

**SUPPORTING STATEMENT
NORTHEAST MULTISPECIES FRAMEWORK ADJUSTMENT 42 PERMITS
DATA COLLECTION
OMB CONTROL NO.: 0648-NEW**

INTRODUCTION

This submission requests Office of Management and Budget (OMB) clearance of information collection provisions for the vessel permit requirements proposed under Framework Adjustment (FW) 42 to the Northeast (NE) Multispecies Fishery Management Plan (FMP). This information collection builds upon the information collection submission previously approved under OMB Control No.: 0648-0501 (measures proposed by FW 40A), OMB Control No.: 0648-0489 (measures proposed by Amendment 13), and OMB Control No.: 0648-0202 (Northeast Region Permit Family of Forms). The information collections for FW 40A previously approved under OMB Control No.: 0648-0501 were merged into the information collections under OMB Control No.: 0489-0489 in December 2005. The National Marine Fisheries Service (NOAA Fisheries Service) intends to integrate the information collection for Amendment 13 and FW 40A (those merged into OMB Control No.: 0648-0489) into OMB Control No.: 0648-0202 when circumstances allow.

Since the information collection under OMB Control No.: 0648-0489 has not been integrated with OMB Control No.: 0648-0202, this information collection submission for FW 42 is considered a new information collection. If approved, NOAA Fisheries intends to integrate this new information collection submission into OMB Control No.: 0648-0202 when circumstances allow. This information collection submission adds new provisions requiring approval by the OMB, but it also reduces the burden associated with specific provisions of OMB Control No.: 0648-0489 and 0648-0202. While the new provisions are specified in this supporting statement, the burden reductions associated with this information collection will be addressed once the information collections for OMB Control No.: 0648-0489 and this submission are merged into the collection for OMB Control. No.: 0648-0202.

The New England Fishery Management Council (Council) is proposing management measures under FW 42 that reduce fishing mortality on several groundfish stocks to achieve fishing mortality objectives of the rebuilding program established under Amendment 13 to the FMP. The proposed measures under FW 42 include the following provisions requiring new information collection requirements for the permit family of forms: (1) Differential DAS counting; (2) Revisions to the Category B (regular) Days-at-Sea (DAS) Program; (3) Mandatory vessel monitoring system (VMS) requirements; (4) Combined trips both inside and outside of the Eastern U.S./Canada Area; (5) Declaration of the intent to fish outside of the Gulf of Maine (GOM) Regulated Mesh Area (RMA); and (6) A revised DAS Transfer Program request form. This data collection submission requests approval of new information collection requirements to implement the above provisions for FW 42 to the NE Multispecies FMP.

A. A. JUSTIFICATION

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

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the U.S. The majority of this responsibility has been delegated to the Regional Fishery Management Councils and NOAA Fisheries Service. The Council develops management plans for fishery resources in New England. The NE Multispecies FMP manages twelve regulated groundfish species.

In December 2003, the Council adopted a suite of management measures in Amendment 13 to the FMP that would end overfishing and establish or revise required rebuilding plans for overfished stocks. Amendment 13 included a biennial adjustment process intended to review the status of groundfish stocks toward achieving the rebuilding objectives established under Amendment 13. If the stock status review indicates that the fishery is not achieving the rebuilding objectives for any stock, the Council will develop management measures that would achieve the rebuilding objectives of the FMP by the start of the next fishing year on May 1, according to the regulations at [50 CFR 648.90\(a\)\(2\)](#). As part of this biennial adjustment process for the 2006 fishing year, the latest stock assessment, conducted in August 2005, indicated that the rebuilding objectives were not being met for six groundfish stocks. Accordingly, the Council began development of FW 42 to implement measures that would achieve the rebuilding objectives for all groundfish species. The development of this action was delayed such that the proposed measures would not be implemented by the start of the 2006 fishing year on May 1.

The Secretary implemented emergency measures ([0648-AU09, published April 13, 2006](#)) that immediately reduce fishing mortality on specific groundfish stocks to ensure that overfishing does not continue to jeopardize the rebuilding program established under Amendment 13. These measures will remain in place until such time as more permanent management measures in FW 42 could be put into place. That emergency Secretarial action included many of the proposed measures in FW 42 to simplify transition from the emergency measures to the FW 42 measures and to minimize confusion in the fishing industry when dealing with the temporary emergency measures. In conjunction with the measures proposed by FW 42, the rebuilding objectives established under Amendment 13 would be met for the 2006-fishing year. Once implemented, the measures proposed by FW 42 would continue to achieve the rebuilding objectives of the FMP through the next biennial adjustment scheduled for 2008.

Differential DAS Counting

The primary means of controlling fishing mortality in the NE Multispecies FMP is by limiting the number of DAS that a vessel can fish. Amendment 13 assigned each limited access permit holder a number of DAS that can be used. These DAS are categorized as either Category A DAS, Category B (Regular or Reserve) DAS, or Category C DAS. Category A DAS could be used to target any regulated groundfish stock in any area, while category B DAS may only be used in specific highly regulated programs designed to minimize the impact of the additional effort of Category B DAS. Category C DAS cannot be used anywhere at this time.

Because vessels fishing under a Category A DAS in inshore portions of the GOM and an

offshore area within the Southern New England (SNE)/Mid-Atlantic (MA) RMA caught substantial amounts of cod and yellowtail flounder, and therefore contributed the most to excessive fishing mortality on these stocks, FW 42 proposes to charge any Category A DAS used to land groundfish from these areas at a rate of 2:1. A vessel that fishes outside of these areas and merely transits these areas would not be charged DAS at the higher rate. Therefore, any vessel that plans to catch groundfish in these areas would be required to declare their intent to do so at the beginning of a trip. Vessels that have not declared their intent to fish in the inshore GOM differential DAS counting area may be in the area due to bad weather, or other circumstances beyond their control, provided its fishing gear is properly stowed and provided the vessel notifies NOAA Fisheries Service through its VMS. A vessel that declares into the inshore GOM differential DAS counting area due to circumstances beyond their control would be charged Category A DAS at a rate of 1:1 and not at the differential DAS counting rate of 2:1. Since FW 42 proposes a mandatory VMS requirement for all vessels intending to fish for groundfish on a NE Multispecies DAS, such area declarations must be submitted via VMS. These declarations identify which vessels intend to fish for groundfish in these areas and which vessels are merely transiting the areas so that DAS can be charged at the appropriate rate. Identification of vessels fishing for groundfish in these areas also facilitates enforcement of this measure. This declaration is a new reporting requirement that does not affect other reporting requirements proposed by this action, or previously approved by the OMB. The burdens associated with the purchase and installation of VMS for all groundfish DAS vessels is addressed below.

