administered during in person site visits. These plants in Kenai, Petersburg, and Cordova will not complete the survey over the phone unless they are not willing to conduct the survey in person. The total number of surveys which could be completed is 186 (including the whole universe of shore-based processing facilities); however, a maximum response rate of 70% is estimated: 113 telephone surveys and 17 site surveys.

The burden hours have been calculated using the maximum time burden and maximum respondents for each portion of the survey implementation process; however, most respondents will not need to be contacted multiple times. It is expected that in many cases a respondent will only need to be contacted one time (listed in the table below as the 2<sup>nd</sup> Telephone Call and Administration of Telephone Questionnaire). Given this, the actual burden should be less than the maximum value of 95 burden hours.

The total burden hours are calculated based on an estimate of how long each phase of survey implementation is expected to take.

Phone survey: the 1<sup>st</sup> Telephone Recruitment Call, Refusal will be the first contact with the respondent and if the respondent is not available to answer the questions at the time of the initial call, another call will be scheduled with the respondent (referred to below as 2<sup>nd</sup> Telephone Call and Administration of Survey Instrument). If the respondent is available to conduct the survey at the time of first contact, it will not be necessary to include the time given below for the 1<sup>st</sup> Telephone Call, Refusal; but rather the call will consist of conducting the survey at the time of first contact in what is referred to below as 2<sup>nd</sup> Telephone Call and Administration of Survey Instrument. The respondent is also able to elect to refuse to take part in the study at the time of first contact. The 3<sup>rd</sup> Telephone Call will only be necessary if a respondent finds it necessary to consult his/her records in order to answer the questions on the survey which refer to the number of processing plant employees by month (Q8-Q10). The 4<sup>th</sup> Telephone Call will only be necessary if something was missed or remains unclear after the survey administration phone call. It is believed that this call will only be necessary in a very small number of cases. Each recruitment call, and the follow-up call, are expected to last 6 minutes and the call where the survey is administered is expected to last 20 minutes, with an additional ten minutes if records

consultation is needed. A breakdown of the estimated number of responses and the estimated burden to respondents is provided in the table below.

Site-visit survey: site visits will be conducted with shore-based fish processing plants in three communities in Alaska: Cordova, Kenai, and Petersburg where the survey will be completed in person at those facilities. These communities were selected for site visits because they have not received a site visit as part of any previous community-related survey, and they have the largest number of fish processing facilities in their sub-regions. The Recruitment Call (for site-visit survey) will only be conducted with those fish processing plants located in the three site-visit communities and will be used to schedule a time for the interviewer to visit the plant and conduct the survey in person. This will be done with a total of 24 possible plants and is expected to require 30 minutes of the respondent’s time for a total of 12 total burden hours. If these plants elect to take part in the survey in person, the In- Person Surveys in Site-Visit Communities will be conducted with these 24 plants. If respondents at these locations elect to take part in the survey over the telephone and not in person, the survey will be administered over the phone (and not in person) and will require the same time burden as each individual telephone survey outlined in the table below.

<b>Description</b>	<b>Estimated No. of Respondents</b>	<b>Estimated No. of Responses</b>	<b>Estimated Time per Respondent (minutes)</b>	<b>Estimated Burden Annual Burden Hours (hours)</b>
1st Telephone Recruitment Call for Scheduling, Refusal	162	162	6	16.2
2 <sup>nd</sup> Telephone Call (if first call resulted in scheduling survey), but in some cases first call - and Administration of Telephone Questionnaire	113*	113	20	37.6
3 <sup>rd</sup> Telephone Call (for questions that require consultation of records)	113	113**	10	19
4 <sup>th</sup> Telephone Call (for follow-up)	113	113	6	11
Recruitment Call (for site-visit surveys)	24	24	6	2.4
In-Person Surveys in Site-Visit Communities	17*	17	30	8.5
<b>Total Burden</b>	<b>186 (unduplicated)</b>	<b>429</b>		<b>94.7(95)</b>

\*70% of respondents initially contacted.

\*\* Not counted as additional response.

NOTE: numbers not rounded off, so that total burden in this document and in ROCIS will agree.

**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 Question 12 above).**

There will be no recordkeeping/reporting costs to the respondents.

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

Total estimated cost to the Federal government is \$44,000 and includes:

- \$28K for a contractor and overhead to conduct background research and administer the survey, and
- \$16K for travel to the site-visit communities.

**15. Explain the reasons for any program changes or adjustments.**

This is a new collection.

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

This project will produce “processor profiles,” short narrative descriptions of all shore-based fish processing plants in the state of Alaska, which will be included in the updated community profiles. The data gathered through this questionnaire will be entered into a database and then compiled in a narrative format with data about each processing plant from existing publicly available sources. These processor profiles will be included in AFSC’s updated community profiles which will be drafted in 2011 and 2012. The profiles will be published as a NOAA Technical Memorandum after they have been reviewed and edited by AFSC. It is estimated that the publication process will be completed in 2013. In addition, as individual profiles are completed, they will be posted in draft form on the AFSC website.

**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.**

Since the survey will be conducted by phone and there will not be a printed version that is distributed to participants, the expiration date will not be displayed. However, the OMB Control Number and expiration date will be on the telephone and interview scripts, and will be read to the respondents, the first time they are contacted.

**18. Explain each exception to the certification statement.**

Not Applicable.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

**1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.**

The potential respondent universe includes plant managers from the 186 shore-based fish processing facilities (located in 64 Alaskan communities) which filed Intent to Operate paperwork in the year 2010. These fish processing facilities include plants with the following Alaska Department of Fish and Game processor and buyer codes: SBPR (Shorebased Processor), EXBY (Buyer/Exporter), IBYO (Independent Buyer), and IFSP (Inshore Floating Stationary Processor). These codes were chosen in order to ensure that all fish processing facilities based in Alaskan communities are included in the respondent pool.

Due to the low number of processing plants, a census of the population will be attempted. A census is also necessary in order to obtain the same set of unique information about each fish processing plant for use in revising the 2005 community profiles (Sepez et al. 2005).

Potential respondents are identified as the processing plant managers for each fish processing facility. Respondents will be called on the phone to complete the survey. The data collected will be supplemented with internet sources, including the associated fish processing company websites and the Alaska Seafood Marketing Institute's website.

