

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Type-Approval Requirements for Vessel Monitoring Systems
OMB Control No. 0648-0789

A. JUSTIFICATION

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

This request is for a new information collection for Type-Approval Requirements for Vessel Monitoring Systems. This request is associated with the final rule for Regulatory Identification Number (RIN) 0648-BJ15.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that the National Marine Fisheries Service (NMFS) and regional fishery management councils prevent overfishing and achieve the optimum yield from federally managed fish stocks on a continuing basis. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires the collection of reliable data essential to the effective conservation, management, and scientific understanding of the nation's fishery resources.

The final rule for 0648-BJ15 establishes the process and requirements for type-approval by NMFS of cellular transceiver units that will transmit vessel tracking data in the U.S. vessel monitoring system (VMS). To accomplish this, the NMFS Office of Law Enforcement (OLE) has developed a type-approval process for cellular based transceiver units that is similar to the existing type-approval process for satellite-based transceiver units. The vendor-companies who sell the units and associated communication services are the respondents and the parties that will submit applications for type-approval. Respondents will also be the vendor-companies that have received type-approval for hardware, software, and/or mobile communications services, and are referred to in the 0648-BJ15 proposed rule as type-approval holders.

The current Code of Federal Regulations (CFR) at Title 50, part 600, subpart Q, sets forth the requirements for Enhanced Mobile Transceiver Units (EMTUs) to be type-approved by NMFS for use in federal fisheries programs. These EMTUs are required to be satellite-linked systems. The final rule for 0648-BJ15 provides perspective respondents with the requirements and specifications that NMFS will need to approve cellular-based hardware and software for use in fishery management programs nation-wide.

Recent fishery management actions have prompted the final rule for 0648-BJ15. The Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council) has submitted the Gulf For-hire Reporting Amendment for approval and implementation by NMFS. The Gulf For-hire Reporting Amendment includes amendments to the Fishery Management Plan (FMP) for Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP), and the FMP for Coastal Migratory Pelagic (CMP) Resources of the Gulf of Mexico and Atlantic Region (CMP FMP). NMFS is drafting a final rule, identified by RIN 0648-BH72 that would implement management measures in the

Gulf For-hire Reporting Amendment and the collection-of-information requirements under OMB Control Number 0648-0770. The 0648-BH72 final rule revises reporting requirements for owners and operators of recreational charter vessels and headboats (for-hire vessels) with federal for-hire permits in the Gulf. For comparative purposes, a charter vessel generally carries six or fewer passengers for hire, and a headboat generally carries more than six paying passengers, although exceptions exist.

The 0648-BH72 final rule will require a vessel owner or operator with a federal charter vessel/headboat permit to harvest Gulf reef fish (e.g., snappers) or Gulf CMP species (e.g., mackerels) to submit an electronic fishing report using NMFS-approved hardware and software for each fishing trip before offloading fish from the vessel. Among other measures, the final rule will also require that a for-hire vessel owner or operator use NMFS-approved hardware and software with global positioning system (GPS) capabilities that, at a minimum, archive vessel position data during a trip for subsequent cellular transmission to NMFS. NMFS-approved hardware or software will allow for data transmission via cellular- or satellite-linked equipment. The purpose of the 0648-BH72 final rule is to increase and improve fisheries information collected from federally permitted for-hire vessels in the Gulf and is expected to improve management of the for-hire recreational fisheries.

In addition to a type-approval process for cellular-based VMS transceiver units, the final rule for 0648-BJ15 and this information collection request also applies to the existing NMFS type-approval process for satellite-linked EMTUs for use in federal fisheries programs nation-wide. Historically the number of type-approved VMS vendors has been low – well below the threshold of 10 or more persons which may trigger PRA requirements, therefore NMFS did not seek PRA clearance when it first codified the VMS type-approval process in 2014 (79 FR 77399, December 24, 2014). With the continued expansion of the number of federally managed fisheries that require use of VMS, NMFS is seeking approval of the information collection for all VMS type-approvals, both satellite- and cellular-based systems.