Category B (regular) DAS Program

As specified above, the primary means the NE Multispecies FMP controls fishing mortality is by limiting and regulating the number and type of DAS that vessels can fish. Any Category B (Regular or Reserve) DAS that are used increase the amount of effort in the fishery. In order to prevent these additional DAS from threatening the mortality objectives of Amendment 13, Category B DAS can only be used to target healthy groundfish stocks in special management programs. FW 40A, implemented in November 2004, included a pilot program that would allow Category B (regular) DAS to be used outside of any special access programs (SAPs) for one year, beginning November 19, 2004. This program was designed to provide opportunities to target healthy stocks without threatening stocks for which a mortality reduction is required. As a result, FW 42 proposes to continue a revised Category B (regular) DAS Program that takes into account necessary fishing mortality reductions for the 2006-fishing year.

FW 42 would continue many of the reporting requirements for this program that were previously approved under OMB Control No.: 0648-0501 for FW 40A and merged into 0648-0489. These reporting requirements include:

- The purchase, installation, and use of an approved Vessel Monitoring System (VMS);
- Notification to NOAA Fisheries Service 72 hours in advance of a Category B DAS trip so that NOAA Fisheries Service can plan observer coverage.
- Declaration of the use of a Category B (regular) DAS via VMS at the start of the trip;
- Submission of daily catch reports via VMS (this reporting requirement will be addressed in a separate PRA submission for the “Northeast Region Logbook Family of Forms” under OMB Control No.: 0648-0212); and
- Declaration of a change to the DAS being used on a trip (i.e., a DAS “flip”) if a vessel exceeds

the very low landing limits for stocks of concern.

Because FW 42 proposes a mandatory VMS requirement for all vessels fishing for groundfish under a DAS, the VMS requirements for this program is included in the description of the mandatory VMS requirement below.

Notifications for the purpose of observer deployment would be required to be submitted at least 72 hours prior to each fishing trip into this area via a telephone call to the contracting company tasked with providing observer coverage. These notifications would be used by NOAA Fisheries Service to ensure that trips are included in the pool of vessels that would receive observer coverage. These vessels may then be requested to carry on board a NOAA Fisheries Service-approved observer or sea sampler. Such requests are made at the discretion of the Regional Administrator (RA) for the purpose of monitoring fishing activities, collection of data, and compliance as stated under [§ 648.11](#).

Participants in the Category B (regular) DAS Program would be limited to very low catch limits and quarterly hard total allowable catch (TACs) amounts for regulated groundfish stocks of concern (stocks that are in poor condition and for which fishing mortality must be carefully controlled, as specified in FW 42). Vessels would only be allowed to use Category B (regular) DAS if they remain below these limits. If a vessel exceeds these low limits for any stock, it would be required to “flip” the DAS it is using from a Category B (regular) DAS to a Category A DAS. This “flip” would be accomplished by sending an electronic message to NOAA Fisheries Service using the installed VMS. The “flip” must take place immediately, and before the vessel crosses the “VMS Demarcation Line” – a regulatory line that defines when a vessel is entering port and has stopped a fishing trip. This requirement to “flip” a DAS ensures that the additional effort from Category B (regular) DAS will be used to target healthy stocks and will not threaten the mortality objectives of Amendment 13. The requirement for a vessel to report a DAS flip through the VMS facilitates the enforcement of this provision. Because the notice must be given before the vessel lands its fish, it provides an opportunity for the U.S. Coast Guard and NOAA enforcement agents to meet vessels at the pier and determine if they complied with the low landing limits required for the use of Category B (regular) DAS use.

Mandatory VMS

VMS units are an effective tool to monitor vessel position, identify vessels participating in special management programs (i.e., the Category B (regular) DAS Program or any approved SAP), accurately charge DAS based on time fishing in a particular area, and to monitor catch from special management programs. Because FW 42 proposes to charge DAS at a higher rate when fishing in particular areas, it is important to utilize VMS to monitor the amount of time a vessel fishes in a particular area to properly account for DAS usage. VMS also allows NOAA Fisheries Service staff to effectively monitor vessel position to enforce the closed area and other area-based provisions of the FMP as well as identify participants in, and monitor catch from, special management programs. Given the recent emphasis on area-based management in the groundfish fishery, the use of VMS would provide a valuable tool to effectively and efficiently implement area-based management measures while minimizing the burden on affected vessels.

This information collection submission would revise the burdens associated with the purchase, installation, and use of VMS for any vessel issued a limited access NE Multispecies DAS permit

and allocated Category A or B DAS that intends to fish for groundfish using a DAS, including those participating in a special management program. The proposed mandatory VMS requirement eliminates the need for the current telephone system (i.e., the call-in system) to monitor trip start and end dates/times to calculate DAS usage, as this function is performed electronically through the VMS. The burdens associated with these provisions will be adjusted when the collections are merged with 0648-0202.

Combined Trips Inside/Outside of the Eastern U.S./Canada Area

An informal understanding was reached between the U.S. and Canada regarding the management of GB cod, GB haddock, and GB yellowtail flounder resources found within the waters of both countries within an area known as the U.S./Canada Management Area. Provisions outlining the U.S. portion of the understanding were incorporated into Amendment 13 to the NE Multispecies FMP. Requirements for American vessels fishing in the U.S./Canada Management Areas rely upon hard TACs for GB cod, GB haddock, and GB yellowtail flounder. The hard TACs established for GB cod and GB haddock only apply to fish caught in the Eastern U.S./Canada Area, while the hard TAC for GB yellowtail flounder applies to any yellowtail flounder caught in either the Eastern or Western U.S./Canada Area. Because the hard TACs for cod and haddock only apply to fish caught in the Eastern U.S./Canada Area, regulations implemented by Amendment 13 do not allow a fishing vessel to fish inside and outside the Eastern U.S./Canada Area on the same trip.