According to Bourque and Fielder (2003: 15), non-commercial telephone surveys that are rigorously conducted have achieved response rates above 70%; whereas some marketing firms have reported response rates for commercial surveys at a rate as low as 12%. Bernard (2006: 261) states that with phone surveys, a refusal rate of 30% to 40% can be expected. A level of response on the higher end (similar to that given by Bernard and given for rigorously conducted surveys by Bourque and Fielder) for the proposed data collection is expected because the sample for this survey includes targeted businesses rather than members of the general public. Also, an organized shore-based fish processing association, Pacific Seafood Processors Association (PSPA) has offered to encourage their member processing plants to take part in the survey. PSPA members include 26 of the largest shore-based plants included in the respondent population. Based on the specific nature of the sample population for this study and the fact that we have received buy-in from members of that population, we expect a final response rate of up to 70%, leading to a maximum of 130 surveys being completed.

**2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

The survey instrument submitted for approval with this supporting statement was finalized in January 2011 after significant input from survey design experts and cognitive interviews with processing industry representatives. The survey was developed and revised through extensive collaboration with PSPA.

Implementation of the survey will follow a modified version of the phone survey administration method described by Rea and Parker (1997: 70-74), Dillman's Tailored Design Method (Dillman 2009: 234-271) when deemed appropriate for phone surveys, and methods suggested by members of the processing sector that were consulted in the design of the survey (i.e., Q8-Q10 in the survey may require plant managers to consult their records and it was suggested that AFSC social scientists should offer another phone call at a later time to gather the information). Rea and Parker focus specifically on the methods of telephone surveys/interviews and they describe specifics about such topics as interviewer training, minimizing interviewer bias, collecting answers to questions, dealing with busy phone lines, and missing answers to questions (1997: 70-74).

The modified process which will be used includes an advance letter to respondents that will be contacted to take part in the survey, an initial telephone call (during which the survey will be conducted if convenient for the participant), a secondary telephone call (if the respondent is not available to complete the questionnaire during the initial call), a third telephone call (if necessary, to complete questions Q8-Q10), and a follow-up call (if necessary, to fill in gaps).

The survey will be a census of 186 shore-based fish processing plants, as described in Part B Question 1, above. A statistical methodology for sample selection was not needed given that a census of the population is being attempted.

The method of data collection will be a questionnaire which will be administered for the most part over the telephone, but will be administered in person in the site-visit communities of Kenai, Petersburg, and Cordova. The phone numbers and addresses of processing plants will be obtained from publicly available Intent to Operate listings from the Alaska Department of Fish and Game.

The full survey implementation procedures are as follows:

#### Phone Survey

1. An **advance letter** will be mailed to participants that will be recruited to take part in the phone survey portion. This will be the first contact with the respondent pool.
2. A **telephone recruitment call** will be made 5-7 days after the advance letter is sent to conduct the survey over the phone or make arrangements to complete the survey in the following few days. The survey will be completed at the time of the recruitment

- call if convenient for the participant or an alternate time will be scheduled for completion of the survey over the phone. Where necessary, only questions that do not require the consultation of ones records to answer (Q1-Q7) will be completed during the original call and the remainder of the survey will be completed at an alternate time over the phone or provided over email to AFSC social scientists. This step will be completed a total of 3 times before the phone number is classified as “non-response.” Another **telephone recruitment call** will be made at another time if the respondent is not available at the time of the first call.
3. A **second telephone call** will be made at a scheduled time set with the respondent to conduct the survey (in some cases this may be the first contact, with the survey taking place if the respondent is available at this time and willing to participate).
  4. A **third telephone call**, if necessary to complete the remainder of the survey questions that might require participants’ consultation of records.
  5. A **follow-up telephone call** immediately after the survey is completed, if necessary. This phone call will fill in gaps caused by missed questions, unclear open-ended responses, and general legibility.

#### Site-Visit Survey

1. A **telephone recruitment call** will be made to plant managers 3-4 weeks before the desired site-visit date to recruit respondents and arrange a time to conduct the survey in person.
2. An **in person survey** will be conducted at a scheduled time with the respondent.

This collection of information will be gathered only once; however, it is likely that this collection will be completed again in the year 2020 (as explained above in Part A, Question 2).

**3. Describe the methods used to maximize response rates and to deal with non-response. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.**

Numerous steps have been, and will be, taken to maximize response rates and deal with non-response behavior. These efforts are described below.

#### **Maximizing Response Rates**

The first step in achieving a high response rate is to develop a survey instrument that is easy for respondents to complete. Significant effort has been spent on developing a good survey instrument. Experts in survey design and who work with Alaskan fishing communities on a regular basis were asked to review the draft survey instrument and provide comments on the wording of questions, additional questions to include, question order effects, question structure and response categories. The current survey instrument also benefited from input on earlier versions provided in two cognitive interviews as well as from input provided from PSPA who chose to present the survey to three of their member organizations who provided comments on

the survey. Cognitive (one-on-one) interviews were used to ensure the survey instrument used words and terms people could understand, and was a comfortable length and easy to answer.

The implementation techniques that will be employed are consistent with methods that maximize response rates. As described in Part B, Question 2 above, implementation of the phone survey will follow a modified version of the phone survey administration methods described by Rea and Parker (1997) and Dillman et al. (2009), as well as methods suggested by fish processing industry members. Methods for the site-visit surveys include calling 3-4 weeks beforehand to arrange a time to conduct the survey in person. This will be done in order to ensure that the time of the visit will correspond with a time that does not interfere with processing activities.

The importance and benefits of this data collection project will be emphasized in the advance letter and telephone contacts. In these letters and phone contacts, the investigators will state that the community profiles (in which the processor profiles will be included) continue to be important sources of information for fisheries managers when making important decisions that could affect the processing plants. Making a clear link between the survey, their participation, and the importance of the community profiles is expected to help increase the response rate even further. Also, PSPA will encourage their member organizations to take part in the survey. PSPA members include some of the largest processing facilities in Alaska and it is a very influential organization in the industry. It is estimated that with their support and backing, the response rate will increase for their member organizations and also perhaps for those facilities that are not members of PSPA, but which may be more inclined to participate because PSPA has expressed support for the survey.