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.

Respondents for type-approval of VMS satellite- or cellular-based systems must submit a written type-approval request and electronic copies of supporting materials that include certain required information. The NMFS OLE uses the information submitted to assess whether an EMTU or EMTU-C meets minimum technical specifications and can be approved for use in the NMFS VMS program. The information currently required to accompany an application for type-approval of VMS satellite-based systems is set forth at 50 CFR 600.1502 through 600.1507. The information required for type-approval of VMS cellular-based systems will be substantially similar and identical except where specifically indicated (e.g., EMTU-Cs will not be required to report the at-sea loss of communications signals, as proposed in 50 CFR 600.1503(e)(5)).

The information collected will not be disseminated to the public or used to support information that will be disseminated to the public.

Information requested in the type-approval application for EMTU-Cs and EMTUs includes the information identified in [50 CFR 600, subpart Q](#), more specifically, 50 CFR 600.1501 through

600.1509. This identified information is also embodied in the Type-Approval Matrix form that can be used by a respondent to more easily organize and submit the required information in their type-approval request to NMFS OLE (*see Type-Approval Matrix form, attached*). The information will include information regarding:

- Characteristics of the EMTU-C or EMTU
- Associated entities including manufacturer and sellers
- Communication functionalities
- Data formats
- Data transmission details
- Latency requirements
- Messaging formats and transmission details
- Electronic forms
- Data security
- Customer service
- Durability
- Applicant's data handling requirements

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 final rule for 0648-BJ15 requires potential respondents to submit a written application for their EMTU-C to NMFS for review and approval. The application process is the same as the existing process for a respondent to submit an application for an EMTU. The application includes a letter to NMFS indicating the respondent's request for type-approval, a description of the unit, a list of if and how each of the type-approval requirements are or are not met (respondent may opt to use the electronic Type-Approval Matrix form available from OLE), and any supporting documentation that may be helpful for the particular unit. The application needs to be mailed to the given NMFS OLE address.

As stated in the response to Question 2, the Type-Approval Matrix form will be electronically available to an applicant upon written request (electronic or hard copy) to NMFS OLE. Using the Type-Approval Matrix form is discretionary; a respondent may choose to develop their own documentation as long as it provides the same required information.

For changes to type-approvals, revocation response, and diagnostic and troubleshooting support the use of technology would vary based on the specific circumstance and, if applicable, how each respondent chooses to respond.

As stated in the 0648-BJ15 final rule, a primary purpose of this information collection is to allow for the use of EMTU-Cs and cellular communication service, in addition to existing satellite-only models, in federally managed fisheries. Cellular communication services are generally lower in cost than satellite services, both for hardware and communications services. Lower costs can ease the financial burden while providing NMFS with additional capabilities to manage fishery resources, and helping to protect marine species and ecologically sensitive areas.

4. Describe efforts to identify duplication.

The final rule for 0648-BJ15 adds to existing regulations at 50 CFR 600, subpart Q that specify

nationwide requirements for the type-approval by NMFS of cellular and satellite transceiver units that transmit fishing vessel tracking data. No similar type-approval requirements exist elsewhere in federal regulations.

In addition, the Magnuson-Stevens Act's operational guidelines require each FMP and FMP amendment to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. The membership of each fishery management council is comprised of state and federal officials responsible for resource management in their area. This joint participation enables identification of other collections that may be gathering the same or similar information.

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

There are a limited number of respondents that have expressed interest or have actually applied to NMFS for type-approval of EMTU-Cs or EMTUs. Given the small number of respondents involved and the need to use a required set of data in order to perform adequate testing and analysis for type-approval, NMFS has not set out separate requirements for small businesses. However, NMFS would only request the minimum data needed to determine eligibility for type-approval from respondents.