Currently, vessels issued a limited access NE Multispecies permit that are fishing under a NE Multispecies DAS and wishing to operate within the U.S./Canada Management Area, including the Eastern U.S./Canada Haddock SAP Pilot Program and the Closed Area II Yellowtail Flounder SAP, are required to utilize a VMS and declare the area in which they intend to fish. This information collection was previously approved under OMB Control Number 0648-0489 and 0648-0501. However, due to concerns over vessel safety and decreased flexibility that limits a vessel's opportunity to meet operational costs when fishing exclusively in the Eastern U.S./Canada Area on a particular trip, the emergency Secretarial action recently implemented by NOAA Fisheries Service allows vessels to fish in the Eastern U.S./Canada Area (or either SAP within the Eastern U.S./Canada Area) as well as areas outside of the Eastern U.S./Canada Area on the same trip. These vessels must declare their intention to do so using VMS either prior to leaving port, or prior to leaving the Eastern U.S./Canada Area. This is referred to as a "flex" trip. Vessels electing to fish inside and outside of the Eastern U.S./Canada Area on a "flex" trip would be charged Category A DAS for the entire trip and any cod or haddock caught would be counted toward the Eastern U.S./Canada Area TACs, while any yellowtail flounder caught would count toward the overall U.S./Canada Management Area TAC. Vessels fishing on a "flex" trip would be required to abide by the most restrictive trip limit for the areas fished. FW 42 proposes to continue the ability for vessels to fish inside and outside of the Eastern U.S./Canada Area on a "flex" trip.

The information collection for the declaration of the intent to fish inside and outside of the Eastern U.S./Canada Area is being interpreted as a modification of the DAS "flip" under the emergency Secretarial action. As described above, when a vessel "flips" its DAS declaration from Category B DAS to Category A DAS, it is informing NOAA Fisheries Service that it is changing the DAS being used for that trip. In a similar manner, a vessel would "flip" its area declaration from exclusively in the Eastern U.S./Canada Area to being able to fish inside and

outside of the Eastern U.S./Canada Area on the same trip. Since the original information collection submission for the DAS flipping measure in FW 40A overestimated the number of DAS flips that would occur during a particular fishing year, the emergency Secretarial action reduced the burden associated with that measure and added a burden for the declaration of the intent to fish inside and outside of the Eastern U.S./Canada Area by the same amount. In this manner, the burdens of both information collections are appropriately accounted for and the information collection submissions would more accurately reflect vessel practices. To document this revision, the information collection previously approved under OMB Control No.: 0648-0202 was revised by means of a worksheet, as authorized by the OMB. Therefore, there is no need to further revise the information collection burden for this provision in this information collection submission. However, a description of the revised burdens is included here to document this practice and for future reference.

The proposed requirement to declare a vessel's intent to fish inside and outside of the Eastern U.S./Canada Area is necessary to effectively monitor and enforce the provisions of the areas fished. In addition, such notifications provide the necessary information to accurately account for any cod, haddock, or yellowtail flounder toward the appropriate U.S./Canada Management Area hard TACs on such "flex" trips.

Declaration of Intention to Fish Outside of the GOM RMA

Because the possession limits for GOM cod are smaller (800 lb/DAS, up to 4,000 lb/trip) than the possession limit for Georges Bank (GB) cod (1,000 lb/DAS, up to 10,000 lb/trip), vessels fishing south of the GOM RMA are currently required to obtain a letter of authorization (LOA) to document their intent to fish outside of the GOM RMA for a particular period of time and exempt them from the smaller possession limit for GOM cod. This LOA is the primary means to enforce the GOM cod trip limit exemption provision. However, because FW 42 proposes to require all groundfish vessels to use VMS, the proposed rule would replace the requirement to obtain a LOA to become exempt from the GOM cod possession limit with a VMS declaration prior to each trip. This VMS declaration would document a vessel's intent to fish outside of the GOM RMA for each particular trip and exempt it from the GOM cod possession limits. Such a VMS declaration would replace the LOA as the means to enforce the GOM cod trip limit exemption provision. In doing so, this VMS declaration would provide greater flexibility to vessels because it would eliminate the minimum participation period of the current cod exemption LOA.

DAS Transfer Program

The DAS Transfer Program was originally implemented by Amendment 13 and approved under OMB Control No.: 0648-0489. This program allowed vessels to consolidate NE Multispecies DAS allocations, with the transferring DAS allocation subject to a conservation tax and vessel baseline upgrade requirements. The measures proposed by FW 42 would revise this program to allow applicants to specify which DAS allocation would be subject to the conservation tax rather than encouraging applicants to move permits among vessels to minimize the impact of the conservation tax. In addition, FW 42 allows an applicant to specify whether the recipient vessel would accept the smaller vessel baseline characteristics in lieu of using a vessel's one-time upgrade allowance. Such revisions are expected to facilitate participation and administration of this program, as without such revisions, applicants would be obligated to move permits among

vessels to minimize the impact of the conservation tax and upgrade requirements.

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.

The information requested would be used by several offices of NOAA Fisheries Service and the U.S. Coast Guard for the monitoring, implementation, and enforcement of the provisions outlined in the NE Multispecies FMP, as revised by FW 42.

Under FW 42, any vessel issued a limited access NE Multispecies DAS permit and intending to fish for groundfish in the inshore GOM or an offshore area of the SNE/MA RMA would be required to declare their intent to fish in these areas via VMS prior to each trip. Failure to declare its intent to fish in these areas would prohibit a vessel from fishing in these areas. Differential DAS counting in specific areas in the inshore GOM and an offshore area of the SNE/MA RMA would ensure that the fishery continues to rebuild overfished groundfish stocks, as required by the Magnuson-Steven Act. Requiring vessels to declare their intent to fish within these areas, or to declare that they are in these areas due to circumstances beyond their control, via VMS facilitates administration and enforcement of this measure by allowing NOAA Fisheries Service Office of Law Enforcement (the division of NOAA Fisheries Service responsible for monitoring vessel activity and DAS use) to identify vessels intending to fish in these areas so that the appropriate DAS charge rate may be applied to such vessels (i.e., a rate of 2:1 would apply only to vessels intending to fish in these areas). The use of VMS and a declaration into these particular areas ensures that vessels DAS would be properly charged and that measures designed to reduce fishing effort on stocks that require the most protection are effectively administered.