### **Non-response**

To better understand why some respondents are not willing to complete the survey and to determine if there are systematic differences between those processing plants that choose to participate in the survey and those that do not, a list of those which do not choose to take part in the survey will be kept and any reasons given for why they do not wish to take part in the survey will be recorded. A demographic comparison will also be completed by examining the size of fish processing plants using total fish landings as a proxy for size of fish processing plant (since the number of employees is not available).

### **4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.**

A formal pretest of procedures and methods was not undertaken for this project, given the small number of respondents in the population and because a census will be undertaken during the full survey implementation. However, the survey instrument was evaluated and revised using input from cognitive interviews conducted with the Vice President of PSPA (who chose to present the draft survey to three of their member organizations who also evaluated the survey and presented suggested edits), as well as with another potential respondent at processing facility, a member of Icicle Seafoods. The survey design and implementation plan have also benefited from review by

individuals with expertise in socio-economic survey design and implementation in fishing communities.

**5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.**

An internal peer review of the survey instruments was conducted which included grammatical, clarity, design, and statistical review. NMFS federal staff that reviewed the survey instruments includes:

Dr. Amber Himes-Cornell  
Social Scientist - Alaska Fisheries Science Center  
(206) 526-4221

Dr. Dan Lew  
Economist - Alaska Fisheries Science Center  
(530) 752-1746  
Dan.lew@noaa.gov

Dr. Jennifer Sepez  
Anthropologist - Alaska Fisheries Science Center  
(206) 526-6546

Christina Package  
Contractor at Alaska Fisheries Science Center  
Pacific States Marine Fisheries Commission (PSMFC)  
(206) 526-6683

The individuals who will ultimately collect and analyze the information are Christina Package and PSMFC Contractor; Dr. Amber Himes-Cornell, AFSC Social Scientist; and an additional contractor for the project, if necessary.

## Advanced Letter for Phone Survey Participants

<DATE>

<Company Name>

123 Main Street  
Anywhere, USA 12345

Dear Processing Plant Manager,

The National Oceanic and Atmospheric Administration (NOAA) is conducting a study to learn more about shore-based fish processing plants in Alaska, such as yours. The information we collect will improve the quality of information available about shore-based processing plants and how they are related to local communities. The information provided through the phone survey will also allow us to include a short, narrative profile of shore-based processing plants in Alaska in an updated version of the *Community Profiles for North Pacific Fisheries – Alaska*. You can view the profiles that are already done at <http://www.afsc.noaa.gov/REFM/Socioeconomics/Projects/CPU.php>.

We have identified you as someone with in-depth knowledge of your processing plant and the appropriate person for us to talk with. In the next couple of weeks, an interviewer from NOAA will be calling to schedule an interview with you at a time that is convenient for you. The phone survey will take approximately 30 minutes to complete. You will be asked about the role your plant plays in the local community and the benefits you provide to your employees. You will also have the opportunity to review your profile and suggest changes before it is published.

The survey is voluntary, however, your participation is highly valued and the information you provide may be used in social impact assessments of fisheries management actions and policies and will be important for forecasting the potential social impacts of fishing regulations on communities which have a shore-based fish processing facility. To make sure that the best possible information is obtained about your plant, we need to hear from you. Without your response, we will not be able to provide the information requested in your plant's profile.

Thank you in advance for your help in this important study. If you have any questions, please feel free to contact me directly at (206) 526-4221.

Sincerely,

Amber Himes  
Principal Investigators of the Processor Profiles Project

## Survey Instrument



### Alaska Fish Processing Plants Survey Collecting Information for Processor Profiles

#### Telephone Script

Note: the script for the in-person survey will be the same as the one given below from the section which begins with “Good evening” down through the survey instrument.

Hello, my name is [*interviewer’s name*]. I’m calling from the National Marine Fisheries Service. May I please speak with the plant manager?

[*If plant manager is not available*]

Is there a better time that I can call back to reach him or her?

[*When plant manager answers the phone*]

Good evening (afternoon/morning). My name is [*interviewer’s name*]. I’m calling from NOAA’s Alaska Fisheries Science Center, part of the National Marine Fisheries Service. We are conducting a phone survey to collect social information about shore-based fish processing plants in Alaska.

All shore-based fish processing plants in the State of Alaska are being contacted to take part in this voluntary survey.

The information we collect in this survey will be compiled into processor profiles, which are short narrative descriptions of each shore-based fish processing plant. The profile we draft for your plant, [PLANT NAME] will be included in the profile for the community of [COMMUNITY NAME]. These community profiles are important sources of information for fisheries managers and are designed to provide background information on communities involved in fishing.

Your participation is voluntary and the description of your plant produced from this information will be available to you for your review prior to publication. This survey should take approximately 30 minutes. The OMB control number for this survey is \_\_\_\_\_ and the expiration date for OMB approval is \_\_\_\_\_.

Would you be willing to take part in this survey?

*Yes* → *continue to Q1*

*No* → Is there another person at your facility that might be willing and able to take the survey? ((If not, or if second person takes the call and refuses to participate, “Thank you for your time”).)

***Location of Plant and Reliance on Public Infrastructure***

Q1. First, is your plant located inside or outside the community of [COMMUNITY NAME]?

- Inside*
- Outside*

Q1a. What modes of transportation can be used to reach your processing plant from the community of [COMMUNITY NAME]? (*read the list*)

- Public or private ground transportation, for example, a car over a road network
- Plane
- Boat
- Other \_\_\_\_\_

Q2. I'm going to read you a list of several types of public infrastructure that your plant may use. Please indicate which of them your plant relies on for its operations. (*read the list and check all that apply*)

- Public docks
- Water services
- Power/Electricity
- Gas
- Waste management
- None of the above

Q2a. Are there types of public infrastructure that I did not mention that your plant uses for its general operations?