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

Regulations at 50 CFR 600, subpart Q set forth the requirements for EMTUs to be type-approved for used in NMFS fisheries programs nation-wide. These EMTUs are currently required to be satellite based VMS that must be type-approved by NMFS. The 0648-BJ15 final rule provides the requirements to respondents for NMFS to type-approve cellular based VMS for use in the Gulf reef fish and Gulf CMP fisheries programs, and potentially other regional programs in the future.

If the information collection for the 0648-BJ15 rule is not implemented or is only partially implemented, respondents would be unable to seek type-approval for cellular-based VMS units and communication services, and fishermen and NMFS would be restricted to using satellite-based VMS units and communication services, which are typically more costly than cellular-based tracking systems. In addition, NMFS would be unable to fully implement the final rule for 0648-BH72 and the associated information collection under 0648-0770.

Furthermore, NMFS would be unable to continue implementing existing federal regulations at 50 CFR 600, subpart Q for satellite-based VMS.

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

No special circumstances are associated with this information collection.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize

public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe 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.

NMFS published the proposed rule for RIN 0648-BJ15 in the *Federal Register* on January 24, 2020 (85 FR 4257) to solicit public comment on the proposed information collection. NMFS did not receive any public comment about the new collection of information requirements.

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

There are no payments or other remunerations to respondents.

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

As stated on the Type-Approval Matrix form, data collected for this new information collection are treated as confidential in accordance with the Magnuson-Stevens Act (16 U.S.C. 1881a) and [NOAA Administrative Order 216-100](#). It is NMFS' policy that confidential data are not to be released to non-authorized users, other than in aggregate form, as the Magnuson-Stevens Act protects (in perpetuity) the confidentiality of those submitting data.

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.

This new information collection does not collect sensitive information.

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

For the purposes of this analysis, NMFS estimates that eight EMTU-C respondents will apply for type-approval over the three-year period of this information collection, annualized to approximately three EMTU-C respondents annually. NMFS estimates the number of EMTU respondents is expected to be the eight current type-approved EMTU respondents nationwide, plus one additional respondent annually. Any individual respondent may seek type-approval for multiple EMTU-Cs or EMTUs; however, each type-approval application would be a separate response.

A potential respondent will need to complete the type-approval application and maintain a 24-hour answering service if NMFS grants approval.

Table 1

EMTU-C type approval labor estimates, per respondent (\$/hr wage rate)	Application completion (hr per application)	Changes to type-approvals (labor hr per instance)	Revocation responses (labor hr per instance)	Diagnostic and troubleshooting support to NMFS and fishers, 24-hr, year-round (hr)
Type of support				
Engineer (\$47.71)	40	4	16	16
Project Manager (\$59.56)	40	4	8	50
Customer Service Rep (\$24.51)	0	0	0	50
Electronics Technician (\$27.78)	0	0	0	50
Subtotal	80	8	24	166

Table 2

EMTU-C type-approval labor estimates per year, industry-wide	Affected respondents (n)	Responses (n)	Time per response (hr)	Total time (hr)
Application	3	1	80	240
Changes to type-approvals	2	1	8	16
Revocation response	1	1	24	24
Diagnostic and troubleshooting support	3	1	166 (annually)	498
Subtotal				778

Table 3

EMTU type-approval labor estimates, per respondent (\$/hr wage rate)	Application completion (hr per application)	Changes to type-approvals (labor hr per instance)	Revocation responses (labor hr per instance)	Diagnostic and troubleshooting support to NMFS and fishers, 24-hr, year-round (hr)
Type of support				
Engineer (\$47.71)	40	16	16	16
Project Manager (\$59.56)	40	8	8	60
Customer Service Rep (\$24.51)	0	0	0	500
Electronics Technician (\$27.78)	0	0	0	500
Subtotal	80	24	24	1,066