Any vessel issued a limited access NE Multispecies DAS permit and allocated Category B (regular) DAS may elect to participate in the Category B (regular) DAS Program continued through FW 42. A participating vessel would be required to use a VMS, notify the NOAA Fisheries Service Observer Program via telephone of its intent to participate in this program at least 72 hours prior to the start of a trip into this program, declare its intent to fish in this program via VMS prior to the start of the trip, and flip its DAS should it catch more groundfish stocks of concern than allowed. A vessel is not restricted by a limit on the number of trips that may be taken in this program and may participate in this program throughout the year, provided the program is not closed due to the attainment of a quarterly TAC in a particular stock area, the quarterly limit on the number of DAS has not been used, or due to an assessment by the Regional Administrator (RA) that declares that this program is not meeting the objectives of the FMP.

The use of VMS in the Category B (regular) DAS Program allows NOAA Fisheries Service staff to monitor vessel activity and enforce the provisions of the FMP. Notification to the Observer Program via telephone and the declaration of its intent to fish in this program via VMS ensures that the NOAA Fisheries Service staff can identify the pool of vessels intending to participate in this program so that the proper amount of observer coverage can be applied to this program. Notification of a DAS flip every time a vessel exceeds the restrictive trip limits proposed for this program is essential to the proper monitoring of DAS use and compliance with the appropriate regulations by NOAA Fisheries Service Office of Law Enforcement staff. Further, notification

of a DAS flip is used by staff within the Statistics Office to account for catch attributable to this program. As detailed in the information collection submission for OMB Control No.: 0648-0212, once a vessel flips from a Category B (regular) DAS to a Category A DAS, all catch associated with that trip is no longer accounted towards the hard TACs for groundfish stocks of concern specified for this program. Therefore, it is important to determine which category DAS a vessel is using in order to accurately monitor compliance with the regulations and accuracy of DAS use and catch distribution.

FW 42 would require any vessel issued a limited access NE Multispecies DAS permit and intending to fish for groundfish using a DAS to purchase, install, and use an operational VMS unit. Previously, a telephone system was used to collect information on the date and time the vessel sailed/landed and the gear type used in order to compute the number of DAS to be charged for a particular trip. However, FW 42 would eliminate the need for such a call-in system and, instead, would require all vessels issued a limited access NE Multispecies permit and intending to target groundfish under a NE Multispecies DAS to use a VMS to make determine DAS use. Using VMS, a NE Multispecies vessel would be required to declare what program (i.e., a SAP, the Category B (regular) DAS Program, or outside of a special management program) it intends to fish in and what category of DAS and the gear type (i.e., Day gillnet, Trip gillnet, or non-gillnet gear) it intends to use on that trip prior to leaving the dock. For those vessels that do not currently possess a VMS, vessel owners would be required to purchase and install a certified VMS aboard their vessel. Vessels would be required to provide proof to the Regional Administrator (RA) that a certified VMS has been installed, including the installation receipt from a NOAA Fisheries-certified VMS vendor. Once installed, the VMS units of limited access NE Multispecies DAS vessels would be polled once per hour throughout the year.

The NOAA Fisheries Office of Law Enforcement would use proof of VMS installation and operation, geographic data obtained from the polling of vessels, as well as the area and DAS declaration information provided to identify participants in the fishery, including those participating in SAPs (i.e., the Closed Area II Yellowtail Flounder SAP, the Eastern U.S./Canada Area Haddock SAP Pilot Program, or the Closed Area I Hook Gear Haddock SAP) or the Category B (regular) DAS Program; to properly calculate DAS usage; and to enforce the provisions of each program. Declaration of gear type is used by NOAA Fisheries Service Office of Law Enforcement to accurately track DAS usage, as Day gillnetters are charged DAS differently than Trip gillnet vessels or non-gillnet vessels.

Vessels may participate in any of the above programs multiple times throughout the fishing year. However, the RA may limit the number of trips into the SAPs, or close areas under these SAPs or the Category B (regular) DAS Program under specific circumstances. DAS and area declaration information would be used by enforcement personnel to monitor compliance with effort and area restrictions. This information is currently being used to track and monitor vessel position, DAS use, and the number of trips into all of the current SAPs and was used to monitor vessel activity in the Category B (regular) DAS Pilot Program during the 2004 and 2005 fishing years. In addition, VMS data has historically been used to monitor vessel activity of those vessels electing to use VMS outside of a special management program both prior to and after implementation of such programs in Amendment 13 and FW 40A.

FW 42 would allow any vessel issued a limited access NE Multispecies DAS permit to fish

inside and outside of the Eastern U.S./Canada Area on the same trip. Any vessel intending to fish inside and outside of the Eastern U.S./Canada Area on the same trip would be required to declare its intent to take a “flex” trip via VMS either before leaving the dock at the start of the trip or prior to leaving the Eastern U.S./Canada Area once underway. Any vessel that declares a “flex” trip would be charged Category A DAS for the entire trip, would have to abide by the most restrictive regulations between areas fished, and all catch of cod, haddock, and yellowtail flounder would be attributed to the Eastern U.S./Canada Area TACs. A vessel may elect to fish on a “flex” trip multiple times throughout the fishing year, provided it has sufficient Category A DAS for the duration of the trip and the Eastern U.S./Canada Area has not been closed due to the attainment of one of the hard TACs for the U.S./Canada Management Area. NOAA Fisheries Service staff would use the declaration of a “flex” trip to charge the vessel Category A DAS for the entire trip, monitor compliance with the most restrictive regulations between the two areas fished, and attribute the catch of cod, haddock, and yellowtail flounder to the Eastern U.S./Canada Area TACs.

The declaration of the intent to fish outside of the GOM RMA via VMS prior to each trip is necessary to identify which vessels are exempt from the GOM cod trip limits. Any vessel intending to fish outside of the GOM RMA would be required to declare its intent to do so prior to each fishing trip via VMS. This information would be used by NOAA Fisheries Service Office of Law Enforcement to enforce the GOM cod trip limits.

Any vessel issued a limited access NE Multispecies DAS permit may participate in the DAS Transfer Program. This information collection would revise the DAS Transfer Program request form by adding two questions to the form. Information collected by this form would be used by staff within NOAA Fisheries Service to process received DAS Transfer requests and monitor participation in this program.