- No*
- Yes.* What are they? (list): \_\_\_\_\_

***Plant Supplied Services and Facilities for Fishing Vessels***

Q3. I am going to read a list of services and facilities that some plants may offer for fishing vessels and fishermen that deliver landings to their plants. Which of them are offered to fishing vessels and fishermen that deliver to your plant? (*read the list and check all that apply*)

- |                                                                        |                                             |
|------------------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Dock space                                    | <input type="checkbox"/> Laundry facilities |
| <input type="checkbox"/> Ice                                           | <input type="checkbox"/> Showers            |
| <input type="checkbox"/> Power/Electricity                             | <input type="checkbox"/> Break room         |
| <input type="checkbox"/> Vessel haul outs                              | <input type="checkbox"/> Dining hall/galley |
| <input type="checkbox"/> Storage of gear or vessels                    |                                             |
| <input type="checkbox"/> Repair services                               |                                             |
| <input type="checkbox"/> Onsite store for basic groceries and supplies |                                             |
| <input type="checkbox"/> Water                                         |                                             |
| <input type="checkbox"/> Fuel                                          |                                             |

(*Check here if none of the above are provided by the plant*)

- None of these services or facilities are offered*

Q3a. Are there types of services and facilities that I did not mention that your plant offers to fishing vessels and fishermen that deliver to the plant?

- No*  
 *Yes. What are they? (list):* \_\_\_\_\_

***Plant Supplied Services and Facilities for Processing Plant Employees***

Q4. Now, I am going to list another set of services and facilities that some plants may offer for their processing plant employees. Which of them, if any, do you offer your plant employees? (*read the list and check all that apply*)

- Laundry
- Showers
- Dining hall/galley
- Gym
- Movies/TV
- Onsite lodging, for example, dormitories or apartments
- Transportation to the plant at the beginning and ending of the contract, for example, airfare or boat ride to facility

(*Check here if none of the above are provided by the plant*)

- None of these services or facilities are offered*

Q4a. Are there types of services and facilities that I did not mention that your plant offers to your plant employees?

- No*  
 *Yes. What are they? (list):* \_\_\_\_\_

***History of Fish Processing***

Q5. To the best of your knowledge, in what year did your plant first begin operations?

Year: \_\_\_\_\_

Q6. Has the plant operated continuously since that date or were there years in which it was closed down for the entire season?

- The plant has operated continuously since beginning operations.*
- There were years the plant was closed for the entire season.*



Q6a. Which years was the plant closed down for the entire season?

\_\_\_\_\_

The last set of questions is about your employees. They may require you to look at your monthly records from January to December of 2010. If you do not have exact numbers, it is fine for you to provide me with your best educated guess. If you cannot answer these questions now, I'd be happy to provide them to you and set up another time in the next couple of days to record your answers or if it is more convenient, you can email your responses to [AFSC.Community.Profiles@noaa.gov](mailto:AFSC.Community.Profiles@noaa.gov).

I would like to know about:

- The range in the number of workers that were employed at your plant each month;
- The range of plant workers that stayed in company-provided living accommodations each month, for example, in dormitories or on-site apartments, and
- The range of plant workers that receive meals provided from a company galley each month.

Q7. Would you be able to answer these questions now?

*No: When would be a good time to call back and go through your answers to these questions?*

*Time* \_\_\_\_\_

*Day* \_\_\_\_\_

I will call back then. Thank you again for your time and help with these questions. I look forward to talking with you again.

*[End call]*

*Yes: continue to questions below*

***Number of Workers Employed by Plant and Accommodations for Workers***

Before we continue, I want to clarify that when I say “workers” in each of these questions, I am referring to all employees at the plant, including processing line workers, supervisors, mechanics, quality control, office, and food service. If you do not have exact numbers, it is fine for you to provide me with your best educated guess. As I said before, I would like you to provide me with answers for each month from January to December of 2010 for each of these questions.

Q8. First, what is the range in the number of workers employed at your plant in January?

What about in...?

*[Go through each month and record the range of employees in the righthand columns]*

<i>Month</i>	<i>Minimum</i>	<i>Maximum</i>
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Q9. Now let's look at where employees live. What is the range of plant workers that stay in company-provided living accommodations, such as dormitories or onsite apartments, in January?

What about in...?

[Go through each month and record the range of employees in the righthand columns]

<i>Month</i>	<i>Minimum</i>	<i>Maximum</i>
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Q10. Lastly, let's talk about company-provided meals. What is the range of plant workers that receive meals provided from a company galley in January?

What about in...?

[Go through each month and record the range of employees in the righthand columns]

<i>Month</i>	<i>Minimum</i>	<i>Maximum</i>
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

**Comments**

That's all the questions I have for you. Do you have any comments that you feel would assist us in writing the draft processor profile for your plant?

- No [*Go to Conclude*]
- Yes [*Obtain the comments and go to Conclude*]

*Comments:*

**Conclude**

Thank you very much for taking part in this survey. Once we have compiled the information and drafted a processor profile for your plant we would be happy to send the description to you for your review before it is published in the revised community profiles.

Would you like to review a copy of your plant's profile when we finish it?

- Yes

Would you prefer to have the description sent to you by email, mail, or fax? What (email address, address or fax number) should we send it to?

*Preferred Address Type:*  *Email*  *Mail*  *Fax*

*Address:*

\_\_\_\_\_

We should have the draft descriptions completed by \_\_\_\_\_.

- No

If you have any questions please feel free to call or email the project leader, Christina Package. Her phone number is 206-526-6683 and her email address is [christina.package@noaa.gov](mailto:christina.package@noaa.gov). Thank you for your time. We really appreciate your participation.

## QUESTIONS/COMMENTS AND ANSWERS

[If concerned about purpose of the call] This survey is being conducted by the Alaska Fisheries Science Center to collect social information about shore-based fish processing plants in Alaska. All shore-based fish processing plants in the State of Alaska are being contacted to take part in this voluntary survey. The information we collect in this survey will be compiled into processor profiles, which are short narrative descriptions of each shore-based fish processing plant. The profile we draft for your plant will be included in the community profile for the community of [COMMUNITY NAME] which will be available as a public document. These community profiles are important sources of information for fisheries managers and are designed to provide background information on communities involved in fishing.

[If asking about the study sponsor] This survey is being conducted by the Alaska Fisheries Science Center, NOAA Fisheries, also known as the National Marine Fisheries Service, a U.S. government agency charged with understanding the effects of federal management actions and policies affecting the nation's saltwater fisheries.