Table 4

EMTU type-approval labor estimates, per year, industry-wide	Affected respondents (n)	Responses (n)	Time per response (hr)	Total time (hr)
Application	1	1	80	80
Changes to type-approvals	2	1	24	48
Revocation response	1	1	24	24
Diagnostic and troubleshooting support	8	1	1,066 (annually)	8,528
Subtotal				8,680

Note for Tables 1-4: The application refers to the process to initially apply for type-approval (see 50 CFR 600.1501). Changes to type-approvals refers to the process to apply to make changes to the type-approved units, features, or service (see 50 CFR 600.1511). Revocations refer to the process of responding to notice of NMFS intent to revoke a type-approval (see 50 CFR 600.1512). Diagnostic services refer to the year-round services provided by the respondents.

For EMTU-C respondents, if NMFS implements the 0648-BJ15 proposed rule and OMB approves this new information collection request, the estimated annual time burden would be 778 hours. For the estimated three EMTU-C respondents, the average time per respondent would be 259 hours per year.

Because NMFS has already type-approved EMTUs nationwide, the application burden would not apply to most EMTU respondents, except for an estimated one new respondent annually. For EMTU respondents, if OMB approves this new information collection request, the estimated total annual time burden would be 8,680 hours. For the estimated eight respondents, and due to the larger customer base and increased

complexities of EMTUs, the average time per EMTU respondent would be 1,085 hours per year.

For 11 respondents of both EMTU-Cs and EMTUs, NMFS estimates the annual time burden would be 9,458 hours.

NMFS estimates the annual wage costs associated with the documentation and notification of changes made to type-approved units for two EMTU-C respondents with one change each per year would be \$858.40, and for two EMTU respondents with one change each per year, the wage cost would be \$2,480.64.

NMFS estimates the annual wage costs associated with responding to a type-approval revocation, estimating one revocation per year for each EMTU-C and EMTU respondent type would be \$2,480.64.

For diagnostic and troubleshooting support, NMFS estimates the annual wage costs for each EMTU-C and EMTU respondent would be \$6,356.34 and \$30,482.44, respectively. NMFS has previously reimbursed respondent costs for services provided to NMFS, and therefore, assuming half of the annual support and troubleshooting services are provided to NMFS, then the total annual wage cost for each of the three EMTU-C respondents would be \$3,178.17, and \$15,241.22 for each of the eight EMTU respondents.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hr / Response (d)	Total Annual Burden Hr (e) = (c) x (d)	Mean Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
EMTU-C Type-Approval, Industry-Wide								
Application	Engineer	3	1	3	80	240	\$47.71	\$5,725.20
	Project Manager						\$59.56	\$7,147.20
Changes to Type-Approvals	Engineer	2	1	2	8	16	\$47.71	\$381.68
	Project Manager						\$59.56	\$476.48
Revocation Response	Engineer	1	1	1	24	24	\$47.71	\$763.36
	Project Manager						\$59.56	\$476.48
Maintenance / Diagnostic & Troubleshooting Support	Engineer	3	1	3	166	498	\$47.71	\$2,290.08
	Project Manager						\$59.56	\$8,934.00
	Customer Service Rep						\$24.51	\$3,676.50
	Electronics Technician						\$27.78	\$4,167.00
EMTU Type-Approval, Industry-Wide								
Application	Engineer	1	1	1	80	80	\$47.71	\$1,908.40
	Project Manager						\$59.56	\$2,382.40
Changes to Type-Approvals	Engineer	2	1	2	24	48	\$47.71	\$1,526.72
	Project Manager						\$59.56	\$952.96
Revocation Response	Engineer	1	1	1	24	24	\$47.71	\$763.36
	Project Manager						\$59.56	\$476.48

Maintenance / Diagnostic & Troubleshooting Support	Engineer						\$47.71	\$6,106.88
	Project Manager						\$59.56	\$28,588.80
	Customer Service Rep	8	1	8	1,066	8,528	\$24.51	\$98,040.00
	Electronics Technician						\$27.78	\$111,120.00
Totals				21		9,458		\$285,903.98

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).

