

Justification for Change
Northeast Region Permit Family of Forms
OMB Control No. 0648-0202

Minor changes associated with a proposed rule to revise the Vessel Monitoring System (VMS) and Prohibitions Regulations (RIN 0648-AW70)

National Marine Fisheries Service (NMFS) has proposed to modify the VMS and prohibitions regulations because several sections of the regulations governing the Fisheries of the Northeastern United States (50 CFR part 648) contain inadvertent errors and omissions and some sections need to be reorganized for purposes of clarity. This proposed rule would revise portions of the Northeast (NE) fishery regulations that relate to VMS and prohibitions, standardize the VMS vendor requirements, and insert prohibitions and other regulations that would correct or clarify existing policies and requirements.

The modified regulations would also require that all vessel owners required, or choosing to use, a VMS unit call the NMFS Office of Law Enforcement (OLE), Northeast Region (NER), to confirm connectivity of the unit with the OLE system upon installation of a new or replacement VMS unit. Currently, this requirement is applicable only to vessel owners and operators in the surfclam and ocean quahog fishery, approved under Office of Management and Budget (OMB) Control Number 0648-0558, which will later be merged into the NER Permit Family of Forms. The requirement would affect current VMS users, already required to use VMS by previously approved regulatory changes to the NE Multispecies, Atlantic Sea Scallop, Monkfish, and Herring Fishery Management Plans (FMP), *only* when replacing a unit. However, the regulation would become a standard VMS requirement and applicable to any new VMS user.

There would be only minor changes to the associated reporting burden and costs. A short description of this change is described below:

This adjustment could result in a slight increase in reporting for individual vessel owners; however, the amount is minimal, as the majority of responses will be for replacement of current units, which occurs infrequently (approximately less than 10% of the units require replacement in a year). Currently, there are no plans to expand VMS usage into other fisheries; however, should VMS become a requirement in an additional fishery, the reporting burdens and costs will be reviewed at that time. This adjustment is proposed particularly to increase consistency across the VMS program for vessel owners.

The universe of vessels potentially affected by this action is all current VMS vessels users in the NER. In 2008, there were 1,502 vessels registered in the OLE system. Of these 1,502 vessels, 62 vessels have already been required to contact OLE to confirm connectivity. This adjusts the average to a maximum of 150 VMS unit replacements per year over a three year period (10% of 1,440 current units). The estimated burden associated with this requirement is 5 minutes. The total annual burden associated with confirming a VMS unit installation with OLE would be modified to 13 hours (150 vessels x 5/60 = 12.5).

The cost burden for the VMS installation confirmation is based on an average of \$1.00 per call. This yields an annual cost of approximately \$150 (\$1.00 x 150 vessels = \$150) for this collection of information.

Table 1: Burden Associated with the Change in the Collection of Information Requirements Contained in Modifying the VMS and Prohibitions Regulations of the Fisheries of the Northeastern United States.

Permit Requirement	Annualized # of Entities	Items Per Entity	Total # of Items	Response Time	Total Burden	Cost to:	
						Public	Govt. ⁽¹⁾
Proof of VMS Installation							
All Vessels, excluding Surfclam and Ocean Quahog	150	1	1	0.083	13	\$150	0
Request to turn off VMS unit							

(1) No additional cost associated to Government since included in annual operating costs of Northeast Region's VMS Program.