## PAPERWORK REDUCTION ACT (PRA) STATEMENT

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Amber Himes-Cornell, NOAA-AFSC, 7600 Sand Point Way NE, Seattle, WA, 98115, telephone (206) 526-6683 or (206) 526-4221, email: [AFSC.Community.Profiles@noaa.gov](mailto:AFSC.Community.Profiles@noaa.gov).

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected 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.

## **Additional Phone Scripts**

### **Telephone Script for Second Call**

Hello, my name is [*interviewer's name*]. I'm calling from the National Marine Fisheries Service. May I please speak with [NAME OF PLANT MANAGER]?

[*When plant manager answers the phone*]

Good evening (afternoon/morning). My name is [*interviewer's name*]. I'm calling from NOAA's Alaska Fisheries Science Center, part of the National Marine Fisheries Service. I spoke to you a few days ago about a phone survey we are conducting to collect social information about shore-based fish processing plants in Alaska. Are you still available to take part in the phone survey at this time?

### **Telephone Script for 3rd Call to Complete Remainder of Questions**

Hello, my name is [*interviewer's name*]. I'm calling from the National Marine Fisheries Service. May I please speak with [NAME OF PLANT MANAGER]?

[*When plant manager answers the phone*]

Good evening (afternoon/morning). My name is [*interviewer's name*]. I'm calling from NOAA's Alaska Fisheries Science Center, part of the National Marine Fisheries Service. I spoke to you a few days ago about a phone survey we are conducting to collect social information about shore-based fish processing plants in Alaska and we conducted the first portion of the survey at that time. You were going to consult your records in order to be able to answer the questions about the range of the number of workers employed by your plant by month, the range in the number of workers that stay in company-provided accommodations by month, and the range in the number of workers that received meals provided from a company galley by month. Are you still available to answer the remaining questions at this time?

### **Telephone Script for Follow-up Call**

Hello, my name is [*interviewer's name*]. I'm calling from the National Marine Fisheries Service. May I please speak with [NAME OF PLANT MANAGER]?

[*When plant manager answers the phone*]

Good evening (afternoon/morning). My name is [*interviewer's name*]. I'm calling from NOAA's Alaska Fisheries Science Center, part of the National Marine Fisheries Service. You took part earlier in a phone survey we are conducting to collect social information about shore-based fish processing plants in Alaska. I have a few follow-up questions from our conversation.

*[Continue with follow-up questions]*

### **Telephone Script for Recruitment Call for Site-Visit Communities**

Hello, my name is *[interviewer's name]*. I'm calling from the National Marine Fisheries Service. May I please speak with the plant manager?

*[If plant manager is not available]*

Is there a better time that I can call back to reach him or her?

*[When plant manager answers the phone]*

Good evening (afternoon/morning). My name is *[interviewer's name]*. I'm calling from NOAA's Alaska Fisheries Science Center, part of the National Marine Fisheries Service. We are conducting a survey to collect social information about shore-based fish processing plants in Alaska. We are conducting the survey in person in *[COMMUNITY NAME]*.

All shore-based fish processing plants in the State of Alaska are being contacted to take part in this voluntary survey.

The information we collect in this survey will be compiled into processor profiles, which are short narrative descriptions of each shore-based fish processing plant. The profile we draft for your plant, *[PLANT NAME]* will be included in the profile for the community of *[COMMUNITY NAME]*. These community profiles are important sources of information for fisheries managers and are designed to provide background information on communities involved in fishing.

Your participation is voluntary and the description of your plant produced from this information will be available to you for your review prior to publication. This survey should take approximately 30 minutes. For your information the OMB control number for this survey is \_\_\_\_\_ and the expiration date for OMB approval is \_\_\_\_\_. I am planning on visiting your community during the week of *[WEEK OF VISIT]*. Would you be able and willing to take part in this survey during the week of *[WEEK OF VISIT]*?

*[If proposed week of visit does not work]*

Is there a better time to come and conduct the survey in person?

*[If plant manager is not willing to take part in the survey in person]*

Would you be willing to take part in the survey over the phone at this time?

*Yes* → continue to Q1 of survey

*No* → Is there another person at your facility that might be willing and able to take the survey? (If not, or if second person takes the call and refuses to participate, "Thank you for your time".)



## **Magnuson-Stevens Fisheries Conservation and Management Act**

**16 U.S.C. 1851**

**MSA § 301**

### **TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM**

#### **SEC. 301. NATIONAL STANDARDS FOR FISHERY 16 U.S.C. 1851**

##### **CONSERVATION AND MANAGEMENT**

(a) **IN GENERAL.**—Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the following national standards for fishery conservation and management:

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

(2) Conservation and management measures shall be based upon the best scientific information available.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

(b) **GUIDELINES.**—The Secretary shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery

management plans.

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding;

(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

(C) promote—

(i) fishing safety;

(ii) fishery conservation and management; and

(iii) social and economic benefits;

(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

(F) specify the goals of the program;

(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States

**SEC. 404 FISHERIES RESEARCH 16 U.S.C. 1881c**

(a) IN GENERAL.—The Secretary shall initiate and maintain, in cooperation with the Councils, a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such program shall be designed to acquire knowledge and

information, including statistics, on fishery conservation and management and on the economics and social characteristics of the fisheries.

(b) STRATEGIC PLAN.—Within one year after the date of enactment of the Sustainable Fisheries Act, and at least every 3 years thereafter, the Secretary shall develop and publish in the Federal Register a strategic plan for fisheries research for the 5 years immediately following such publication. The plan shall—

- (1) identify and describe a comprehensive program with a limited number of priority objectives for research in each of the areas specified in subsection (c);
- (2) indicate goals and timetables for the program described in paragraph (1);
- (3) provide a role for commercial fishermen in such research, including involvement in field testing;
- (4) provide for collection and dissemination, in a timely manner, of complete and accurate information concerning fishing activities, catch, effort, stock assessments, and other research conducted under this section; and
- (5) be developed in cooperation with the Councils and affected States, and provide for coordination with the Councils, affected States, and other research entities.