NMFS estimates respondents would incur costs as a result of the proposed rule. Because details of the NMFS-approved hardware and software have not yet been determined, all cost estimates provided here are subject to change based on the technology that NMFS ultimately approves.

If NMFS implements the proposed rule and OMB approves this new information collection request, the estimated cost burden to EMTU-C and EMTU respondents for the VMS type-approval application process is estimated to be \$1,300 per application¹. This is different in part from the economic analyses performed for the 0648-BJ15 proposed rule, because the cost applied for postage is less here due to a more specific knowledge of the weight of the EMTU-Cs and EMTUs, and the wage costs are included under Question 12.

For the purposes of this analysis, NMFS estimates that eight EMTU-C respondents would apply for type-approval over the three-year period of this information collection, annualized to approximately three EMTU-C respondents annually. NMFS estimates the number of EMTU respondents is expected to be the eight current type-approved EMTU respondents nationwide, plus one additional respondent annually. Any individual respondent may seek type-approval for multiple EMTU-Cs or EMTUs; however, each type-approval application would be a separate response. Because NMFS has already type-approved EMTUs nationwide, the application burden would not apply to most EMTU respondents, except for an estimated one new respondent annually. NMFS expects approximately four type-approval applications annually for a cost burden of \$5,200 per year. For the overall information collection, NMFS estimates that the total cost burden for all respondents would be \$15,600.

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c)=(a) x (b)	Cost Burden / Response (h)	Total Annual Cost Burden (i) = (c) x (h)
EMTU-C Type-Approval, Industry-Wide					
Application	3	1	3	\$1,300	\$3,900
Changes to Type-Approvals	2	1	2	0	\$ -
Revocation Response	1	1	1	0	\$ -
Maintenance / Diagnostic & Troubleshooting Support	3	1	3	0	\$ -
EMTU Type-Approval, Industry-Wide					
Application	1	1	1	\$1,300	\$1,300
Changes to Type-Approvals	2	1	2	0	\$ -
Revocation Response	1	1	1	0	\$ -
Maintenance / Diagnostic & Troubleshooting Support	8	1	8	0	\$ -
TOTALS			21		\$5,200

¹ Postage: 10 units x \$50/unit = \$500/application; shipping packaging: 10 units x \$5/unit = \$50/application; communication services during testing: \$25 per month x 3 months x 10 units = \$750. TOTAL: \$1,300 per application.

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

NMFS expects the proposed rule for 0648-BJ15 would increase annual costs to the Federal Government, because there would be an increased administrative burden. This would be an increase in the number of type-approvals that NMFS would be expected to conduct and implement. To review and test four type-approval applications per year and to provide yearly management of EMTU-C and EMTU operations, services, and to provide customer service to respondents, NMFS estimates it would need a customer service contractor for 1,040 hours per year at \$24.51 per hour or \$25,490.40 per year, and a federal program manager for 320 hours per year at \$67.18 per hour or \$21,497.60, both totaling \$46,988. As provided in section 12 above, it is estimated that NMFS will compensate respondents a total of \$19,253.37. The total cost to NMFS over a three-year period is estimated to be \$198,724.11, annualized to \$66,241.37.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight		\$139,734.44	≈15%		\$21,497.60
Contractor Cost		\$50,980.80	50%		\$25,490.40
Travel					
Other Costs: Reimbursement to EMTU and EMTU-C service providers					\$19,253.37
TOTAL		\$190,715.24			\$66,241.37

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

This is a new information collection.

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

The results from this new information collection are not expected to be published, but NMFS OLE will publish on its website a list of VMS respondents that have been type-approved for use in federally managed fisheries where VMS use is required.

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.

The expiration date will be displayed on the OLE furnished Type-Approval Matrix.

18. Explain each exception to the certification statement.

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.