

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

Abstract

This request is for renewal of a currently approved information collection. Final rule 0648-BJ15 (published July 8th 2020, 85 FR 40915) established Type-Approval Requirements for Vessel Monitoring Systems and testing procedures; compliance, revocation, and appeal processes; and technical, service, and performance standards for cellular and satellite-linked vessel monitoring systems (VMS) required in federally-managed fisheries nationwide.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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.

50 CFR Subpart Q 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 are also the vendor-companies that have received type-approval for hardware, software, and/or mobile communications services, and are referred to in 50 CFR Subpart Q as type-approval holders.

50 CFR Subpart Q applies to the NMFS type-approval process for satellite-linked EMTUs and cellular-based VMS transceiver units (EMTU-Cs) for use in federal fisheries programs nationwide.

2. 1 Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received

from the current collection.

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 units is set forth at 50 CFR Subpart Q. The information required for type-approval of VMS cellular-based systems is substantially similar and identical except where specifically indicated (e.g., EMTU-Cs are not 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 includes 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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

50 CFR Subpart Q requires potential respondents to submit a written application for their VMS unit to NMFS for review and approval. 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 emailed to the given NMFS OLE email 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 50 CFR Subpart Q, a primary purpose of this information collection is to allow for the use of VMS units and the associated communication service in federally managed fisheries.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

50 CFR Subpart Q specifies 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 impacts small businesses or other small entities, describe any 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 consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information collection for 50 CFR Subpart Q is not conducted or is only partially conducted, 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 already type-approved units, which may not keep up with technologies and/or will eventually reach end-of-life. It will also obstruct companies from entering the already limited market and decrease competition,

which could increase fishermen's costs.

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

7. Explain any special circumstances that would cause an information 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 publications 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.

A Federal Register Notice published on February 13, 2023 (88 FR 9255) solicited public comments. No comments were received during the comment period.

NMFS reached out to several stakeholders in an effort 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. No responses were received.

9. Explain any decision to provide any payment or gift 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 the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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 or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their

consent.

This information collection does not collect sensitive information.

12. Provide estimates of the hour burden of the collection of information.

For the purposes of this analysis, NMFS estimates that no EMTU-C respondents will apply for type-approval over the three-year period of this information collection¹. NMFS estimates the number of EMTU respondents is expected to be the eight current type-approved EMTU respondents nationwide, with one additional application 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.

For diagnostic and troubleshooting support, NMFS estimates the annual wage costs for each EMTU respondent would be \$30,900. 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 of \$15,450 would be reimbursed for each of the eight EMTU respondents.

Table 1

VMS 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 (\$51.53)	40	16	16	16
Project Manager (\$48.85)	40	8	8	60
Customer Service Rep (\$19.80)	0	0	0	500
Electronics Technician (\$34.49)	0	0	0	500
Subtotal	80	24	24	1,066

Table 2

VMS 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 1-2: 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

¹ The one federal fishery that allowed EMTU-Cs to be used has been revoked. There are currently no federal fisheries that allow for the use of EMTU-Cs; they all require real-time reporting, which is accomplished by the use of EMTUs.

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.

Because NMFS has already type-approved 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.

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 Type-Approval, Industry-Wide								
Application	Engineer Project Manager	1	1	1	80	80	\$51.53 (20) \$48.85 (20)	\$2,061 \$1,954
Changes to Type-Approvals	Engineer Project Manager	2	1	2	24	48	\$51.53 (32) \$48.85 (16)	\$1,649 \$782
Revocation Response	Engineer Project Manager	1	1	1	24	24	\$51.53 (16) \$48.85 (8)	\$825 \$391
Maintenance / Diagnostic & Troubleshooting Support	Engineer Project Manager Customer Service Rep Electronics Technician	8	1	8	1,066	8,528	\$51.53 (128) \$48.85 (480) \$19.80 (4,000) \$34.49 (4,000)	\$6,596 \$23,448 \$79,200 \$137,960
Totals				12		8,680		\$254,866

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The estimated cost burden to VMS respondents for the VMS type-approval application process is estimated to be \$1300 per application².

For the purposes of this analysis, NMFS estimates that zero EMTU-C respondents would apply for type-approval over the three-year period of this information collection. 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 one type-approval applications annually for a

² Per application 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: \$1300 per application.

cost burden of \$1300 per year.

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)
Type-Approval, Industry-Wide					
Application	1	1	1	\$1300	\$1300
Changes to Type-Approvals	2	1	2	0	\$ -
Revocation Response	1	1	1	0	\$ -
Maintenance / Diagnostic & Troubleshooting Support	8	1	8	0	\$ -
TOTALS			12		\$1300

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

NMFS estimates it would need a customer service contractor for 1,040 hours per year at \$28.37 per hour or \$29,504.80 per year, and a federal program manager for 320 hours per year at \$77.76 per hour or \$24,883.20, both totaling \$54,388. As provided in section 12 above, it is estimated that NMFS will compensate each respondent a total of \$15,450 for services provided to NMFS, totaling \$123,600.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight		\$161,740.80	15%		\$24,261
Contractor Cost		\$59,009.60	50%		\$29,505
Travel					
Other Costs: Reimbursement to EMTU and EMTU-C service providers					\$123,600
TOTAL					\$177,366

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

NMFS expects costs to decrease under this PRA approval, because the only federal fishery that allowed for EMTU-C has been revoked. There are currently no federal fisheries for EMTU-C respondents to apply for type-approval.

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	
EMTU-C Application	1	3	0	3	0	240	There are currently no federal fisheries for EMTU-C respondents to apply for type-approval.
EMTU-C: Changes to Type-Approvals	1	2	0	2	0	16	

EMTU-C: Revocation Response	1	1	0	1	0	24
EMTU-C: Maintenance / Diagnostic & Troubleshooting Support	1	3	0	3	0	498
EMTU: Application	1	1	1	1	80	80
EMTU: Changes to Type-Approvals	2	2	2	2	48	48
EMTU: Revocation Response	1	1	1	1	24	24
EMTU: Maintenance / Diagnostic & Troubleshooting Support	8	8	8	8	8,528	8,528
Total for Collection	9*	11*	12	21	8,680	9,458
Difference	-2		-9		-778	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
EMTU-C Application	0	12,872.40	0	3,900	There are currently no federal fisheries for EMTU-C respondents to apply for type-approval.
EMTU-C: Changes to Type-Approvals	0	858.16	0	0	
EMTU-C: Revocation Response	0	1,239.84	0	0	
EMTU-C: Maintenance / Diagnostic & Troubleshooting Support	0	19,067.58	0	0	
EMTU: Application	4,015	4,290.80	1,300	1,300	
EMTU: Changes to Type-Approvals	2,431	2,479.68	0	0	Updated wage rates
EMTU: Revocation Response	1,216	1,239.84	0	0	Updated wage rates
EMTU: Maintenance / Diagnostic & Troubleshooting Support	247,204	243,855.68	0	0	Updated wage rates
Total for Collection	254,866	285,903.98	1,300	5,200	
Difference	-31,037.98		-3,900		

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results from this 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 that 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 identified in “Certification for Paperwork Reduction Act Submissions.”

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).