(c) AREAS OF RESEARCH.—Areas of research are as follows:

- (1) Research to support fishery conservation and management, including but not limited to, biological research concerning the abundance and life history parameters of stocks of fish, the interdependence of fisheries or stocks of fish, the identification of essential fish habitat, the impact of pollution on fish populations, the impact of wetland and estuarine degradation, and other factors affecting the abundance and availability of fish.
- (2) Conservation engineering research, including the study of fish behavior and the development and testing of new gear technology and fishing techniques to minimize bycatch and any adverse effects on essential fish habitat and promote efficient harvest of target species.
- (3) Research on the fisheries, including the social, cultural, and economic relationships among fishing vessel owners, crew, United States fish processors, associated shoreside labor, seafood markets and fishing communities.
- (4) Information management research, including the development of a fishery information base and an information management system that will permit the full use of information in the support of effective fishery conservation and management.

(d) PUBLIC NOTICE.—In developing the plan required under subsection (a), the Secretary shall consult with relevant Federal, State, and international agencies, scientific and technical experts, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan. The Secretary shall ensure that affected commercial fishermen are actively involved in the development of the portion of the plan pertaining to conservation engineering research. Upon final publication in the Federal Register, the plan shall be submitted by the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.

## **NEPA Section 102 (c)**

### **Section 4332. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts [NEPA Section 102]**

The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all agencies of the Federal Government shall -

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on -

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, and shall accompany the proposal through the existing agency review processes;

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

- (i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

- (ii) the responsible Federal official furnishes guidance and participates in such preparation,
- (iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and
- (iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this chapter; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by subchapter II of this chapter.

## **Executive Order 12898**

### **3-302. Human Health and Environmental Data Collection and Analysis.**

To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a):

(a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are:

1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and

2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

## Regulatory Flexibility Act

*The following text of the Regulatory Flexibility Act of 1980, as amended, is taken from Title 5 of the United States Code, sections 601 – 612*

(The Regulatory Flexibility Act was originally passed in 1980 (P. L. 96-354). The Act was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (P.L. 104-121).) (PDF File)

### **Congressional Findings and Declaration of Purpose**

(a) The Congress finds and declares that —(1) when adopting regulations to protect the health, safety and economic welfare of the Nation, Federal agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens on the public;

(2) laws and regulations designed for application to large scale entities have been applied uniformly to small businesses, small organizations, and small governmental jurisdictions even though the problems that gave rise to government action may not have been caused by those smaller entities;

(3) uniform Federal regulatory and reporting requirements have in numerous instances imposed unnecessary and disproportionately burdensome demands including legal, accounting and consulting costs upon small businesses, small organizations, and small governmental jurisdictions with limited resources;

(4) the failure to recognize differences in the scale and resources of regulated entities has in numerous instances adversely affected competition in the marketplace, discouraged innovation and restricted improvements in productivity;

(5) unnecessary regulations create entry barriers in many industries and discourage potential entrepreneurs from introducing beneficial products and processes;

(6) the practice of treating all regulated businesses, organizations, and governmental jurisdictions as equivalent may lead to inefficient use of regulatory agency resources, enforcement problems and, in some cases, to actions inconsistent with the legislative intent of health, safety, environmental and economic welfare legislation;

(7) alternative regulatory approaches which do not conflict with the stated objectives of applicable statutes may be available which minimize the significant economic impact of rules on small businesses, small organizations, and small governmental jurisdictions;

(8) the process by which Federal regulations are developed and adopted should be reformed to require agencies to solicit the ideas and comments of small businesses, small organizations, and small governmental jurisdictions to examine the impact of proposed and existing rules on such entities, and to review the continued need for existing rules.

(b) It is the purpose of this Act [enacting this chapter and provisions set out as notes under this section] to establish as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.

§ 601. Definitions

For purposes of this chapter--

(1) the term "agency" means an agency as defined in section 551(1) of this title;

(2) the term "rule" means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title, or any other law, including any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment, except that the term "rule" does not include a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances;

(3) the term "small business" has the same meaning as the term "small business concern" under section 3 of the Small Business Act, unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register;

(4) the term "small organization" means any not-for-profit enterprise which is independently owned and operated and is not dominant in its field, unless an agency establishes, after opportunity for public comment, one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register;

(5) the term "small governmental jurisdiction" means governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand, unless an agency establishes, after opportunity for public comment, one or more definitions of such term which are appropriate to the activities of the agency and which are based on such factors as location in rural or sparsely populated areas or limited revenues due to the population of such jurisdiction, and publishes such definition(s) in the Federal Register;

(6) the term "small entity" shall have the same meaning as the terms "small business", "small organization" and "small governmental jurisdiction" defined in paragraphs (3), (4) and (5) of this section; and

(7) the term "collection of information"--

(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either--

(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

(B) shall not include a collection of information described under section 3518(c)(1) of title 44, United States Code.

(8) Recordkeeping requirement.--The term "recordkeeping requirement" means a requirement imposed by an agency on persons to maintain specified records.

## § 602. Regulatory agenda

(a) During the months of October and April of each year, each agency shall publish in the Federal Register a regulatory flexibility agenda which shall contain--

(1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and

(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

(b) Each regulatory flexibility agenda shall be transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any.

(c) Each agency shall endeavor to provide notice of each regulatory flexibility agenda to small entities or their representatives through direct notification or publication of the agenda in publications likely to be obtained by such small entities and shall invite comments upon each subject area on the agenda.

(d) Nothing in this section precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda, or requires an agency to consider or act on any matter listed in such agenda.

## § 603. Initial regulatory flexibility analysis

(a) Whenever an agency is required by section 553 of this title, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial regulatory flexibility analysis. Such analysis shall describe the impact of the proposed rule on small entities. The initial regulatory flexibility analysis or a summary shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule. The agency shall transmit a copy of the initial regulatory flexibility analysis to the Chief Counsel for Advocacy of the Small Business Administration. In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations, but only to the extent that such interpretative rules impose on small entities a collection of information requirement.