It is anticipated that the information collected would be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries would retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information would be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The declaration of area to be fished, category of DAS and gear type to be used, the intent to fish in the Category B (regular) DAS Program or any other special management program, the intent to fish inside and outside of the Eastern U.S./Canada Area on the same trip, and the intent to fish outside of the GOM RMA would be accomplished electronically through the VMS. Also, as specified above, all vessels intending to fish for groundfish under a NE Multispecies DAS would be required to purchase, install, and use a VMS under FW 42 to participate in the fishery. The use of VMS represents the most advanced means of reporting information relating to vessel

operations in the groundfish fishery to date. DAS Transfer Program request forms are available for printing online.

4. Describe efforts to identify duplication.

NOAA Fisheries is aware of all related fishery management activities, and these requirements do not duplicate any in existence.

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

Only the minimum data to meet the requirements of the above data needs are requested from all participants. Since most of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

NOAA Fisheries Service has currently certified three vendors to provide VMS service to vessels participating in the NE Multispecies fishery. Each vendor offers comparable equipment and services over a range of prices. This reduces the burden on the public by increasing competition among vendors, thereby decreasing costs to the fishing industry to obtain and operate a VMS unit. Further, the increased variety of VMS units may allow vessel owners/operators to select the most economical and efficient unit to purchase, therefore minimizing costs associated with VMS. Finally, there is the potential that funding will be available to help offset the costs of the initial purchase of a VMS unit under FW 42. If this funding is available, the burden associated with the mandatory VMS requirement proposed under FW 42 would decrease.

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

The consequences of not conducting the collection of information described above would effectively prevent these proposed provisions of FW 42 from being implemented. This collection of information is necessary for a variety of reasons specific to each particular provision and described above. Without the area declarations proposed by this action, any vessel operating in the GOM or the SNE/MA RMA would be charged DAS at a rate of 2:1 for the entire duration of their trip. This would result in substantial negative economic impacts to the fishing industry unanticipated by the Council in the preparation of FW 42. Failure to collect the above information or collecting it less frequently would eliminate any flexibility in vessel operations provided by the ability for a vessel to declare its intent to fish inside and outside of the Eastern U.S./Canada Area on the same trip. Failure to collect such declarations would not enable NOAA Fisheries Service to implement this measure, as it would be impossible to accurately monitor and enforce the landing limits, DAS use, or catch attribution associated with this measure. Further, failure to allow vessels to fish inside and outside of the Eastern U.S./Canada Area may result in the continuation of unsafe practices by the fishing industry by eliminating opportunities to fish closer to shore should weather deteriorate during a trip into the Eastern U.S./Canada Area. Without the ability to fish inside and outside of this area on the same trip, vessel operators may feel compelled to continue fishing in the Eastern U.S./Canada Area longer than necessary to maximize landings, and therefore economic return, from a trip into this area, despite deteriorating weather conditions.

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

Some of the requirements may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB does not allow that respondents be required to report more often than quarterly, requirements for VMS area, DAS, and gear declarations requested with this submission would require more frequent reports. This information collection is required to be submitted prior to every trip taken under a NE Multispecies DAS. Requiring such declarations prior to every trip is necessary to accurately monitor vessel position and activity and properly charge for DAS used. This information would be used to by NOAA Fisheries Office of Law Enforcement to enforce provisions of the NE Multispecies FMP, including those regarding areas fished, DAS use, and possession limits.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The Council held many Council and Groundfish Oversight Committee meetings during the development of FW 42 during the period of March 2005 through March 2006 during which there were opportunities for public discussion of proposed management strategies. The Council approved the measures contained in FW 42, including those specified above, on February 2, 2006. The information collections contained in this submission are part of a proposed rule, RIN: 0648-AT24, to implement management measures outlined in FW 42 to the NE Multispecies FMP. This rule announces the provisions specified above and solicits public comment on the program and the information collection requirements necessary to implement this program. Once public comments have been considered, a final rule outlining the measures that would be implemented, as modified by public comment, would be published in the Federal Register.

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

Neither payments nor gifts are given to the respondents.

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

All data would be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). In addition, any information submitted according to the provisions outlined in FW 42, or any other management action implemented by NOAA Fisheries Service, would be considered confidential and would not be disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.

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.

There are no questions of sensitive nature.

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

There are approximately 997 individual respondents estimated under this submission. These respondents represent those vessels issued a limited access NE Multispecies DAS permit and allocated NE Multispecies DAS. This number includes all entities that would be affected by this information collection, although different provisions affect different numbers of entities. Due to duplication of participants affected by the various provisions, affected entities were only counted once. Regulatory changes contained in this action alter current regulations, affecting previously approved burden estimates for several measures. However, reductions to previous estimates will be addressed once the information collections contained in OMB Control No.: 0648-0489 and this submission are merged into OMB Control No.: 0648-0202. The new burdens included in this information collection request are described in further detail below and summarized in Table 1 at the end of the text.

Differential DAS Area Declarations

FW 42 requires a vessel intending to fish for groundfish under a NE Multispecies DAS in the inshore GOM or an offshore in the SNE/MA RMA to declare its intent to fish in these areas prior to leaving port via VMS. FW 42 also requires that any vessel that does not intend to fish within the inshore GOM differential DAS counting area and is in the area due to circumstances beyond its control notify NOAA Fisheries Service. Such declarations are expected to take 5 minutes (0.083 hours) per response, including time to read through all of the menus and options presented. During fishing year 2004, a total of 529 vessels took a total of 14,043 trips into the GOM and 344 vessels took a total of 4,048 trips into the SNE/MA RMA. These numbers represent a conservative estimate of the number of trips that would likely be taken into the respective differential DAS counting areas proposed under FW 42. Because of the high cost in DAS associated with fishing in these areas, it is expected that fewer trips into these areas would be taken under FW 42. Analysis in FW 42 indicates that as few as 12,000 trips into the GOM inshore area would be taken, a 15 percent reduction from 2004. As a result, this information collection submission estimates that approximately 12,000 trips by 500 vessels would be taken in the GOM inshore area and 3,400 trips by 300 vessels would be taken in the SNE/MA offshore area, assuming a 15 percent reduction from 2004. This results in an anticipated yearly burden of 996 hours and 282 hours, respectively, for the inshore GOM and offshore SNE/MA differential DAS counting areas proposed by FW 42.

