

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Final Rule to Implement Speed Restrictions to Reduce the Threat of
Ship Collisions with North Atlantic Right Whales
OMB Control No. 0648-0580

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Cite all applicable authorities for this information collection.**

The North Atlantic right whale remains critically endangered with only about 400 individuals left in the population. Collisions with vessels continue to be a source of serious injury and mortality right whales and are a threat to the species' recovery. On October 10, 2008, NMFS published a final rule implementing seasonal speed restrictions along the east coast of the U.S. to reduce the incidence and severity of vessel collisions with North Atlantic right whales (73 FR 60173). The final rule contained a collection-of-information requirement subject to the Paperwork Reduction act (PRA).

Specifically, 50 CFR 224.105(c) provides for a safety deviation from the 10-knot seasonal speed limit if poor weather or sea going conditions severely restrict the maneuverability of a vessel. Under such conditions, a vessel master may opt to maintain a speed in excess of the speed restriction, if required for safety, provided a signed entry is made in the vessel logbook detailing the reasons for the deviation, the speed at which the vessel is operated, the area, and the time and duration of such deviation.

- 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 collected is not provided to the public.

Logbook entries can be used for enforcement of the vessel speed rule. During routine investigations into potential violations of the speed restrictions, logbook information may be provided by a vessel operator to the NOAA Office of Law Enforcement (OLE) to demonstrate the validity of a speed deviation.

The nature of this data collection is inherently ad hoc since mariners only need to make logbook entries in unpredictable circumstances when a vessel needs to deviate from the speed limit to maintain safe operations. Given the nature of this collection, it is challenging to specify how frequently a mariner may need to make a logbook entry or how frequently it may be used as part of law enforcement investigations.

- 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.**

There is no use of electronic, automated, or mechanical techniques in this information collection.

4. Describe efforts to identify duplication.

There are no other information collections that collect this information. The need for a logbook entry is a unique, “one off” event based on real-time sea and weather conditions. As such, the entries are never duplications.

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

Logbook entries are only required in occasional circumstances when a vessel must exceed the speed rule to maintain safe operations. These events are sporadic and should only take a mariner about 5 minutes to complete the necessary logbook entry. We do not anticipate that this requirement should burden any small businesses or small entities.

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

The logbook recordkeeping is essential to speed restriction program. If a deviation from the speed rule is needed, logbook entries will be the only means to assess if, when and how often restrictions were not adhered to due to poor weather or sea conditions. The logbook entry is also the only means by which NOAA OLE can assess whether a lack of compliance was legitimate. Without this measure, vessel masters may choose not to comply with the vessel speed restriction and NOAA OLE would have no recourse. Conducting the recordkeeping less frequently is not an option as the logbook entries need to be made at the time of each unique deviation event.

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

This collection will be conducted in a manner 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 October 9, 2019 (84 FR 54119) solicited public comments. Four comment letters were received on the proposed continuation of the information collection.

Comment 1: Three comments supported the continued information collection and the agency assessments for the time and cost burden for collection.

Response: NMFS agrees that the continued information collection is necessary to administer the vessel speed rule.

Comment 2: Two commenters suggested using an automated or electronic system to collect (or supplement) information on speed rule deviations.

Response: NMFS appreciates this comment and may investigate this option in the future.

Comment 3: One commenter suggested NMFS take steps to verify information provided in the logbook entries including requiring the name of individual at the helm at the time of the deviation, checking logbook entries against AIS data and using independent data sources to verify weather information.

Response: These comments are outside the scope of the existing information collection renewal request.

Comment 3: One comment indicated a desire to impose fines on polluting vessels and lower the speed restriction to 5-7 knots.

Response: These comments are outside the scope of the existing information collection renewal request.

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

No payments or gifts are provided to respondents.

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

Information provided by respondents does not include personal or other confidential or private data. If required for enforcement of the vessel speed rule, the information may be requested by NOAA OLE officers. Please note that the United States Coast Guard (USCG) has separate jurisdiction and authorities regarding access to vessel logbooks and as such may be privy to vessel logbook entries.

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.

No information of a sensitive nature is collected.

12. Provide an estimate in hours of the burden of the collection of information. (add rows as necessary)

For wage costs: use www.bls.gov/oes , then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the appropriate Occupational Title of the Respondent completing the Information Collection and use the Mean hourly wage.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Safety deviation logbook entry	Captains, Mates and Pilots of Water Vessels	3,263	3,263	3,263	5 minutes	272	\$31.49	\$8,565.28
Totals				3263		272		\$8,565.28

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). (add rows as necessary)

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Safety deviation logbook entry	3,263	3,263	3,263	0	0
TOTALS			3,263		0

14. Provide estimates of annualized cost to the Federal government. (add rows/information as necessary)

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Positions		125,000	0.004		479.12
Contractor Cost		0	0	0	0
Travel					0
Other Costs					0
TOTAL		0		0	479.12

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

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Safety deviation logbook entry	3,263	3,000	3,263	3,000	272	250	Increase in vessel transits through speed restriction areas
Total for Collection	3,263	3,000	3,263	3,000	272	250	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Safety deviation logbook entry	\$8,565.28	n/a	0	0	Not previously calculated
Total for Collection	\$8,565.28	n/a	0	0	

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

Information collected is not published.

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.

This collection does not contain any forms. Vessel logbooks will contain the appropriate OMB control number and expiration date.

18. Explain each exception to the certification statement.

There are no exceptions for compliance with provisions in the certification statement.

Part B

This information collection does not involve statistical analyses.