(b) Each initial regulatory flexibility analysis required under this section shall contain--

(1) a description of the reasons why action by the agency is being considered;

(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

(3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;

(4) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the

requirement and the type of professional skills necessary for preparation of the report or record;

(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

(c) Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as--

(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;

(2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;

(3) the use of performance rather than design standards; and

(4) an exemption from coverage of the rule, or any part thereof, for such small entities.

#### § 604. Final regulatory flexibility analysis

(a) When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 603(a), the agency shall prepare a final regulatory flexibility analysis. Each final regulatory flexibility analysis shall contain--

(1) a succinct statement of the need for, and objectives of, the rule;

(2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

(3) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available;

(4) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

(5) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

(b) The agency shall make copies of the final regulatory flexibility analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

#### § 605. Avoidance of duplicative or unnecessary analyses

(a) Any Federal agency may perform the analyses required by sections 602, 603, and 604 of this title in conjunction with or as a part of any other agenda or analysis required by any other law if such other analysis satisfies the provisions of such sections.

(b) Sections 603 and 604 of this title shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual basis for such certification. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.

(c) In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of sections 602, 603, 604 and 610 of this title.

#### § 606. Effect on other law

The requirements of sections 603 and 604 of this title do not alter in any manner standards otherwise applicable by law to agency action.

#### § 607. Preparation of analyses

In complying with the provisions of sections 603 and 604 of this title, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable.

#### § 608. Procedure for waiver or delay of completion

(a) An agency head may waive or delay the completion of some or all of the requirements of section 603 of this title by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of section 603 of this title impracticable.

(b) Except as provided in section 605(b), an agency head may not waive the requirements of section 604 of this title. An agency head may delay the completion of the requirements of section 604 of this title for a period of not more than one hundred and eighty days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than such date of publication, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of section 604 of this title impracticable. If the agency has not prepared a final regulatory analysis pursuant to section 604 of this title within one hundred and eighty days from the date of publication of the final rule, such rule shall lapse and have no effect. Such rule shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

#### § 609. Procedures for gathering comments

(a) When any rule is promulgated which will have a significant economic impact on a substantial number of small entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that small entities have been given an opportunity to participate in the rulemaking for the rule through the reasonable use of techniques such as-

(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the

proposed rule may have a significant economic effect on a substantial number of small entities;

(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by small entities;

(3) the direct notification of interested small entities;

(4) the conduct of open conferences or public hearings concerning the rule for small entities including soliciting and receiving comments over computer networks; and

(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by small entities.

(b) Prior to publication of an initial regulatory flexibility analysis which a covered agency is required to conduct by this chapter--

(1) a covered agency shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected;

(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected small entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

(3) the agency shall convene a review panel for such rule consisting wholly of full time Federal employees of the office within the agency responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel;

(4) the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual small entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 603(b), paragraphs (3), (4) and (5) and 603(c);

(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the small entity representatives and its findings as to issues related to subsections 603(b), paragraphs (3), (4) and (5) and 603(c), provided that such report shall be made public as part of the rulemaking record; and

(6) where appropriate, the agency shall modify the proposed rule, the initial regulatory flexibility analysis or the decision on whether an initial regulatory flexibility analysis is required.

(c) An agency may in its discretion apply subsection (b) to rules that the agency intends to certify under subsection 605(b), but the agency believes may have a greater than de minimis impact on a substantial number of small entities.

(d) For purposes of this section, the term "covered agency" means the Environmental Protection Agency and the Occupational Safety and Health Administration of the Department of Labor.

(e) The Chief Counsel for Advocacy, in consultation with the individuals identified in subsection (b)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of subsections (b)(3), (b)(4), and (b)(5) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would

not advance the effective participation of small entities in the rulemaking process. For purposes of this subsection, the factors to be considered in making such a finding are as follows:

(1) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected small entities with respect to the potential impacts of the rule and took such concerns into consideration.

(2) Special circumstances requiring prompt issuance of the rule.

(3) Whether the requirements of subsection (b) would provide the individuals identified in subsection (b)(2) with a competitive advantage relative to other small entities.

#### § 610. Periodic review of rules

(a) Within one hundred and eighty days after the effective date of this chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, he shall so certify in a statement published in the Federal Register and may extend the completion date by one year at a time for a total of not more than five years.

(b) In reviewing rules to minimize any significant economic impact of the rule on a substantial number of small entities in a manner consistent with the stated objectives of applicable statutes, the agency shall consider the following factors--

(1) the continued need for the rule;

(2) the nature of complaints or comments received concerning the rule from the public;

(3) the complexity of the rule;

(4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

(c) Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of small entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule.

#### § 611. Judicial review

(a)(1) For any rule subject to this chapter, a small entity that is adversely affected or aggrieved by final

agency action is entitled to judicial review of agency compliance with the requirements of sections 601, 604, 605(b), 608(b), and 610 in accordance with chapter 7. Agency compliance with sections 607 and 609(a) shall be judicially reviewable in connection with judicial review of section 604.

(2) Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 601, 604, 605(b), 608(b), and 610 in accordance with chapter 7. Agency compliance with sections 607 and 609(a) shall be judicially reviewable in connection with judicial review of section 604.

(3)(A) A small entity may seek such review during the period beginning on the date of final agency action and ending one year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, such lesser period shall apply to an action for judicial review under this section.

(B) In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b) of this chapter, an action for judicial review under this section shall be filed not later than--

(i) one year after the date the analysis is made available to the public, or

(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

(4) In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this chapter and chapter 7, including, but not limited to--

(A) remanding the rule to the agency, and

(B) deferring the enforcement of the rule against small entities unless the court finds that continued enforcement of the rule is in the public interest.

(5) Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this section.

(b) In an action for the judicial review of a rule, the regulatory flexibility analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (a)(4), shall constitute part of the entire record of agency action in connection with such review.

(c) Compliance or noncompliance by an agency with the provisions of this chapter shall be subject to judicial review only in accordance with this section.

(d) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

#### § 612. Reports and intervention rights

(a) The Chief Counsel for Advocacy of the Small Business Administration shall monitor agency compliance with this chapter and shall report at least annually thereon to the President and to the Committees on the Judiciary and Small Business of the Senate and House of Representatives.

(b) The Chief Counsel for Advocacy of the Small Business Administration is authorized to appear as

amicus curiae in any action brought in a court of the United States to review a rule. In any such action, the Chief Counsel is authorized to present his or her views with respect to compliance with this chapter, the adequacy of the rulemaking record with respect to small entities and the effect of the rule on small entities.

(c) A court of the United States shall grant the application of the Chief Counsel for Advocacy of the Small Business Administration to appear in any such action for the purposes described in subsection (b).

(The Regulatory Flexibility Act was originally passed in 1980 (P. L. 96-354). The Act was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (P.L. 104-121)

resources through the preparation, monitoring, and revision of such fishery management plans under circumstances (a) which will enable the States, the fishing industry, consumers, environmental organizations, and other interested persons to participate in the development of such plans, and (b) which take into account the social and economic needs of fishermen and dependent communities.

Section 302(j) of the Magnuson-Stevens Act requires that Council members appointed by the Secretary, Scientific and Statistical Committee (SSC) members appointed by a Council under Section 302(g)(1), or individuals nominated by the Governor of a State for possible appointment as a Council member, disclose their financial interest in any Council fishery. These interests include harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction, or with respect to an individual or organization with a financial interest in such activity. Seated Council members appointed by the Secretary, including the Tribal Government appointee and SSC members, must file a financial interest form within 45 days of taking office and must provide an update of their statements at any time any such financial interest is acquired, or substantially changed. The National Marine Fisheries Service is in the process of revising the statement of financial interests form by adding clearer instructions, providing examples of submissions, and updating the form to provide a more appropriate intuitive format.

The Secretary is required to submit an annual report to Congress on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements, including identification of any conflict of interest problems with respect to the Councils and SSCs and recommendations for addressing any such problems.

The Act further provides that a member shall not vote on a Council decision that would have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interest of other participants in the same gear type or sector of the fishery. However, an affected individual who is declared ineligible to vote on a Council action

may participate in Council deliberations relating to the decision after notifying the Council of his/her recusal and identifying the financial interest that would be affected.

## II. Method of Collection

Respondents submit paper forms by mail.

## III. Data

*OMB Control Number:* 0648-0192.

*Form Number:* NOAA Form 88-195.

*Type of Review:* Regular submission.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 330.

*Estimated Time per Response:* 35 minutes.

*Estimated Total Annual Burden Hours:* 193.

*Estimated Total Annual Cost to Public:* \$128.70.

## IV. Request for Comments

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 16, 2010.

### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2010-9191 Filed 4-20-10; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Produce Processor Profiles of Fish Processing Plants in Alaska

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before June 21, 2010.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Christina Package, (206) 526-6683 or [Christina.Package@noaa.gov](mailto:Christina.Package@noaa.gov), or Jennifer Sepez, (206) 526-6546 or [Jennifer.Sepez@noaa.gov](mailto:Jennifer.Sepez@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Workers come from many places inside and outside Alaska to work seasonally in its fish processing facilities. As a result, the population of an Alaska community with a fish processing plant can increase significantly during peak processing seasons. However, very limited information is available in a consolidated location or format about these fish processing facilities. The National Marine Fisheries Service's Alaska Fisheries Science Center proposes to obtain such basic information, as an accurate number of individuals employed at each processing facility during the months of operation, the peak number of workers for processing various species by season, the ethnicity of processing workers, types of lodging and other accommodations and activities available for processing workers, whether or not the company provides meals for the processing workforce in a company galley, the interactions between seasonal processing workers and permanent residents of the community, and the history of the fish processing facility in the community. This type of information is important when attempting to forecast the possible social impacts of fishing regulations on communities which have an onshore fish processing facility.

This project would produce "processor profiles", short narrative descriptions of all the onshore fish processing plants in the state of Alaska that will augment and update existing community profiles.

## II. Method of Collection

Phone surveys will be conducted with all shore-based fish processing plants in Alaska. Site visits will be conducted with shore-based fish processing plants in three communities in Alaska: Cordova, Kenai, and Petersburg (these communities have not previously received a site visit and have the largest number of fish processing facilities in their sub-regions).

## III. Data

*OMB Control Number:* None.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Businesses or other for-profit organizations.

*Estimated Number of Respondents:* 163 phone survey respondents; 27 in-person survey respondents (one per each processing plant visited during site visits).

*Estimated Time Per Response:* 20 minutes for phone survey; 40–60 minutes for in-person survey.

*Estimated Total Annual Burden Hours:* 82.

*Estimated Total Annual Cost to Public:* \$0.

## IV. Request for Comments

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 15, 2010.

### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2010-9114 Filed 4-20-10; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Northwest Region Pacific Whiting Shoreside Fishery Monitoring and Catch Accounting Program

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before June 21, 2010.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Renko, (206) 526-6110 or [Becky.Renko@noaa.gov](mailto:Becky.Renko@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

As part of its fishery management responsibilities, NOAA's National Marine Fisheries Service collects information to determine the amount and type of groundfish caught by fishing vessels. This collection supports exempted fishing permit requirements for Pacific whiting shoreside vessels to have and use electronic monitoring to verify full retention of catch and for Pacific whiting shoreside processors to send electronic catch data used to manage the catch allocations and limits. The respondents are principally groundfish fishermen and shoreside processors which are companies/partnerships. Other respondents include State fisheries agencies who seek an exempted fishing permit.

##### II. Method of Collection

Information is sent through electronic programs and e-mail.

##### III. Data

*OMB Control Number:* 0648-0563.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations; State, local, or Tribal government; individuals or households.

*Estimated Number of Respondents:* 53.

*Estimated Time per Response:* Initial application and summary report, 10 hours each; inseason data report, 1 hour; electronic fish tickets, 10 minutes in Washington and California, 2 minutes in Oregon; electronic monitoring systems (EMS); installation, 6 hours; data downloads, 4 hours and EMS removal, 2 hours.

*Estimated Total Annual Burden Hours:* 613.

*Estimated Total Annual Cost to Public:* \$240,000.

## IV. Request for Comments

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 15, 2010.

### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2010-9113 Filed 4-20-10; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-806]

#### Silicon Metal from Brazil: Amended Final Results of Administrative Review Pursuant to Court Decision

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** April 21, 2010.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin, AD/CVD Operations,