Given that FW 42 also proposes a mandatory VMS requirement for all NE Multispecies vessels fishing for groundfish on a NE Multispecies DAS, the burden associated with this provision would be included with the overall burden associated with the mandatory VMS requirement, as similar declarations, and their associated burdens, would be borne by all groundfish vessels. Therefore, it is no longer necessary to identify the individual burdens associated with specific declarations.

Category B (regular) DAS Program

The Category B (regular) DAS Pilot Program was implemented under FW 40A as a means to target healthy groundfish stocks without compromising rebuilding stocks. This pilot program expired on October 31, 2005, but would be renewed by FW 42. Burdens associated with this program include the initial declaration to participate in this program prior to leaving port and the declaration of a DAS flip. Both declarations are made via VMS and are estimated to take 5 minutes (0.083 hours) each.

It is estimated that approximately 5,000 trips would be taken into the Category B (regular) DAS Program every year. This estimate includes 3,500 trips based on the number of available Category B (regular) DAS, plus an additional 1,500 due to the expected 1,500 flipped trips (once a trip is flipped, any Category B (regular) DAS that were used on that trip are converted to Category A DAS and no longer counted towards the quarterly Category B (regular) DAS limit, thereby increasing the pool of available Category B (regular) DAS that can be used in this program). The resulting yearly burden for declarations to participate in the Category B (regular) DAS Program under FW 42 is estimated to be 415 hours (0.083 hours x 5,000 declarations). The burden associated with DAS flips amounts to 125 hours (1,500 flips x 0.083 hours/flip).

The revised burden associated with the initial declarations into the Category B (regular) DAS Program (415 hours) would be included in the overall estimate of the burden associated with the mandatory VMS requirement, as specified in further detail below, and are not included as an individual burden. Because the burden associated with the DAS flipping provision of the Category B (regular) DAS Pilot Program was overestimated in FW 40A, NOAA Fisheries Service prepared a PRA worksheet for the emergency Secretarial action that modified the burdens included in OMB Control No.: 0648-0202 to accommodate flex trip declarations proposed under the emergency Secretarial action. This worksheet reduced the burden associated with DAS flips in the Category B (regular) DAS Pilot Program to 125 hours (i.e., a reduction of 42 hours, or 500 flips x 0.083 hours/flip) and added the burden associated with declarations of the intent to fish inside and outside of the Eastern U.S./Canada Area under a “flex” trip of 42 hours (i.e., 500 “flex” trip declarations x 0.083 hours/declaration). Because these revised burdens associated have already been incorporated by the worksheet for OMB Control No. 0648-0202, this information collection does not include the burden associated with DAS flips in this program, but merely describes the changes made by this worksheet and continued through the information collection submission for FW 42. Not only does this more accurately reflect the expected burdens associated with this provision, but it also documents actions taken by NOAA Fisheries Service during the development of the emergency Secretarial action to account for declarations associated with flex trips into the Eastern U.S./Canada Area. For further discussion about how DAS flips are handled under this submission is included in the discussion of the Eastern U.S./Canada Area flex trips below.

These burden estimates are considered conservative and are likely to continue to overestimate the actual burden that may be realized from this program. However, the low 2006 total allowable catches (TACs) and the associated low possession limits specified for this program increase the likelihood that vessels would exceed the possession limits for specific species and be required to flip to a Category A DAS. Also, the potential for future increases in the total allowable catch amounts specified for this program to increase participation in this program, a conservative estimate seems warranted over the duration of this information collection.

Mandatory VMS Requirement

FW 42 proposes to require all limited access NE Multispecies vessels intending to fish for groundfish on a NE Multispecies DAS to use VMS. Vessels that do not currently possess a VMS would be required to purchase, install, and use a VMS unit once implemented. The installation of each VMS unit is estimated to take approximately 1 hour. Once installed, the vessel owner/operator would be required to submit a form as proof of installation. This form is estimated to take 5 minutes (0.083 hours) to complete. Any vessel intending to use a NE Multispecies DAS to fish for groundfish must declare its intent to fish in either a special management program (i.e., an approved SAP or the Category B (regular) DAS Program) or outside of a special management program, the category of DAS and type of gear to be used on that trip, and the specific area that in which the vessel intends to fish (i.e., the GOM inshore area, the offshore area in the SNE/MA RMA, or one of the U.S./Canada Management Area options) via VMS prior to leaving port. This declaration is expected to take approximately 5 minutes (0.083 hours).

Currently, there are 997 vessels in the NE Multispecies fishery that have been allocated NE Multispecies DAS and may be required to use VMS under FW 42. Information collection submissions prepared for Amendments 5 and 7 to the FMP had previously incorporated burdens associated with the purchase and installation of VMS units for all groundfish vessels under OMB Control No. 0648-0202. However, these burdens were removed in subsequent renewals of OMB Control No. 0648-0202 because VMS was not mandatory and very few vessels were actually using VMS in the groundfish fishery. In the latest renewal, the burden associated with the purchase and installation of 25 VMS units per year was included, but it was unclear how many of these vessels were estimated to be groundfish vessels. Because it is unclear whether this burden includes groundfish vessels, it was assumed that previous collections did not include groundfish vessels. This information collection would add the burden for the purchase and installation of VMS units by all vessels currently allocated NE Multispecies DAS for a total of 997 hours for installation and an additional 83 hours for proof of installation under FW 42. Vessels are only required to purchase and install a VMS once. **Therefore, these burdens become 332 hours and 28 hours, respectively, when annualized over the duration of this information collection.**

Automated polling of vessel position via VMS for all vessels that would be required to use VMS under FW 42 has already been approved under OMB Control No.: 0648-0489. That information collection submission assumed that every vessel allocated NE Multispecies DAS would participate in the Category B (regular) DAS Pilot Program proposed under FW 40A and would, therefore, be required to use VMS. Accordingly, there are no additional burdens associated with automated polling of vessel position via VMS under FW 42, as these burdens have already been approved.

During fishing year 2004, approximately 25,000 trips were taken under a groundfish DAS. However, vessels did not use all of their allocated DAS during that year. Accordingly, a conservative estimate of 30,000 trips under a groundfish DAS per year is likely to be sufficient to cover the anticipated burden associated with the VMS area, gear, and DAS declarations proposed by FW 42. **Assuming that each DAS declaration takes approximately 5 minutes (0.083 hours), the yearly burden associated with these declarations is estimated at 2,490 hours.** It should be noted that even if the VMS system becomes inoperable for any reason, the

burdens associated with VMS declarations prior to each trip using a NE Multispecies DAS are sufficient to cover any burdens associated with the temporary usage of the DAS call-in system. Therefore, there is no need to continue the burdens associated with the DAS call-in system in case the VMS system becomes inoperable, even as a back-up system.

It is important to note that the overall burden associated with NE Multispecies DAS trip declarations includes the declaration that a vessel intends to fish outside of the GOM RMA in order to become exempt from the GOM cod trip limit. Therefore, no additional burden is associated with that particular requirement. Previously, vessels were required to call the NOAA Fisheries Service Permit Office to obtain a LOA to exempt them from the GOM cod trip limit. However, should the VMS system become no longer available, it may be necessary to require vessels to obtain this exemption via the previous LOA by calling the NOAA Fisheries Service Permit Office, as previously required. Therefore, this information collection submission retains the previously approved burdens associated with obtaining the GOM cod trip limit LOA described in OMB Control No.: 0648-0202.

Eastern U.S./Canada Area Flex Trips

As discussed above, both the emergency Secretarial action and FW 42 propose to allow vessels to fish both inside and outside of the Eastern U.S./Canada Area on the same trip (what is referred to as a “flex” trip), provided the vessel notifies NOAA Fisheries Service of its intent to do so via VMS. This declaration is expected to take 5 minutes (0.083 hours), including the time to read through all instructions. Because the burden associated with the DAS flipping provision of the Category B (regular) DAS Pilot Program had been overestimated in FW 40A, NOAA Fisheries Service prepared a PRA worksheet for the emergency Secretarial action that modified the burdens included in OMB Control No.: 0648-0202. This worksheet reduced the burden associated with DAS flips by 42 hours (i.e., 500 flips x 0.083 hours/flip) in the Category B (regular) DAS Pilot Program and added the burden associated with declarations of the intent to fish inside and outside of the Eastern U.S./Canada Area under a “flex” trip of 42 hours (i.e., 500 “flex” trip declarations x 0.083 hours/declaration). In doing so, all burdens associated with the emergency Secretarial action are accounted for and the burden associated with DAS flips in the Category B (regular) DAS Program more accurately reflect the expected burden of this provision. Since FW 42 would continue to allow vessels to fish inside and outside of the Eastern U.S./Canada Area on a “flex” trip, this information collection describes these changes to the burdens taken by the worksheet prepared for the emergency Secretarial action, but does not list these as additional burdens because the worksheet prepared for OMB Control No.: 0648-0202 already documented this shift in burden.

GOM Differential DAS Area Heaving-to Declaration

A vessel that has not declared its intent to fish in the inshore GOM Differential DAS Area but is in the area due to adverse weather or circumstances beyond its control must declare that it is neither fishing nor transiting in this area via VMS – what is termed as a heaving-to declaration. During fishing year 2004, a total of 529 vessels took a total of 14,043 trips into the GOM RMA. Assuming that one percent of the yearly trips into the GOM RMA would be in the inshore GOM Differential DAS Area for circumstances beyond its control, vessels operating in such a manner would need to submit approximately 140 VMS declarations indicating that they are neither fishing nor transiting while in this area on a yearly basis. **Assuming that each declaration**

takes approximately 5 minutes (0.083 hours) per response, the annualized burden for such declarations is estimated at approximately 12 hours.

DAS Transfer Program

As specified above, this information collection adds two more questions to the DAS Transfer Program request form. However, it is not expected that these additional questions will increase the burden associated with the submission of this form beyond that which was previously approved under OMB Control No.: 0648-0489. Therefore, there are no additional burdens associated with revisions to the DAS Transfer Program proposed under FW 42.

Total burden for this collection is 2,862 hours (332 + 38 + 2,490 + 12).

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

The cost burdens associated with the measures proposed by FW 42 are summarized in Table 1 and described in further detail below.

Differential DAS Area Declarations

Under FW 42, a vessel electing to fish in the inshore GOM or an offshore area of the SNE/MA RMA would be required to declare its intent to fish for groundfish in those areas under a NE Multispecies DAS via VMS. Each declaration costs \$0.50. Assuming that 12,000 trips would be taken into the inshore GOM each year, the annualized cost burden of this requirement would be \$6,000. Assuming that 3,400 trips would be taken into the offshore area of the SNE/MA RMA, the annualized cost burden of this requirement would be an additional \$1,700. However, the costs associated with this declaration are included with an overall cost estimate associated with similar declarations required by the mandatory VMS requirement proposed in FW 42. For information on the costs of such declarations, see the discussion of the mandatory VMS requirement below.

Category B (regular) DAS Program

Costs associated with the Category B (regular) DAS Program include the cost to declare the intent to fish in this program prior to each trip and the costs associated with declaring a DAS flip. Such costs were previously estimated by the information collections under FW 40A. A revised cost burden to account for the reduced estimate of DAS flips in the Category B (regular) DAS Program of \$750 (1,500 DAS flips x \$0.50/flip) was incorporated into the worksheet prepared for OMB Control No.: 0648-0202 during the development of the emergency Secretarial action referenced above and is not included in this submission. The cost burden associated with initial declarations into this program would be incorporated into the overall estimate of the costs associated with area, DAS, and gear type declarations resulting from the mandatory VMS requirement proposed by FW 42 and specified in further detail below.

Mandatory VMS

FW 42 would require that all limited access NE Multispecies vessels that intend to fish for groundfish under a NE Multispecies DAS use a VMS. All vessels that do not currently possess VMS must obtain one under this provision. The cost of purchasing and installing a VMS was previously approved in earlier information collections under OMB Control No.: 0648-0202 for Amendments 5 and 7 to the FMP, but was removed because the VMS requirement in the groundfish fishery was not mandatory in the groundfish fishery and very few vessels were utilizing VMS to fish for groundfish.

Previous estimates of the purchase price for an approved VMS unit ranged from \$3,600 to \$6,000 per unit. A recent estimate indicates that the most expensive VMS unit approved for operations in the NE Region cost approximately \$3,000. Installation costs range between \$150 - \$200 per unit. The cost burdens associated with the purchase and installation of a VMS unit as part of the mandatory VMS requirement proposed under FW 42 would be limited to those vessels issued a limited access NE Multispecies permit and allocated DAS under Amendment 13, or 997 vessels. Therefore, assuming that a VMS unit would cost \$3,000 and installation would cost an additional \$200, the costs associated with the mandatory VMS requirement proposed by FW 42 is estimated at \$3,190,400 (i.e., 997 vessels x \$3,200/vessel). This cost would be borne by vessels only once, so the annualized burden for a mandatory VMS requirement over the duration of this information collection would be approximately **\$1,063,467**. It should be noted, however, that Congress has appropriated approximately \$4,000,000 to assist in the purchase of VMS units required by any management action implemented during fiscal year 2006. Accordingly, it is likely that some form of subsidy will be made available to assist in the purchase of VMS units by groundfish vessels under FW 42, thereby decreasing, or even eliminating, the economic burden of the purchase of VMS units as proposed under FW 42.

Vessels would be required to mail in proof of installation of the VMS unit to NOAA Fisheries Service. Using a postage rate of \$0.39/vessel, the annualized cost of submitting proof of installation would be an additional **\$129**.

Costs associated with area and DAS declarations prior to each trip fishing under a NE Multispecies DAS are estimated at \$0.50/submission. In 2004, approximately 25,000 trips were taken under a groundfish DAS. Since not all of the allocated DAS were used during 2004, and because of continued effort reductions in the fishery, there is an incentive to maximize the utilization of DAS allocated. Therefore, a conservative estimate of the number of trips expected under FW 42 was determined to be approximately 30,000 trips/year. The yearly cost associated with VMS declarations for these 30,000 trips amounts to **\$15,000** (30,000 trips x \$0.50/trip).

Yearly operations costs associated with the use of VMS have already been approved. The previous information collection submission assumed that every vessel allocated NE Multispecies DAS would participate in the Category B (regular) DAS Pilot Program proposed under FW 40A and would, therefore, be required to use VMS. Accordingly, there are no additional costs associated with VMS usage under FW 42, as these costs have already been approved.

Eastern US/CAN Flexibility

Under FW 42, a NE Multispecies vessel would be allowed to fish inside and outside of the

Eastern U.S./Canada Area on the same trip, provided the vessel declared its intent to do so via VMS. Each declaration is estimated to cost \$0.50. Assuming that 500 such declarations are made every year, the annualized cost of this measure would amount to \$250. It is difficult to accurately estimate the yearly cost associated with this provision. However, it is likely that the above burden is a conservative estimate of the likely burden associated with this measure.

The emergency Secretarial action has already considered the burden associated with declarations to fish inside and outside of the Eastern U.S./Canada Area by preparing a worksheet prepared for OMB Control No.: 0648-0202 that reclassified the burdens associated with 500 DAS flips in the Category B (regular) DAS Pilot Program as “flex” trip declarations. Since FW 42 would continue to allow vessels to fish inside and outside of the Eastern U.S./Canada Area on a “flex” trip, but would not alter the burden previously approved in the emergency Secretarial action worksheet, this information collection merely describes, but does not include, these changes to the burdens taken by the worksheet prepared for the emergency Secretarial action. As a result, this information collection does not list this cost in Table 1.

GOM Differential DAS Area Heaving-to Declaration

As described above, it is estimated that approximately one percent of the yearly trips into the GOM will be required to declare that the vessel is in the GOM Differential DAS Area due to circumstances beyond its control and is not fishing or transiting. Each declaration would be required to be made via VMS. Each declaration would cost \$0.50. During the 2004 fishing year, approximately 14,043 trips were taken in the GOM RMA. Therefore, approximately 140 GOM Differential DAS Area heaving-to declarations are expected each year, resulting in an annualized cost burden of **\$70**.

Total annualized costs would be \$1,078,666 ($\$1,063,467 + \$129 + \$15,000 + \70).

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

A full summary of the following information may be found in Tables 1 and 2.

NOAA Fisheries Service currently operates a VMS system for several fisheries in the NE, including the NE Multispecies fishery. The ongoing (recurring) costs associated with the administration of the VMS system amount to \$352,293 a year and include staff costs, internet connection, training, travel and the annual costs for equipment and the back-up system (see Table 2). These costs are not expected to increase substantially with the mandatory VMS requirement proposed under FW 42. These declarations are performed through the VMS and are automatically entered into computer databases.

Costs associated with the review of proof of VMS installation include review time by NOAA Fisheries Service staff. Each form requires 5 minutes of review by staff at a rate of \$25/hour. Earlier information collection submissions for OMB Control No.: 0648-0202 included the costs associated with reviewing 52 VMS proof of installation forms, as this was the number of groundfish vessels using VMS at that time. However, because FW 42 requires all groundfish vessels intending to fish on a NE Multispecies DAS to use VMS, all groundfish DAS vessels must purchase and install a VMS unit. Therefore, this information collection submission removes previous estimates for such costs (\$108) and adds a revised estimate to account for the

costs associated with all groundfish DAS vessels purchasing and installing a VMS. A total of 997 groundfish vessels have been allocated DAS under Amendment 13 and would have to purchase a VMS. Using the assumptions for staff review time provided above, the annualized cost of reviewing VMS proof of installation forms is estimated to be \$689 (\$25/hour x (0.083 hours x 332 forms/year)).

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

Amendment 13 met Magnuson-Stevens Act requirements to adopt formal rebuilding programs for overfished fisheries, and to end overfishing. The need to reduce fishing mortality on several groundfish stocks to maintain progress along the Amendment 13 rebuilding program requires a number of new measures under FW 42. The proposed data collection would be used to implement a mandatory VMS requirement to all vessels fishing under a NE Multispecies DAS and to allow vessels to fish inside and outside of the Eastern U.S./Canada Area on the same trip. Such provisions require new information collections and would be considered a program change. The net public burden and cost associated with the provisions included in FW 42 are estimated as 2,862 hours and a net increase in costs of \$1,078,666.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NOAA Fisheries employees in detailed form on a need-to-know basis only.

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.

All forms will display the OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995.

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

All instances of this submission comply with 5 CFR 1320.9.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures.