

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
North Pacific Observer Program
OMB Control No. 0648-0318

Abstract

This is a resubmission with the final rule, of a request by the National Marine Fisheries Service, Alaska Regional Office, for extension and revision of this currently approved information collection.

This collection is revised due to the final rule to implement electronic monitoring (EM) for pelagic trawl pollock catcher vessels and tender vessels delivering pollock to shoreside processors or stationary floating processors in the Bering Sea, Aleutian Islands, and Gulf of Alaska (RIN 0648-BM40). This action is intended to improve salmon accounting, reduce monitoring costs, and improve the quality of monitoring data.

This collection is revised to add requirements for vessels in the trawl EM category, four new collection instruments, and increase submission methods for observer provider requirements. The name of the collection instrument “Request to be placed in or removed from the electronic monitoring selection pool” is changed to “Request to be placed in or removed from electronic monitoring” because it will include the trawl EM category.

From the proposed rule to the final rule, in response to comments NMFS clarified a regulation for the EM hardware service provider permit and added to what must be included in the Trawl EM Incentive Plan Agreement Annual Report; updated public burden statements on forms; and updated hourly wage rates in question #12 to use the most current rates.

This final rule also affects OMB Control Numbers -0213, -0330, -0515, and -0711. NMFS is submitting separate requests to revise these collections.

OMB Control Number 0648-0815 is being merged into this collection and will be discontinued upon issuance of the final rule.

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.

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act), the Secretary of Commerce is responsible for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through NOAA/NMFS. NMFS Alaska Region manages the groundfish fisheries in the EEZ of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under fishery management plans (FMPs) developed by the North Pacific Fishery

Management Council (Council) for groundfish in the respective areas. Regulations governing U.S. fisheries and implementing the groundfish FMPs are at 50 CFR [parts 600](#) and [679](#).

The International Pacific Halibut Commission (IPHC) and NMFS Alaska Region manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the [Northern Pacific Halibut Act of 1982](#), 16 U.S.C. 773c (Halibut Act). The IPHC promulgates regulations governing the halibut fishery under the [Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea](#) (Convention). Regulations pursuant to the Convention are set forth at [50 CFR 300 subpart E](#).

Section 313 of the Magnuson-Stevens Act (16 U.S.C. 1862) authorizes the Council, in consultation with NMFS, to prepare a fishery research plan for the purpose of stationing observers and electronic monitoring (EM) systems to collect data necessary for the conservation, management, and scientific understanding of the commercial groundfish and Pacific halibut fisheries of the BSAI and GOA management areas. Under the North Pacific Observer Program (Observer Program), observers and EM systems collect fishery-dependent information used to estimate total catch and interactions with protected species. Managers use this data to manage groundfish and prohibited species catch within established limits and to document and reduce fishery interactions with protected species. Scientists use this data to assess fish stocks, provide data for fisheries and ecosystem research and fishing fleet behavior, assess marine mammal interactions with fishing gear, and characterize fishing impacts on habitat. The Observer Program is implemented by regulations at [50 CFR 679 subpart E](#).

All vessels and processors that participate in federally managed or parallel groundfish and halibut fisheries off Alaska (except catcher vessels delivering unsorted codends to a mothership) are subject to Observer Program requirements and assigned to one of two categories: the full observer coverage category (full coverage); or the partial observer coverage category (partial coverage). Vessels and processors in the full coverage category have at least one observer present during all fishing or processing activity. Vessels and processors in the partial coverage category are assigned observer or EM coverage according to the scientific sampling plan described in the Annual Deployment Plan (ADP) developed by NMFS in consultation with the Council. Since 2013, observers have been deployed in the partial coverage category using established random sampling methods to collect data on a statistically reliable sample of fishing vessels in the partial coverage category. Some vessels and processors may be in full coverage for part of the year and partial coverage at other times of the year depending on the observer coverage requirements for specific fisheries.

Observer coverage in the full coverage category is industry-funded through a pay-as-you-go system whereby fishing vessels procure observer services through NMFS-permitted observer service providers. Observer coverage in the partial coverage category is funded through a system of fees based on the ex-vessel value of groundfish and halibut. NMFS uses a portion of the fees collected under section 313 of the Magnuson-Stevens Act to deploy EM systems on vessels in the nontrawl EM selection pool of the partial coverage category. The observer fee is assessed on landings by vessels not included in the full coverage category. The system of fees fairly and equitably distributes the cost of observer coverage among all vessels and processors in the partial coverage category. Information collected for the observer fee is approved under OMB Control Number 0648-0711.

The following classes of vessels and processors are currently in the full observer coverage category when harvesting halibut or when harvesting, receiving, or processing groundfish in a federally managed or parallel groundfish fishery:

- Catcher/processors (with limited exceptions);
- Motherships;
- Shoreside processors or stationary floating processors (SFPs) when receiving or processing Bering Sea pollock;
- Catcher vessels while participating in catch share programs with transferable prohibited species catch limits, including American Fisheries Act (AFA) or Western Alaska Community Development Quota (CDQ) pollock fisheries, some CDQ groundfish fisheries, and the Central Gulf of Alaska Rockfish Program;
- Catcher vessels using trawl gear that have requested placement in the full coverage category for all directed fishing for groundfish in the BSAI for a calendar year; and
- Catcher vessels participating in the PCTC Program.

All vessels and processors that are not in the full coverage category are in the partial coverage category. In general, the following vessels and processors are in partial coverage:

- Catcher vessels designated on a Federal Fisheries Permit when directed fishing for groundfish in federally managed or parallel fisheries, except those in the full coverage category;
- Catcher vessels when fishing for halibut individual fishing quota (IFQ) or sablefish IFQ (there are no prohibited species catch limits for these fisheries);
- Catcher vessels when fishing for halibut CDQ, fixed-gear sablefish CDQ, or groundfish CDQ using pot or jig gear; or catcher vessels less than or equal to 46 ft length overall (LOA) using hook-and-line gear fishing for groundfish;
- Catcher/processors that meet criteria described at [50 CFR 50.679.51\(a\)\(3\)](#) that allows assignment to the partial coverage category; and
- Shoreside processors or SFPs, except those in the full coverage category.

The ADP describes how observer coverage and EM will be assigned to vessels and processors in the partial observer coverage category in the upcoming year. NMFS develops the ADP in consultation with the Council after reviewing an evaluation of deployment performance for the previous year. Vessels and processors in the partial coverage category may be in the “no selection pool,” the “trip selection pool,” or the “nontrawl EM selection pool.” Vessels and processors in the no selection pool are not required to carry an observer or EM while participating in fisheries subject to partial coverage. Vessels in the trip selection pool and nontrawl EM selection pool are required to log trips in the Observer Declare and Deploy System (ODDS) and carry an observer or EM system on randomly selected trips. Specific vessel owners may submit a request to place their vessel in a different coverage category or selection pool.

More information on the Observer Program is provided on the NMFS [North Pacific Observer Program webpage](#). More information on electronic monitoring is provided on the NMFS Alaska Region [electronic monitoring webpage](#).

Revisions Due to the Rule (RIN 0648-BM40)

NMFS is implementing Amendment 126 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 114 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (RIN 0648-BM40). Amendments 126/114 and this final rule implement EM for pelagic trawl pollock catcher vessels and tender vessels delivering pollock to shoreside processors or stationary floating processors in the Bering Sea, Aleutian Islands, and GOA (trawl EM category). The trawl EM category applies to eligible pelagic trawl catcher vessels and tender vessels in the full coverage and partial coverage categories of the North Pacific Observer Program. Participation in trawl EM is voluntary under Amendments 126/114, and a vessel owner or operator may request placement in the trawl EM category. This action is intended to improve salmon accounting, reduce monitoring costs, and improve the quality of monitoring data. The North Pacific Fishery Management Council and NMFS developed this final action based on input received from the Trawl EM Committee, three years of data gathered through the exempted fishing permit process, and public input through the Council process.

Vessels in the trawl EM category will be required to comply with all provisions of the trawl EM category, including those specified in regulations, the ADP, and in individual vessel monitoring plans. This collection is revised because the rule adds requirements for vessels that are approved for placement in the trawl EM category. A catcher vessel will remain subject to observer coverage at § 679.51(a)(1) or § 679.51(a)(2) unless NMFS approves a request for placement of the catcher vessel in the trawl EM category. Currently, tender vessels are not subject to observer coverage requirements specified under subpart E to part 679. This rule establishes monitoring requirements for tender vessels that receive deliveries from a catcher vessel in the trawl EM category. To be qualified to participate in the trawl EM category, partial coverage catcher vessels will be required to join a Trawl EM Incentive Plan Agreement (TEM IPA). A TEM IPA will be run by an industry group and structured to keep catch within the limits to which vessels not in the trawl EM category are subject. The rule also adds a new permit to authorize a person to participate as an EM hardware services provider for operations requiring EM system coverage for the nontrawl EM selection pool and trawl EM category.

Four new collection instruments are added to this collection due to the rule:

- Landing notice for electronic monitoring pollock trawl offloads
- TEM IPA
- TEM IPA annual report
- EM hardware service provider permit

The rule revises the following existing instruments in this collection:

- Request to be placed in or removed from EM
- ODDS: log a fishing trip
- Vessel monitoring plan.
- Submit EM data to NMFS
- Administrative appeals
- Observer deployment/logistics report
- Observer provider other reports

This revision also modifies observer provider requirements because the rule removes fax as a communication method to allow submission by any method specified by NMFS, updates how often specific information must be submitted to NMFS, and clarifies the requirements for observer providers to monitor observer conduct and address observer misconduct.

As participation in the trawl EM category is voluntary, an entity that would be subject to the trawl EM requirements would only participate if the benefits from doing so outweighed the burden. Development of this program was requested and supported by industry.

This rule also affects information collection requirements approved under OMB Control Numbers -0213, -0330, -0515, and -0711. NMFS is submitting separate requests to revise these collections.

Merge OMB Control Number 0648-0815

OMB Control Number 0648-0815 is being merged into this collection for 0648-0318 and will be discontinued upon issuance of the final rule for RIN 0648-BM40. OMB Control Number 0648-0815 was established as a new temporary collection due to the final rule that revised the monitoring requirements for pot gear catcher/processors participating in BSAI groundfish fisheries ([88 FR 77228, November 9, 2023](#)). The regulatory changes were intended to reduce the likelihood of data loss on BSAI pot catcher/processors by ensuring experienced observers are deployed on pot catcher/processors; ensuring effective collaboration between the observer, captain, and crew; and providing voluntary monitoring options that may further improve the precision of observer data. A temporary collection was necessary because -0318 was being revised by a concurrent action and, as that is complete, -0815 can now be merged into -0318.

The rule added a requirement at § 679.101(b) for the owner or operator of a BSAI pot catcher/processor to notify the Observer Program at least 24 hours prior to departure when the vessel will be carrying an observer who has not previously been deployed on that vessel within the last 12 months. This requirement was added in -0815. Six vessels in the BSAI pot catcher/processor fishery were added as new respondents for the pre-cruise meeting notification. This requirement increased the total the total annual respondents, responses, and burden for the pre-cruise notification.

Changes from the Proposed Rule to Final Rule

The following changes were made from the proposed rule to the final rule.

- In response to comments received, changes were made to two of the requirements in this supporting statement. These changes did not affect the number of respondents, responses, or burden for this collection.
 - The approval process for the EM hardware service provider permit at § 679.52(d)(3)(ii) was clarified to show that approval of one system does not transfer to significant variations of that system or to a new EM system
 - The list of the information at § 679.57(f)(2) that must be contained in the Trawl EM Incentive Plan Agreement Annual Report was expanded to include “The frequency of vessels directed fishing in conflict with harvest specifications or directed fishing for Steller Sea Lion forage species within closed Steller Sea Lion protection areas.”

- The Public Burden Statements on the forms in this collection were updated to include a short sentence identifying the purpose of the form.
- The hourly wage rate in the response to question #12 was updated to use the most current rates available from the U.S. Bureau of Labor Statistics.

2. 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.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS will 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 Question 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 will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#) (the Information Quality Act), which requires NMFS to ensure the quality, objectivity, utility, and integrity of information it publicly disseminates. Public dissemination of data collected by this information collection is governed by [NOAA's information quality guidelines](#), which were issued on October 30, 2014.

Each year since 2013, NMFS has published the North Pacific Observer Program Annual Report. The annual report provides descriptive information, analysis, and recommendations based on observer deployment in the previous year. An important component of the annual report is Chapter 3, the “deployment performance review” chapter, which scientifically evaluates the deployment of observers and EM in the previous year. The purpose of the deployment performance review is to evaluate whether observer deployment and monitoring goals detailed in regulation and the ADP were achieved and to identify recommendations for observer deployment in order to promote the collection of data necessary to conserve and manage the groundfish and halibut fisheries. The annual report is an important source of information for the estimates presented in this collection.

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The following table lists the elements of this collection and provides the regulatory citations and how the information is submitted.

Information Collection	Regulations (50 CFR part 679)	Form?	Submission Method					
			Mail	Fax	Email	Online or other electronic method	Phone or verbal communication	
I. Industry Requirements								
1	Observer notification	§§ 679.21(f)(15)(ii)(B)(2) and (f)(15)(iii) , 679.51(e)(1)(vi) , 679.51(e)(1)(ix)(B) and (e)(2)(ii) , and 679.120(e)(2)	No					◆
2	Industry request for assistance in improving observer data quality issues	§ 679.51(c)(3)	No	◆	◆	◆	◆	
3	USCG safety decal	§ 679.51(e)(1)(ii)(B)(1)	No	Not applicable				
4	ATLAS communications and observer data entry	§ 679.51(e)(1)(iii) and (e)(2)(iii)	No	Not applicable				
5	Pre-cruise meeting notification	§§ 679.32(c)(3)(i)(E)(4) , 679.84(c)(7) , 679.93(c)(7) , 679.100(b)(1)(v) and (b)(2)(i)(E) , 679.101(b) , and 679.120(c)	No					◆
6	Catcher/processor request to be placed in partial observer coverage	§ 679.51(a)(3)	Catcher/Processor Observer Partial Coverage Request	◆	◆			
7	Request to be placed in the full observer coverage category	§ 679.51(a)(4)	No form—submitted through ODDS				◆	◆
8	Request to be placed in or removed from electronic monitoring	§ 679.51(f)(1)(ii) , (f)(i)(ix) , (g)(1)(ii) [new regulation]	No form—submitted through ODDS				◆	◆
9	Observer Declare and Deploy System (ODDS) log a fishing trip	§ 679.51(a)(1)(ii) , (f)(2) , and (g)(5(i)) [new regulation]	No form—submitted through ODDS				◆	◆
10	Deck safety plan	§ 679.120(d)	No		◆	◆		
11	Deck sorting safety meeting	§ 679.120(e)(1)	No					◆
12. Electronic Monitoring								
12.a	Vessel Monitoring Plan	§§ 679.51(f)(4) and (g)(2) [new regulation]	Templates: <ul style="list-style-type: none"> Electronic Monitoring (EM) Vessel Monitoring Plan Alaska Pollock Trawl Catcher Vessel Electronic Monitoring (EM) Vessel Monitoring Plan (VMP) for Catcher Vessels [new template] 			◆		
12.b	Closing electronic monitoring trips in	§ 679.51(f)(3)(ii)	No form—submitted through				◆	◆

Information Collection		Regulations (50 CFR part 679)	Form?	Submission Method				
				Mail	Fax	Email	Online or other electronic method	Phone or verbal communication
	ODDS		ODDS					
12.c	Submit electronic monitoring data to NMFS	§ 679.51(f)(5)(vii) and (g)4)(ii) [new regulation]	No	◆				
12.d	Landing Notice for Electronic Monitoring Pollock Trawl Offloads	§ 679.51(g)(3)(vi) [new regulation]	Template: Landing Notice for Electronic Monitored Pollock Trawl Offloads [new template]				◆	
13.a	Trawl Electronic Monitoring Incentive Plan Agreement (TEM IPA) [new collection]	§ 679.57 [new regulation]	No	◆		◆		
13.b	TEM IPA Annual Report [new collection]	§ 679.57(f) [new regulation]	No	◆		◆		
14	Life Raft Release Request	§ 679.51(a)(1)(iii)	No	Not applicable				
II. Observer Provider Requirements								
1	Observer provider permit application	§ 679.52(a)	No	◆	◆	◆	◆	
2	Candidate college transcripts	§ 679.52(b)(1)(i)	No	◆	◆	◆	◆	
3.a	Observer training registration	§ 679.52(b)(11)(i)(A)	No			◆	◆	
3.b	Observer briefing registration	§ 679.52(b)(11)(i)(B)	No			◆	◆	
4	Projected observer assignments	§ 679.52(b)(11)(ii)	No	◆	◆	◆	◆	
5	Physical examination verification	§ 679.52(b)(11)(iii)	No		◆	◆	◆	
6	Observer deployment/logistics report	§ 679.52(b)(11)(iv)	No		◆	◆	◆	
7	Observer debriefing registration	§ 679.52(b)(11)(v)	No		◆	◆	◆	
8	Certificates of insurance	§ 679.52(b)(11)(vi)	No	◆	◆	◆	◆	
9	Observer provider contracts	§ 679.52(b)(11)(vii)	No	◆	◆	◆	◆	
10	Other reports	§ 679.52(b)(11)(x)	No			◆	◆	
11	Update to provider information	§ 679.52(b)(11)(ix)	No	◆	◆	◆	◆	
12	Observer provider invoices	§ 679.52(b)(11)(viii)	No	◆	◆	◆	◆	
III. EM Hardware Service Provider Permit [new collection]		§ 679.52(d) [new regulation]	No			◆		
IV. Administrative Appeals		§§ 679.51(a)(3)(vii), (a)(4)(vi), (f)(1)(vii), (f)(4)(iv), and (g)(1)(vi) [new regulation]; 679.52(a)(7)(ii) and (d)(7)(ii) [new regulation]; 679.57(d)(5) [new regulation]; 679.120(d)(2) ; and 15 CFR part 906	No	◆	◆			

I. INDUSTRY REQUIREMENTS

1. Observer Notification

Observer notification requirements apply to vessels and processors in the full coverage category and in the observer trip selection pool of the partial coverage category. Notifications provide an observer the opportunity to sample catch and complete sampling duties as described in the Observer Sampling Manual.

Vessel and processor personnel verbally notify the observer; there is no form for the observer notification.

Section [679.51\(e\)\(1\)\(vi\)](#) requires that vessels required to carry an observer must notify the observers at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observers specifically request not to be notified. Section [679.51\(e\)\(2\)\(ii\)](#) requires all processors and SFPs to notify the observers, as requested, of the planned facility operations and expected receipt of groundfish prior to receipt of those fish.

Section [679.120\(e\)\(2\)](#) requires that operators of vessels participating in halibut deck sorting must notify the observer on duty that halibut deck sorting will occur at least 15 minutes prior to bringing fish on board.

Section [679.21\(f\)\(15\)\(ii\)\(B\)\(2\)](#) requires that operators of vessels delivering to shoreside processors or SFPs when participating in the Bering Sea pollock fishery must notify the observer at least 15 minutes before handling catch on board the vessel, including, but not limited to, sorting, moving catch from one location to another, or discard of catch prior to the delivery of catch to the processor receiving the vessel's Bering Sea pollock catch. Section [679.21\(f\)\(15\)\(iii\)](#) requires operators of vessels and managers of shoreside processors and SFPs that are required to retain salmon under § 679.21(f)(15)(i) to designate and identify to the observer aboard the vessel, or at the shoreside processor or SFP, a crew person or employee responsible for ensuring all sorting, retention, and storage of salmon occurs according to the requirements of § 679.21(f)(15)(ii).

If the observers will be transferred at sea, [§ 679.51\(e\)\(1\)\(ix\)\(B\)](#) requires the observers must be notified at least 3 hours before they are transferred so they can collect personal belongings, equipment, and scientific samples.

2. Industry Request for Assistance in Improving Observer Data Quality Issues [REVISED: Increased submission methods]

Revision: This rule revises [§ 679.51\(c\)\(3\)](#) to remove fax as a communication method and in its place allow for submission by any method specified by NMFS on the NMFS Observer Program website. The purpose of this regulatory change is to match current practice. As technology has advanced, the language needs to be more inclusive of new forms of communication. The burden for this requirement is not changed because the burden estimates allow for differences in the time and cost needed to complete and submit the information.

Section [679.51\(c\)\(3\)](#) states that vessel, shoreside processor, and SFP owners and operators, as well as observers and observer providers, may contact NMFS in writing to request assistance in improving observer data quality and resolving observer sampling issues.

Issues may include—

- Sampling issues on vessel, shoreside processor, or SFP;
- Creating new sampling protocols;
- Developing and implementing research projects;
- Maintaining knowledge of current vessel, shoreside processor, or SFP operations for observer sampling purposes; and
- Providing on-site training for an observer(s) employed by an observer provider.

NMFS addresses observer-related issues by placing staff or individuals authorized by NMFS in actual working conditions experienced by observers. Such deployments increase the ability of NMFS to work with industry, observers, and observer providers to resolve the issues that face participants in the BSAI and GOA groundfish fisheries and foster a more cooperative working relationship with better informed industry participants.

3. USCG Safety Decal

Section [679.51\(e\)\(1\)\(ii\)\(B\)\(1\)](#) requires that operators of vessels selected for observer coverage must have a valid Commercial Fishing Vessel Safety Decal issued within the past two years prior to an observer boarding the vessel. These safety decals are issued by the United States Coast Guard (USCG) upon successful completion of the Commercial Fishing Vessel Safety Examination. The requirement for a USCG safety decal is not included in the costs and burdens of this collection because all vessels are required to comply with USCG requirements regardless of whether they carry an observer.

4. ATLAS Communications and observer data entry

NMFS uses and installs a custom software application (ATLAS) that allows observers to enter and send data directly from a vessel or plant to NMFS at the Alaska Fisheries Science Center in Seattle. Since 2014, all observer data has been entered into the ATLAS software. This ensures maximum data quality, facilitates timely electronic data entry and transmission of data to NMFS, and allows observers to communicate with NMFS. The ATLAS software contains business rules that perform many quality control and data validation checks automatically, which dramatically increases the quality of the preliminary data.

Once the electronic observer data is received, the data are used by NMFS fisheries managers to make inseason management decisions on those ongoing fisheries. The software also allows observers and Observer Program staff to communicate via inseason messages, which is a vital link to help observers in the field with any issues they may face. The operator of vessels and processors in the full coverage category are required to provide the following equipment, software, and data transmission capabilities ([§ 679.51\(e\)\(1\)\(iii\)](#) and [\(e\)\(2\)\(iii\)](#)):

- Observer access to computer: Make a computer available for use by the observer.
- NMFS-supplied software: Ensure that the most recent release of NMFS data entry software provided by the Regional Administrator, or other approved software, is installed and, if required, the data transmissions to NMFS can be executed effectively aboard the vessel by the equipment.
- Data transmission: The computer and software must be connected to a communication device that provides a point-to-point connection to the NMFS host computer. The required equipment that is used by an observer to enter or transmit data must be fully functional and operational. “Functional” means that all the tasks and components of the NMFS supplied, or other approved, software and the data transmissions to NMFS can be executed effectively by the communications equipment.

Catcher vessels less than 125 ft. LOA, except for a catcher vessel fishing for groundfish with pot gear or catcher vessels participating in the PCTC Program, are not required to provide data transmission capabilities. The final rule that implemented the PCTC Program ([88 FR 53704, August 8, 2023](#)) added data transmission requirements for catcher vessels participating in the PCTC Program. To minimize impacts to small vessel operators, this rule added a regulation at [§ 679.51\(e\)\(1\)\(iii\)\(D\)](#) that non-AFA catcher vessels are not required to provide data transmission capability until September 7, 2026, which is three years after the effective date of the final rule. However, once a non-AFA catcher vessel in the PCTC Program is capable of at-sea data transmission, the operator must comply.

Most vessels allow NMFS to install data entry software supplied or approved by NMFS on an existing computer on board the vessel to comply with this requirement. When this occurs, the cost of providing the computer is minimal.

The requirement to have NMFS supplied software installed on a computer accessible to the observer imposes costs associated with scheduling a visit by NMFS personnel to install the software. Therefore, a vessel owner or operator also will incur costs associated with supplying power for the computer, equipment replacement or repair, and possibly lost fishing time, if the computer fails at any time while it is required.

Inshore processors are required to allow observers to “use the ... processor’s communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observers or the United States” ([§ 679.51\(e\)\(2\)\(iii\)\(A\)](#)). For catcher vessels less than 125 feet LOA, the processor receiving the vessels’ catch must allow vessel observers access to a computer for transmission of data to NMFS.

5. Pre-cruise meeting notification

Sections [679.32\(c\)\(3\)\(i\)\(E\)\(4\)](#), [679.84\(c\)\(7\)](#), [679.93\(c\)\(7\)](#), [679.100\(b\)\(1\)\(v\)](#) and [\(b\)\(2\)\(i\)\(E\)](#), [679.101\(b\)](#), and [679.120\(c\)](#) require trawl catcher/processors participating in Rockfish Program and Amendment 80 Program fisheries, freezer longline vessels subject to § 670.100, pot catcher/processors when groundfish CDQ fishing, catcher/processors using pot gear for groundfish fishing in the Bering Sea or Aleutian Islands, and motherships and catcher/processors participating in halibut deck sort to notify the Observer Program for a pre-cruise meeting.

These vessels are required to notify the Observer Program by phone at 907-581-2060 (Dutch Harbor, AK) or 907-481-1770 (Kodiak, AK) at least 24 hours prior to departure when the vessel will be carrying an observer who has not previously been deployed on that vessel within the last 12 months. Subsequent to the vessel's departure notification, but prior to departure, NMFS may contact the vessel to arrange for a pre-cruise meeting. The pre-cruise meeting must minimally include the vessel operator or manager and any observers assigned to the vessel. A pre-cruise meeting may be necessary to ensure an observer is adequately prepared to complete sampling duties, discuss compliance issues with deck safety plans, and facilitate communication between observers and vessel crew prior to embarking on a trip.

6. Catcher/processor request to be placed in partial observer coverage

Section [679.51\(a\)\(3\)](#) allows the owner of a qualifying catcher/processor using non-trawl gear to annually request placement in the partial observer coverage category. Absent a request by the owner of a qualifying vessel, that catcher/processor will be in the full observer coverage category in the upcoming fishing year.

To request placement in the partial observer coverage category, the owner submits the Catcher/Processor Observer Partial Coverage Request form to NMFS by mail or fax. This form is posted on the NMFS [North Pacific Observer Program webpage](#).

NMFS uses information submitted in this form to determine which catcher/processor vessels will be placed in the partial coverage category for the upcoming fishing year. This information is necessary for the Agency's analysis and observer deployment planning process.

The information collected on this form includes owner name and contact information, vessel name and Federal Fisheries Permit number, and the fishing year the request is for. If the form is completed and signed by the owner's representative, then authorization must be attached.

A vessel owner must request placement in the partial observer coverage category before July 1 of the year prior to fishing activity. The July 1 deadline does not apply to vessels with no production from 2009 through the standard basis year.

If a request is submitted, NMFS reviews the vessel's production history to determine if the vessel is eligible to be placed in the partial coverage category and provides written notification to the vessel owner. All qualifying vessels that submit a request by the deadline are placed in the partial observer coverage category. If approved, the applicant will receive instructions and necessary information to log trips in ODDS.

A vessel denied placement in the in the partial observer coverage category receives an initial administrative determination (IAD) from NMFS, which explains the basis for the denial. If the

owner of a catcher/processor wishes to appeal NMFS's denial, the owner may appeal the determination. See “Administrative Appeals” below.

7. Request to be placed in the Full Observer Coverage Category

Section 679.51(a)(1) places trawl catcher vessels participating in the BSAI trawl limited access sector in the partial coverage category. Under regulations at [§ 679.51\(a\)\(4\)](#), the owner of a trawl catcher vessel may annually request the catcher vessel to be placed in the full observer coverage category for all directed fishing for groundfish using trawl gear in the BSAI management area for the upcoming year. Vessel owners requested this option so that they can take an observer for all of their fishing trips in the BSAI groundfish fisheries. Vessel owners and fishing cooperatives use the data collected by observers to manage internal cooperative allocations of prohibited species catch and prefer complete observer data to NMFS’s estimates of catch for unobserved trips. The vessel owner or operator contracts directly with a permitted full coverage observer provider to procure observer services.

Requests to be placed in the full coverage category are made through ODDS (see description of ODDS below). The instructions to submit a request for placement in the full observer coverage category are posted on the [NMFS Alaska Region website](#). Vessel owners log into ODDS and select the vessel for which they are requesting placement in the full coverage category for the upcoming year. The deadline to submit this request is October 15 of the year prior to the year in which the vessel will be placed in the full coverage category.

NMFS notifies the vessel owner of approval of their request to be placed in full coverage by a receipt issued by ODDS. A list of the vessels that have been placed in full coverage under this provision is provided at <https://www.fisheries.noaa.gov/resource/document/bsai-trawl-catcher-vessels-cvs-full-coverage>.

Once notified by NMFS of placement in the full observer coverage category, the vessel is subject to full observer coverage requirements for all fishing activity using trawl gear in the BSAI in the particular year. NMFS will approve all requests to be placed in the full coverage category unless the vessel is not licensed or permitted to participate in the BSAI trawl limited access groundfish fisheries.

A vessel denied placement in the full coverage category receives an IAD from NMFS, which explains the basis for the denial, and may appeal the decision. See “Administrative Appeals” below.

The owner of a vessel in the full observer coverage category is not required to log fishing trips in ODDS, and landings made by a vessel in the full observer coverage category are not subject to the partial observer coverage fee (see OMB Control Number 0648-0711).

8. Request to be placed in or removed from Electronic Monitoring [REVISED: Renamed collection from “Request to be placed in or removed from the EM selection pool” and added regulations for catcher vessels and tender vessels to request placement in the trawl EM category]

Revision: This rule adds regulations at § 679.51(g) for catcher vessels and tender vessels in to voluntarily request to participate in the trawl EM category annually through ODDS. The process to request it is the same as the current process to request placement in the nontrawl EM selection pool described below. NMFS estimates 110 catcher vessels and 3 tender vessels may request placement in the trawl EM category. These vessels are added as respondents to “Request to be Placed in or Removed from Electronic Monitoring” in the tables in questions #12 and #13. This increases the total annual responses and burden for this collection instrument.

This final rule (RIN 0648-BM40) at § 679.51(g) authorizes catcher vessels with a pollock pelagic trawl endorsement on their FFP, or a tender vessel receiving deliveries from these catcher vessels, to request placement in the trawl EM category. A catcher vessel will remain in the trawl EM category for all directed fishing for pollock with pelagic trawl gear for the entirety of the calendar year, in order to maintain the sampling design outlined in the ADP. A tender vessel will remain in the trawl EM category at all times when receiving catch from a catcher vessel in the trawl EM category during the calendar year.

Currently, § [679.51\(f\)](#) authorizes vessels in the partial coverage category that are using nontrawl gear to request placement in the nontrawl EM selection pool instead of the trip selection pool for observer coverage. Vessels approved to be placed in the nontrawl EM selection pool remain in the pool until removed by the vessel owner or operator, NMFS disapproves the vessel’s Vessel Monitoring Plan (VMP) (described below), or the vessel no longer meets the criteria to be in the nontrawl EM selection pool.

A vessel owner or operator requests placement in the trawl EM selection pool by submitting a request through ODDS (see description of ODDS below) by November 1 of the year prior to the calendar year in which the vessel would be placed in the trawl EM selection pool. NMFS approves a vessel for placement in the trawl EM selection pool based on criteria specified in the Annual Deployment Plan, which is available through the NMFS Alaska Region website at https://www.fisheries.noaa.gov/tags/north-pacific-observer-program?title=annual%20deployment&field=species_vocab_target_id=&sort=by=created.

To request EM in ODDS, a vessel owner or operator log in to ODDS and selects the vessel name and identification number from a drop down list. They would answer “Yes” or check a box in response to a question asking if they request the vessel be placed in electronic monitoring. For vessels in the nontrawl EM selection pool, ODDS allows them to answer affirmatively to a question asking if they request that this vessel be removed from the trawl EM selection pool. A request to leave the nontrawl EM selection pool must be submitted by November 1 of the year prior to the calendar year in which the vessel would be placed in observer coverage.

In addition to random selection for catch accounting purposes, vessel owners or operators may use EM in lieu of an observer to fish for halibut or sablefish IFQ in multiple areas. ODDS allows

vessel owners or operators to make this selection when they are logging an upcoming fishing trip.

A vessel denied placement in the trawl EM selection pool receives an IAD from NMFS, which explains the denial, and may appeal the decision. See “Administrative Appeals” below.

9. Observer Declare and Deploy System (ODDS) Log a fishing trip [REVISED: Added regulation requiring catcher vessels in the partial coverage trawl EM category to log trips in ODDS]

Revision: This rule adds regulations at § 679.51(g)(5)(i) for catcher vessels in the partial coverage trawl EM category to log a fishing trip in ODDS prior to embarking on that fishing trip. The process to request it is the same as the current process to log a fishing trip in ODDS. This is not expected to change the number of respondents because catcher vessels that are currently in partial coverage log their trips in ODDS. Therefore, any catcher vessels being approved for the partial coverage trawl EM category will continue to log their trips in ODDS.

Section [679.51\(a\)\(1\)\(ii\)](#) and [\(f\)\(2\)](#) require vessels in the trip selection pool and nontrawl EM selection pool of the partial coverage category to provide information to NMFS in ODDS. Prior to embarking on each fishing trip, this final rule (RIN 0648-BM40) at § 679.51(g)(5)(i) requires the operator of a catcher vessel in the partial coverage trawl EM category with a NMFS-approved VMP to register the anticipated trip with ODDS.

ODDS is a web application used to facilitate observer and EM coverage in the Federal groundfish and halibut fisheries off Alaska. ODDS is used by NMFS to select fishing trips for observer and EM coverage and facilitates communication among the Observer Program, the owner or operator of a vessel in the partial coverage category, and the observer provider or the EM service provider. ODDS was created and is maintained by the Fisheries Monitoring and Analysis Division of the Alaska Fisheries Science Center.

Prior to embarking on each fishing trip, owners or operators of vessels in the trip selection pool and nontrawl EM selection pool are required to log their fishing trips in ODDS so that NMFS can determine if a particular fishing trip is randomly selected for required observer or EM coverage. In addition to logging fishing trips, the owners or operators of some vessels in the trip selection pool may use ODDS to request placement in either the nontrawl EM selection pool or the full coverage category.

NMFS registers the vessel owner in ODDS and sends their ODDS account information by mail or email. This includes information on how to log in to ODDS.

The ODDS webpage and log-in link is at <https://apps-afsc.fisheries.noaa.gov/ords/f?p=140:1> and provides links to the online user manuals, FAQs, contact information, and other information for ODDS users.

Vessel owners or operators who do not have access to the ODDS website may provide information to NMFS by phoning the call center at 1-855-747-6377. Call center personnel enter the required vessel and trip information into ODDS on behalf of the vessel owner or operator.

For each upcoming fishing trip, a vessel owner or operator provides the following information:

- User identification (user name and password);
- Vessel identification including vessel name and permit number;
- Contact information for the vessel owner or operator;
- Fishery (target species);
- Gear type that the vessel will use during the trip; and
- Trip information including start and end dates, times, and location (port) the trip will start from.

10. Deck Safety Plan

The Deck Safety Plan describes the procedures to be followed by the vessel crew and observers in order to safely access and work on the trawl deck during halibut deck sorting. Section [679.120\(d\)](#) requires vessel operators to annually submit a Deck Safety Plan for review and approval by NMFS before participating in halibut deck sorting as defined at § 679.2. The Deck Safety Plan is necessary because when vessels participate in halibut deck sorting, the vessel crew and observer will spend more time on deck, which increases exposure to safety hazards. This plan facilitates communication between the observer and vessel personnel to mitigate potential safety hazards during deck sorting.

The Deck Safety Plan must include the following elements:

- The route for observers to safely access and leave the deck sampling station, including locations where observers should shelter during gear retrieval and movement.
- Hazardous areas and potential hazardous conditions that could be encountered on deck, including locations that the observer should not access.
- Communication procedures to inform the observer when it is safe to access the deck. These procedures must identify who will tell the observer it is safe to access the deck, how that communication will happen, and how they will communicate with the observer if a new safety hazard arises while on deck.
- A list of personal protective equipment that must be worn by the observer while on deck.
- A list of all personnel the observer should contact to discuss safety hazards, any safety hazards not identified in the Deck Safety Plan, deviations from the Deck Safety Plan, or any conditions that would require the suspension of halibut deck sorting.
- Procedures to ensure the observer remains safe while working in the deck sampling station.
- A scale drawing showing the deck sampling station, the routes to access the deck sampling station, the emergency muster location, and safety hazards that could be encountered on deck.

The vessel must be inspected by NMFS prior to approval of the Deck Safety Plan to ensure that the vessel conforms to the elements addressed in the Deck Safety Plan.

The vessel owner and operator must submit a complete Deck Safety Plan to NMFS by fax (206-526-4066) or email (station.inspections@noaa.gov) at least 10 working days in advance of the requested date of inspection. NMFS will complete its review of the plan within 14 working days of receiving a complete Deck Safety Plan and conducting a Deck Safety Plan inspection of the vessel. NMFS will approve the Deck Safety Plan if it meets the requirements at § 679.120(d)(1).

If NMFS disapproves a Deck Safety Plan, the vessel owner and operator may resubmit a revised Deck Safety Plan or file an administrative appeal as set forth under the administrative appeals procedures set out at 15 CFR part 906. See “Administrative Appeals” below.

The vessel owner and operator may change the Deck Safety Plan by submitting a Deck Safety Plan addendum to NMFS. NMFS will approve the modified deck safety plan if it continues to meet the requirements in § 679.120(d)(1). Depending on the nature and magnitude of the change requested, NMFS may require a second Deck Safety Plan inspection.

The vessel operator must provide the observer with a copy of the NMFS-approved Deck Safety Plan and review its contents with the observer during the deck sorting safety meeting as required at § 679.120(e)(1) (described below).

NMFS estimates the time burden for developing a new Deck Safety Plan to be 12 hours during the first year the vessel participates in halibut deck sorting. This includes time required to locate and revise deck layout plans and to consult with crew and NMFS staff on practical implementation. After the first year, NMFS estimates the annual time burden for modifying or renewing an existing Deck Safety Plan to be one hour.

11. Deck Sorting Safety Meeting

As noted above, [§ 679.120\(e\)\(1\)](#) requires that vessel operators conduct a deck sorting safety meeting prior to embarking on a trip when any one of the following—observer, vessel operator, or key crew member that will be responsible for providing notification or reasonable assistance during halibut deck sorting—boards the vessel.

12. Electronic Monitoring

Section 679.51(f) requires additional information to be submitted by vessel owners or operators in the nontrawl EM selection pool. The rule (RIN 0648-BM40) adds regulations at § 679.51(g) that require information to be submitted by vessels in the trawl EM category. The following sections identify these information collection requirements.

a. **Vessel Monitoring Plan [REVISED: Added regulations requiring a Vessel Monitoring Plan for vessels the trawl EM category]**

Revision: This rule adds regulations at § 679.51(g)(2) that require the owner or operator of a vessel approved for the trawl EM category to submit a VMP to NMFS each calendar year the vessel is approved for the trawl EM category. The VMP submission and approval process is the same as the current VMP process for vessels in the nontrawl EM selection pool described below. A new template has been developed for the trawl EM category VMP and will be posted on the NMFS Alaska Region website. The VMP includes operator responsibilities for the trawl EM category, including requirements for sending EM data to the EM data review service provider for review, restrictions should EM equipment malfunction, and how feedback from NMFS or the EM data review service provider will be communicated to vessel operators. NMFS estimates the burden for the new template at 48 hours, which is the same as the existing nontrawl VMP. NMFS estimates an additional 113 additional vessels will submit a VMP due to this rule. These vessels are added as respondents to “Vessel Monitoring Plan” in the tables in questions #12 and #13, which increases the total annual responses and burden for this collection instrument.

A Vessel Monitoring Plan (VMP) is a document that describes how fishing operations on the vessels in the EM program will be conducted, including how gear will be set, how catch will be brought on board, and where catch will be retained and discarded. The VMP also describes how the EM system and associated equipment will be configured to meet the data collection objectives and purpose of the EM program, including camera locations to cover all fishing activities, any sensors to detect fish activities, and any special catch handling requirements to ensure the data collection objectives can be met. The VMP includes methods to troubleshoot the EM system and instructions for ensuring the EM system is functioning properly.

NMFS uses information submitted in the VMP to determine whether the vessel’s EM system will meet the data collection objectives and purpose of the EM program.

The vessel owner or operator must submit the VMP to NMFS each calendar year. There is no form for the VMP. The VMP template is available on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/alaska/resources-fishing/electronic-monitoring-alaska>.

Once the VMP is complete and the vessel owner or operator agrees to comply with the components of the VMP, the vessel owner or operator must sign and submit the VMP to NMFS via email. NMFS reviews the VMP for completeness and may request additional clarification. If the VMP meets the requirements established in the VMP template, NMFS will approve the VMP for the calendar year. The vessel must have a copy of its valid NMFS-approved VMP on board before that vessel goes fishing in a fishery subject to EM coverage. The vessel operator must make the VMP available to NOAA Office of Law Enforcement or other NMFS-authorized officer or personnel upon request.

NMFS estimates the total time to complete, sign, and submit a VMP is approximately 48 hours. This time estimate includes the time it may take the vessel operator to install the needed infrastructure, such as installing pressure sensors or fabricate camera mounting poles. The time estimate also includes discussions with vessel operators about the best location to install the EM system equipment and then installing the equipment itself. The time estimate also includes, taking the necessary photos, drawing diagrams, and writing descriptions of how vessel

operations will occur. Finally, the time estimate includes compiling all the above information in a VMP document, the vessel operator signing the VMP, and submitting the information to NMFS via email.

The time estimate also includes the possibility that some vessels may need to amend their VMP after it has been approved. After reviewing the data from a fishing trip selected for EM coverage, NMFS may determine that the approved camera location(s) in the VMP or fishing activities conducted by the vessel crew outlined in the VMP do not allow for the data collection necessary for catch accounting. Additionally, the vessel operator may want to have a camera moved if it impedes his or her ability to fish, or the operator may reconfigure the vessel to change fishing activities during the season that would warrant changes to the VMP. Whether requested by the vessel owner or operator or by NMFS, the vessel owner or operator is required to make any changes to the VMP with the assistance of the EM service provider. These amendments to the VMP are signed and submitted to NMFS via email. The vessel is allowed to begin another fishing trip, provided that NMFS has received the VMP amendments in writing.

If the VMP does not meet all the requirements specified in the VMP template, NMFS will provide the vessel owner or operator the opportunity to submit a revised VMP that meets all the requirements specified in the VMP template. If NMFS denies approval of a VMP, an IAD that explains the denial is issued to the vessel owner who may appeal the decision. See “Administrative Appeals” below.

b. Closing EM trips in ODDS

Vessel owners or operators in the nontrawl EM selection pool that are selected to carry EM on a fishing trip are required to log into ODDS and close all logged fishing trips once they are completed. EM trips must be closed in ODDS so that NMFS can notify the vessel owner or operator if they must submit their hard drive to NMFS at the end of the trip (see explanation below about submitting EM data to NMFS). If hard drive submission is required, ODDS will provide instructions for the proper methods to submit the hard drive.

c. Submit EM Data to NMFS [REVISED: Added regulations requiring vessels in the trawl EM category to submit EM data]

Revision: This rule adds regulations at § 679.51(g) that require vessels in the trawl EM category to submit EM data to NMFS for review. Catcher vessel or tender vessel operators must submit the EM data using a method specified in the approved VMP. Operators of vessels in the trawl EM category must submit imagery and associated data after a specified number of trips, consistent with the vessels approved VMP. This frequency will be defined in the VMP and could change based on data needs as identified by NMFS. NMFS estimates an additional 113 vessels will submit EM data due to this rule. These vessels are added as respondents to “Submit EM Data to NMFS” in the tables in questions #12 and #13, which also increases the total annual responses and burden for this collection instrument.

NMFS estimates that approximately 30 percent of the fishing trips logged by vessels in the nontrawl EM selection pool will be selected for EM coverage. This means that the vessel owner will be required to use the EM equipment on his or her vessel to record and monitor the fishing trip in accordance with the vessel’s VMP. Within two business days of completing the fishing

trip selected for nontrawl EM coverage, the vessel owner or operator is required to submit the EM data to NMFS using a method that requires a signature for delivery and provides notification of delivery. NMFS may consider extenuating circumstances that prevent someone from mailing the device within two business days. Additional documentation described in the vessel's VMP must be submitted along with the EM data

Timely data is essential for inseason management and extensive delays could result in delayed fishery closures and openings. Delays in submitting video storage devices could also result in lost or overwritten data, if the vessel does not send in a video storage device prior to embarking on another fishing trip selected for EM coverage and forgets to replace the video storage device.

d. Landing Notice for Electronic Monitoring Pollock Trawl Offloads [New]

This rule (RIN 0648-BM40) at § 679.51(g)(3)(vi) requires the owner or operator of a catcher vessel or tender vessel in the trawl EM category to communicate catch information to the shoreside or stationary floating processor in the Bering Sea, Aleutian Islands, or Gulf of Alaska that will be receiving the catch. NMFS estimates 110 catcher vessels and 3 tender vessels will submit this landing notice due to this rule.

Vessels are required to follow the landing notice procedures specified in their VMP. Vessels transmit the information electronically through a NMFS-approved system consistent with the timeline specified in their VMP prior to returning to port. After receiving the landing notice from the vessel, the processor relays that information to shoreside observers.

The information is necessary to meet the sampling objectives specified by NMFS in the Annual Deployment Plan.

The information submitted includes the vessel name, management area the vessel was operating in, estimated tonnage aboard the vessel, estimated deckload size, and estimated date and time of arrival at the processor.

There is no form for this notice, but NMFS will post a template of the information to be submitted on the NMFS Alaska Region website.

The time burden is estimated at 5 minutes.

13. Trawl Electronic Monitoring Incentive Plan Agreement and Annual Report [New]

This rule (RIN 0648-BM40) adds regulations at § 679.57 for the Trawl Electronic Monitoring Incentive Plan Agreement (TEM IPA) and TEM IPA annual report. A TEM IPA is an industry-developed, contractual arrangement approved by NMFS that establishes incentives for partial coverage catcher vessels in the trawl EM category to keep catch within the limits to which vessels not in the trawl EM category are subject. These limits include the pollock trip limit in the GOA (§ 679.7(b)(2)) and maximum retainable amounts (§ 679.20(e)).

To be qualified to participate in the trawl EM category, partial coverage catcher vessels will be required to become party to a TEM IPA. A TEM IPA is not required for full coverage vessels

because they have these measures incorporated into AFA cooperative agreements; therefore, there is little to no incentive to retain species other than pollock.

TEM IPAs will be run by an industry group. The TEM IPA representative submits the proposed TEM IPA to NMFS. It must be received by NMFS no later than 1700 hours, A.l.t., on December 1 of the year prior to the year for which the TEM IPA is proposed to be effective. Once approved, a TEM IPA is effective starting January 1 of the year following the year in which NMFS approves the IPA, unless the TEM IPA is approved between January 1 and January 19, in which case the TEM IPA is effective starting in the year in which it is approved. A TEM IPA is effective until December 31 of the first year in which it is effective or until December 31 of the year in which the TEM IPA representative notifies NMFS in writing that the TEM IPA is no longer in effect, whichever is later.

The TEM IPA must contain the information in § 679.57(b). This includes an affidavit from each eligible vessel owner, the name of the TEM IPA and name and contact information for the TEM IPA representative, a description of the incentive plan, a statement that all parties to the TEM IPA agree to comply with all provisions of the TEM IPA, and name and signature of the owner or operator for each vessel that is a party to the TEM IPA.

Amendments to an approved TEM IPA may be submitted to NMFS at any time and will be reviewed under the requirements of § 679.57(f)(12). An amendment to an approved TEM IPA is effective when NMFS notifies the TEM IPA representative in writing of NMFS approval.

To ensure IPAs are effective, IPA parties are required to demonstrate to the Council through annual reports that the IPA is accomplishing the Council's intent that each vessel limit changes in behavior. The representative of each approved TEM IPA is required to submit a written annual report to the Council at the address specified in § 679.61(f). The annual report must contain the information in § 679.52(f). This includes the incentive measures in effect in the previous year, how these measures affected individual vessels, whether these measures were effective in limiting changes in vessel behavior, and any amendments to the terms of the TEM IPA that were approved by NMFS since the last annual report and why the amendments were made.

In response to comment received, NMFS added an additional requirement to the information that must be included in the TEM IPA annual report (in question #8 below, see Comment 13 and NMFS's response to Comment 13). At § 679.57(f)(2)(iii)(E), this final rule adds: "The frequency of vessels directed fishing in conflict with harvest specifications or directed fishing for Steller Sea Lion forage species within closed Steller Sea Lion protection areas."

The Council will make the annual report available to the public. Upon receipt of the Annual Reports on the TEM IPA, the Council may re-evaluate the goals of the TEM IPA and make adjustments as necessary. See question #16 for the information from a TEM IPA that will be released to the public and published on the NMFS Alaska Region website.

NMFS expects one TEM IPA will be formed. The public reporting burden per response is estimated to average 40 hours for the TEM IPA and 40 hours for the TEM IPA annual report.

14. Life Raft Release Request

Section [679.51\(a\)\(1\)\(iii\)](#) authorizes NMFS to release selected trips from observer coverage on a case-by-case basis. NMFS or the observer provider may release vessels from selection to carry an observer if the observer provider is unable to get an observer to the location where the fishing trip is starting. In addition, NMFS may receive requests from vessel owners to release a selected trip for a variety of reasons. One of the more common situations in which NMFS has released a selected trip from observer coverage is if the vessel does not have a life raft that can carry the crew plus the observer. In the first years of Observer Program restructuring (2013 and 2014), this request was an option in ODDS. However, with implementation of the EM cooperative research project, NMFS removed this option from ODDS and requested that any vessel with life raft capacity issues volunteer to carry EM.

The Life Raft Release Request is not included in the costs and burdens of this collection because vessels that have previously submitted these requests may request and have been prioritized for placement in electronic monitoring.

II. OBSERVER PROVIDER REQUIREMENTS [REVISED: Increased Submission Methods]

Revision: This rule revises regulations under [§ 679.52](#) to remove fax as a submission method and add in its place “electronic submission (email, or online through NMFS-designated electronic system)”. This change affects all of the collection instruments described in the section below for observer provider requirements. The purpose of this change is to match current practice that has abandoned fax usage. As technology has advanced, the language needs to be inclusive of new forms of communication. This revision does not change the burden because the burden estimates allow for differences in the time and costs needed to complete and submit the information.

Observer candidates are recruited and hired by independent observer provider companies permitted by NMFS (see http://www.afsc.noaa.gov/FMA/observer_providers.htm). Section 679.52 specifies the permit application and approval process as well as observer provider responsibilities. Section 679.53 specifies the requirements for observer certification and deployment endorsement. The following sections describe the information collection requirements submitted by permitted observer provider companies.

Observer duties include—

- Record fishing effort, location, and total catch information
- Sample to determine the species composition of catches
- Collect biological samples
- Monitor for and document compliance with fishing regulations
- Record incidental takes and interactions of marine mammals and seabirds with fishing gear and vessels
- Maintain a detailed logbook of sampling activities
- Complete a post-cruise debriefing

1. Observer Provider Permit Application

The Regional Administrator may issue a permit authorizing a person's participation as an observer provider for operations requiring full observer coverage. Persons seeking to provide observer services must obtain an observer provider permit from NMFS.

NMFS uses the provided information to evaluate the abilities of the prospective provider to perform the required responsibilities and duties on a recurring basis. A NMFS-appointed observer provider application review board reviews and evaluates each application for completeness against evaluation criteria.

An observer provider permit is not transferable. An observer provider that experiences a change in ownership that involves a new person must submit a new permit application and cannot continue to operate until a new permit is issued.

Except for ownership information, each observer provider must submit to NMFS any changes or corrections to applicable contact information. Observer providers must notify NMFS within 30 days of the effective date of such change when any of the required permit elements change. This requirement helps facilitate the communication between NMFS and observer providers. Any change to the information submitted on the provider's permit application must be submitted by fax or mail.

The observer provider permit expires after 12 continuous months during which no observers are deployed by the provider to the North Pacific groundfish or halibut industry. NMFS provides a written determination to an observer provider if NMFS deployment records indicate that the permit has expired. An observer provider who receives an IAD of permit expiration may appeal the IAD. See "Administrative Appeals" below. A permit holder who appeals the IAD will be issued an extension of the expiration date of the permit until after the final resolution of that appeal.

An observer provider permit application includes the following information ([§ 679.51\(a\)\(3\)](#)):

- Identification Information: Identification of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and other employees.
- Contact information
 - Permanent mailing address, telephone and fax numbers for each owner
 - Current physical location, business mailing address, business telephone and fax numbers, and business email address for each office.
 - For an observer provider with ownership based outside the United States, the identification of an authorized agent and the contact information for that agent including mailing address and phone and fax numbers.
- Attachments
 - If a corporation, articles of incorporation
 - If a partnership, partnership agreement
 - Signed statement of no conflict of interest from owner(s), board members, and officers

- Signed statement describing any criminal convictions, Federal contracts held and the performance rating received on each contract, and previous decertification action while working as an observer or observer provider
- Description of applicant's prior experience in placing individuals in remote field and/or marine work environments, including recruiting, hiring, deployment, and personnel administration
- Description of the applicant's ability to carry out the responsibilities and duties of an observer provider

2. Candidate College Transcripts

An observer provider must submit documentation that observer candidates have completed the required educational requirements prior to registering an observer for training. The observer candidate's time and cost in preparation of a resume and submittal of college transcripts are not included in the burden estimates for this information collection because resumes and transcripts routinely are required by most employers, including observer providers. Review and handling of this candidate material by the observer provider and NMFS are included in the burden estimates in the tables below.

3. Observer training and briefing registration

The observer provider must submit training and briefing registration information to NMFS at least five business days prior to the beginning of a scheduled observer certification training or briefing session. This information ensures that sufficient class space is reserved for the session requested and that each observer candidate meets the observer educational qualification standards. The registration information is submitted by email.

Observer training registration includes the following information ([§ 679.52\(b\)\(11\)\(i\)\(A\)](#)):

- Dates of requested training
- A list of observer candidates, including each candidate's full name, date of birth, and sex
- A copy of each candidate's academic transcripts and resume
- A statement signed by the observer candidate that discloses the candidate's criminal convictions (if any)

Observer briefing registration includes the following information ([§ 679.52\(b\)\(11\)\(i\)\(B\)](#)):

- Dates and type of requested briefing session and briefing location
- List of observers to attend the briefing session, including each observer's full name

The types of observer briefing and training sessions include 4-day briefings, 3-day annual briefings, 2-day briefings, 1-day briefing, fish and crab identification training, and nontrawl lead level 2 training. The schedule for observer training may be viewed at <https://www.fisheries.noaa.gov/alaska/fisheries-observers/north-pacific-observer-program-training-schedule>.

4. Projected observer assignments

Prior to an observer's or observer candidate's completion of the training or briefing session, the observer provider must submit to NMFS a statement of projected observer assignments that

includes the observer's name; vessel, shoreside processor, or stationary floating processor assignment; gear type; and vessel or processor code; port of embarkation; target species; and area of fishing ([§ 679.52\(b\)\(11\)\(ii\)](#)). The projected assignments are used by the training or briefing instructor to adapt classroom instruction to meet the specific needs of the individual(s) and to assign special projects to students. Special project assignments are often dependent on the projected vessel assignments and are often species or vessel-type specific.

5. Physical examination verification

The observer provider must provide to NMFS a signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate ([§ 679.52\(b\)\(11\)\(iii\)](#)). The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared pamphlet, provided to the candidate by the observer provider.

The physician's statement must be submitted to the NMFS Observer Program prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement expires 12 months after the physical exam occurred. A new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

Observer providers incur the costs associated with submitting to NMFS the physical examination verification. Observer providers do not incur the costs of an observer or observer candidate's time and cost for the actual exam.

6. Observer deployment/logistics report [REVISED: Changed submission deadline and decreased information collected]

Revision: In addition to increasing submission methods, this rule revises [§ 679.52\(b\)\(11\)\(iv\)](#) to require the observer deployment/logistics report to be submitted within 24 hours of the observer assignment or daily, 4:30 p.m., Pacific local time, each business day for each observer. The observer provider no longer needs to report the location of any observer employed by the observer provider who is not assigned to a vessel, shoreside processor, or stationary floating processor. The burden for this report does not change because the burden estimates allow for differences in the time and cost needed to complete and submit the information.

Currently, a deployment/logistics report must be submitted by Wednesday, 4:30 pm, Pacific local time, of each week with information on each observer deployed by the observer provider during that week but this rule (RIN 0648-BM40) will change this to within 24 hours of the observer assignment or daily, 4:30 p.m., Pacific local time, each business day for each observer. Observer providers may submit this information via a secure, online web interface that is accessible 24 hours a day.

The deployment/logistics report must include the observer's name; cruise number; current vessel, shoreside processor, or stationary floating processor assignment and vessel/processor code; embarkation date; and estimated or actual disembarkation dates ([§ 679.52\(b\)\(11\)\(iv\)](#)). Currently the report includes the location of any observer employed by the observer provider who is not assigned to a vessel, shoreside processor, or stationary floating processor, but the rule removes the requirement to provide this information.

These reports are used for routine recordkeeping in the NMFS observer database. Accurate and timely observer deployment information is important for fisheries management. Knowing where observers are at all times is also extremely important should emergencies arise while an observer is deployed at sea.

7. Observer debriefing registration

After each deployment, an observer completes a debriefing process to ensure the methods used were consistent with the observer training and that the data collected are sound. The observer provider must contact the Observer Program within 5 business days after the completion of an observer's deployment to schedule the date, time, and location for the observer's debriefing. The following registration information must be provided by the observer provider when scheduling the debriefing: observer's name; cruise number; vessel, or shoreside processor, or stationary floating processor assignment name(s) and code(s); and requested debriefing date ([§ 679.52\(b\)\(11\)\(v\)](#)). This information is used by the Observer Program to track debriefing requests, assign debriefing staff to observers, show wait time and how long a debriefing takes, and other logistics. Cruise number and vessel or processor assignment codes help track observer deployment history, and allow the debriefing staff to score each assignment individually. All information is tracked in the observer evaluation and can be referenced if there are any reoccurring issues.

8. Certificates of Insurance

Observers are insured by their employer, as required in regulation for full coverage vessels and in the contract between NMFS and the observer provider for vessels in the partial coverage category. Observers are also covered by the Federal Employees Compensation Act. This insurance coverage does not prevent an observer or observer provider from filing a suit for injuries that occur on a vessel. Thus, industry members may choose to protect themselves from lawsuits by obtaining additional liability insurance.

Copies of "certificates of insurance" must be submitted to NMFS by February 1 of each year. Insurance certification allows NMFS to confirm that an observer provider is meeting the minimum insurance coverage required. The certificates of insurance shall verify all coverage provisions specified at 50 CFR 600.748(b) and (c) and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled ([§ 679.52\(b\)\(11\)\(vi\)](#)).

9. Observer provider contracts

Observer providers must submit to NMFS a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services in the full coverage category (required under [§ 679.51\(a\)\(2\)](#) and [\(b\)\(2\)](#)), by February 1 of each year.

Observer providers must also submit to NMFS upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. These copies must be submitted to NMFS within 5 business days of the request for the contract. Signed and valid contracts include the contracts an observer provider has with observers and with vessels, shoreside processors, and SFPs in the full coverage category.

10. Other Reports [REVISED: Adds electronic submission and increases information collected by one report.]

Revision: In addition to increasing submission methods, this rule revises [§ 679.52\(b\)\(11\)\(x\)\(B\)](#) to include the provider's responses to the violation in the report submitted by an observer provider for an observer who violated the observer provider's policy on conduct and behavior. The burden for these reports does not change because the burden estimates allow for differences in the time and cost needed to complete and submit the information.

The following reports are used by NMFS to monitor and enforce standards of observer conduct and to identify problems on deployments that may compromise the observer's health and well-being. The observer provider submits these reports to the Observer Program by fax or email.

Observer providers must notify NMFS of a breach of the observer provider's policy on observer conduct within 72 hours after the provider becomes aware of the alleged violation. These reports shall include the underlying facts and circumstances of the violation. This rule (RIN 0648-BM40) adds to the report the provider's responses to the violation.

The observer provider must submit these reports within 24 hours after the observer provider becomes aware of the information ([§ 679.52\(b\)\(11\)\(x\)](#)):

- Information regarding possible observer harassment
- Information regarding any prohibited action
- Concerns about vessel safety, processor safety, or marine casualty under 46 CFR 4.05-1(a)(1) through (7)
- Observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual.
- Any information, allegations, or reports regarding observer conflict of interest or breach of the standards of behavior.

11. Update to provider information

Except for changes in ownership, an observer provider must notify the Observer Program of any other change to the information submitted on the provider's permit application within 30 days of the effective date of such change ([§ 679.52\(b\)\(11\)\(ix\)](#)). This requirement facilitates the communication between NMFS and observer providers.

12. Observer provider invoices

Vessels and processors in the full coverage category contract with observer provider companies directly. In order to accurately evaluate the cost of observer coverage requirements for vessels and plants, NMFS requires observer providers to submit copies of all invoices for observer coverage to the Observer Program monthly. Observer providers are required to submit these invoices to NMFS for each observer aboard a catcher/processor, catcher vessel, mothership, SFP, or shoreside processor on a monthly basis for a full calendar year.

The invoice information allows NMFS to develop an accurate assessment of costs and benefits under potential program changes recommended for fisheries management actions.

The invoices must contain the following information ([§ 679.52\(b\)\(11\)\(viii\)\(b\)](#)):

- Name of each individual to which the invoice applies
- Dates of service for each observer
- Rate charged in dollars per day (daily rate) for observer services
- Total charge for observer services (number of days multiplied by daily rate)
- Amount charged for air transportation
- Amount charged by the provider for any other observer expenses, including but not limited to ground transportation, excess baggage, and lodging. Charges for these costs must be separated and identified.

III. EM Hardware Service Provider Permit [New Permit]

This rule (RIN 0648-BM40) adds regulations at § 679.52(d) for the new EM hardware service provider permit. This permit authorizes a person to participate as an EM hardware services provider for operations requiring EM system coverage for the nontrawl EM selection pool (§ 679.51(f)) and trawl EM category (§ 679.51(g)).

The EM hardware service provider permit is necessary to ensure that only qualified applicants may provide EM services to vessels. The North Pacific has exceptionally difficult operating conditions compared to other U.S. fisheries, and the technology used must be able to withstand that to prevent loss of data. NMFS will use this information to determine the suitability of candidates to provide EM services to fishing vessels in Alaska.

To receive an EM hardware service provider permit, the applicant must submit a completed application to the NMFS Alaska Regional Administrator for review and be approved for the permit. The application consists of a narrative submitted by email; there is no application form. Section 679.52(d)(3) lists the information to be submitted. This information includes the owner's contact information; the business location and contact information; description of testing conducted to ensure that the EM hardware is capable of withstanding environmental conditions in the North Pacific Ocean; a sample of data that can be reviewed by NMFS' data review software for compliance with program objectives; signed statements from each owner or, if the owner is an entity, each board member and officer for conflict of interest, any criminal convictions, and Federal contracts they have had and the performance rating they received for each such contract; description of prior experience placing individuals in remote field and/or marine work environments; and description of ability to carry out the responsibilities and duties of an EM service provider and the arrangements to be used.

In response to comment received, NMFS clarified the approval process for the EM hardware service provider permit (in question #8 below, see Comment 8 and NMFS's response to Comment 8). NMFS added a phrase to § 679.52(d)(3)(ii), to clarify that approval of one system does not transfer to significant variations of that system or to a new EM system.

NMFS staff will evaluate the completeness of the application, the application's consistency with needs and objectives of the EM program, or other relevant factors.

Once approved and issued by NMFS, the EM hardware service provider permit is valid until the provider becomes inactive by providing no EM services for a period of 12 consecutive months. Performance of the EM hardware service provider will be assessed annually on the ability of the provider to meet program objectives.

An EM hardware service provider permit is not transferable. A provider that has a change in ownership that involves a new person must submit a new permit application and cannot continue to operate until a new permit is issued.

NMFS initially expects to receive two requests for this permit. The public reporting burden per response is estimated to average 16 hours for the EM Hardware Service Provider.

IV. ADMINISTRATIVE APPEALS [REVISED: Added appeals for denial of placement in trawl EM category, disapproval of TEM IPA, and EM hardware service provider permit expiration]

Revision: This rule adds new regulations for appeals. The appeals process is the same as the current administrative appeals process described below. The estimates currently used in this supporting statement for the number of respondents and responses for appeals are conservative; therefore, no changes are made to the respondents, responses, or burden for administrative appeals because of this rule.

Sections 679.51 and 679.52 provide an opportunity to submit an administrative appeal if NMFS denies a request to place a vessel in a coverage category or specific selection pool, disproves a Vessel Monitoring Plan, or for an observer provider company who receives an IAD of permit expiration. This rule (RIN 0648-BM40) adds additional regulations for appeals:

- § 679.51(g)(1)(vi): A vessel owner may appeal NMFS' denial of a request for placement in the trawl EM category
- § 679.57(d)(5): A representative of a Trawl EM Incentive Plan Agreement may appeal NMFS' disapproval of the proposed TEM IPA
- § 679.52(d)(7)(ii): An EM hardware service provider may appeal expiration of a EM hardware service provider permit

In most cases, NMFS expects that only the owners or operators of vessels authorized to be placed in the coverage category or selection pool under the regulatory provisions will apply to do so. Therefore, NMFS expects few or no denials of these requests. NMFS expects few or no administrative appeals on requests for placement in a coverage category or selection pool because the criteria for placing a vessel are well known and static.

Vessel owners and operators of vessels participating in halibut deck sorting (at § 679.120) for whom NMFS has disapproved a Deck Safety Plan may submit a revised Deck Safety Plan or file an administrative appeal. NMFS expects most vessel owners and operators will submit a revised Deck Safety Plan if their original plan is disapproved rather than file an administrative appeal.

Administrative appeals of adverse decisions made by NMFS Alaska Region must be submitted to the NMFS National Appeals Office (NAO) under the appeals process set out at [15 CFR part 906](#). Instructions for submitting an appeal are provided on the NAO website at <https://www.fisheries.noaa.gov/national/rules-and-regulations/appeals>. The appeal may be submitted by fax (307-713-2384) or by mail or commercial carrier to National Appeals Office, 1315 East-West Highway, Silver Spring, MD 20910.

There is no form for this collection.

For purposes of this analysis, NMFS estimates that no more than one administrative appeal will be filed each year

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.

The table at the beginning of Question #2 shows the use of technology in this collection. Most of information is collected, or can be collected, electronically.

EM data for vessels with EM coverage cannot be submitted electronically. As technology evolves, it may be possible to transmit the video data electronically to the video reviewer. However, the bandwidth requirements and high cost of transmitting data for vessels operating at sea and offloading in rural communities in Alaska currently make the use of this technology impractical.

Administrative appeals cannot be submitted electronically because the National Appeals Office requires submission of documents by fax, mail, or delivery to provide the appropriate record for legal proceedings.

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

Most of our individual information collection instruments require respondents to provide identification and contact information. However, this duplication is necessary to properly identify and communicate with the individuals submitting each report or required information.

We have identified no duplicative requirements in this information collection. NMFS reviews its requirements to identify any potential for duplication and seeks public comment through proposed rulemaking and periodic meetings with the affected industry.

In general, Alaska Region information collections are prepared and reviewed by staff familiar with all of the information collection requirements for the region. Staff work together to develop information collection requirements for new programs. In addition, NMFS staff work closely

with the staff of the Alaska Department of Fish and Game and the International Pacific Halibut Commission to reduce duplication in information collection requirements to the extent possible given overlapping jurisdictions and complex fisheries. Senior staff at the Alaska Region, NMFS headquarters, and the Department of Commerce General Counsel review all new and revised information collection requirements that are associated with rulemakings. This process minimizes the potential for duplication of information collection requirements for participants in the Federal fisheries off Alaska.

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

The requirements added by the rule (RIN 0648-BM40) have been designed to meet management, enforcement, and scientific information needs, while minimizing the burden of collecting those data on all participants. As a voluntary program, entities would participate, and thus be directly regulated, only if there is a net benefit to doing so. Directly regulated small entities that individually judge the operational costs of participating in the EM program to be burdensome could continue fishing under the existing human observer selection protocols.

NMFS attempts to minimize the information required to be submitted by all respondents, including the small entities. Specifically, NMFS provides options for electronic transmission as well as the option to provide information by phone for those entities without access to a computer or the internet.

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.

All information is required for the efficient operation of the Observer Program and must be submitted in the time frames requested. Collecting this information less frequently would jeopardize the goals and objectives of the Observer Program and the effective management of the Alaska groundfish and halibut fisheries.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

- Some of the collections could require respondents to report information to the agency more often than quarterly. Vessel owners and operators in the trip selection pool and nontrawl EM selection pool are required to log their fishing trips in ODDS, which could result in information being submitted more often than quarterly. This rule (RIN 0648-BM40) requires vessel owners and operators in the EM trawl category to log fishing trips in ODDS and submit landing notices for EM pollock trawl offloads, which could result in information being submitted more often than quarterly. NMFS uses the information from a logged fishing trip to determine if a particular fishing trip is randomly selected for observer or EM coverage. Information from the landing notice is used by NMFS to monitor the deliveries of catch to processing facilities.

The pre-cruise meeting notification may also require respondents to report information to the agency more often than quarterly. Pre-cruise meeting notifications are required 24 hours prior to departure when the vessel will be carrying an observer who has not been

deployed on that vessel within the last 12 months. This could result in a vessel needing to contact NMFS more often than quarterly. This timing is necessary to provide sufficient time for NMFS to evaluate whether a pre-cruise meeting is needed.

The following are required to be submitted by observer provider companies within a specific time period, which could result in information being submitted more often than quarterly.

- Observer training and briefing registration information must be submitted at least 5 business days prior to the beginning of a scheduled observer certification training or briefing session to ensure that sufficient class space is reserved for the session and that each observer candidate meets the observer educational qualification standards.
- A statement of projected observer assignments must be submitted prior to an observer's or observer candidate's completion of the training or briefing session. This is used by the instructor to adapt classroom instruction to the specific needs of the individual(s) and to assign special projects to students.
- A deployment/logistics report must be submitted each week for each observer deployed during that week. These reports are necessary for fisheries management and are important should an emergency arise while an observer is deployed at sea.
- An observer provider must contact the Observer Program within 5 business days after the completion of an observer's deployment to schedule an observer debriefing. Timely observer debriefings are necessary to ensure quality data for inseason fishery management.
- Invoices must be submitted monthly for observer coverage for vessels and processors in the full coverage category. This is necessary for NMFS to accurately evaluate the cost of observer coverage requirements for vessels and plants.
- Reports of a breach of the observer provider's policy on observer conduct must be submitted within 72 hours after the provider becomes aware of the alleged violation. The following must be submitted within 24 hours after becoming aware of the information: possible observer harassment, any prohibited action, vessel or processor safety, marine casualty, some observer illnesses or injuries, and conflict of interest or breach of the standards of behavior.

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 proposed rule ([89 FR 7660](#)) soliciting public comments published on February 5, 2024. The comment period ended on April 5, 2024. Additionally, per section 313 of the Magnuson-Stevens Act, NMFS conducted public hearings to accept oral and written comments on the proposed rule in-person for Alaska and virtually for Oregon and Washington. The first public hearing was held on February 28, 2024, in Kodiak, AK. The second public hearing was held virtually for

Washington and Oregon on March 12, 2024. No comments were received regarding this information collection. In response to rule-related comments, NMFS clarified the approval process in regulations for the EM hardware service provider permit that is added by this final rule.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift to respondents is provided under this program.

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.

All information collections by NMFS, Alaska Region, are protected under confidentiality provisions of section 402(b) of the Magnuson-Stevens Act as amended in 2006 (16 U.S.C. 1801, *et seq.*) and under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act System of Records Notice [COMMERCE/NOAA-15](#) remain confidential and are not further released to anyone outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

The System of Records Notice that covers all observer information collected in this information collection is [COMMERCE/NOAA-15, Monitoring of National Marine Fisheries Service Observers](#). Vessel information is covered by [COMMERCE/NOAA-6, Fishermen's Statistical Data](#). In exceptional circumstances, the owners and operators of vessels may provide to the Regional Administrator written justification at the time observer data are submitted, or within a reasonable time thereafter, that disclosure of information could reasonably be expected to cause substantial competitive harm. The determination whether to disclose the information will be made pursuant to 15 CFR 4.7.

The Privacy Impact Assessment that covers this information collection is [NOAA NMFS Alaska Region Local Area Network \(NOAA4700\)](#).

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 involve information of a sensitive nature.

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

The table has been updated to reflect the most current data available and to show the revisions due to the rule (RIN 0648-BM40). The table is also updated because OMB Control Number 0648-0815 is being merged into this collection. Merging -0815 added six BSAI pot catcher/processors as respondents to the pre-cruise meeting notification; it did not affect the burden hours other than to increase the total annual burden hours due to the additional respondents.

Four new collection instruments are added due to the rule: 1) landing notice for electronic monitoring pollock trawl offloads, 2) trawl EM incentive plan agreement, 3) trawl EM incentive plan agreement annual report, and 4) EM hardware service provider permit. The burden and labor estimates for these collections are based on comparable requirements in this information collection and other NMFS Alaska Region information collections.

The hourly wage rates have been updated from the rates submitted in the supporting statement for the proposed rule because updated rates from the U. S. Bureau of Labor Statistics (BLS) are now available. The rates used are the most current rates available (May 2023) from the BLS. The wage rate estimate of \$24.21 is the Alaska mean hourly wage for Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations; https://www.bls.gov/oes/current/oes_ak.htm). The rate \$50.06 is the Washington mean hourly wage for Occupation Code 11-9013 (Farmers, Ranchers, and Other Agricultural Managers; https://www.bls.gov/oes/current/oes_wa.htm). Burden and wage rate estimates are updated and revised when new rates are available and when public comment supports doing so. Slight differences in the total annual burden hours and total annual wage burden costs may occur due to rounding.

Information Collection		Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
I. Industry Requirements									
1	Observer notification	Owner or operator of vessel or processor	705	varies	100,000	2 min	3,333	24.21	80,692
2	Industry request for assistance in improving observer data quality issues	Observer; observer provider; owner or operator of vessel or processor	10	1	10	30 min	5	37.14 ¹	186
3	ATLAS communications and observer data entry	Owner or operator of vessel or processor	189	0	0	0	0	0	0
4	Pre-cruise meeting notification	Vessel owner or operator	59	varies	277	5 min	23	24.21	557
5	Catcher/processor request to be placed in partial observer coverage	Vessel owner	3	1	3	30 min	2	24.21	48
6	Request to be placed in the full observer coverage category	Vessel owner or operator	14	1	14	5 min	1	24.21	24
7	Request to be placed in or removed from electronic monitoring	Vessel owner or operator	292	1	292	5 min	24	24.21	581
8	Observer Declare and Deploy System (ODDS) log a fishing trip	Vessel owner or operator	800	varies	7,600	15 min	1,900	24.21	45,999
9	Deck safety plan—initial year	Vessel owner or operator	1	1	1	12 hours ²	12	24.21	291
10	Deck safety plan—annual renewal	Vessel owner or operator	24	1	24	1 hour	24	24.21	581
11	Deck sorting safety meeting	Vessel owner or operator	25	4	100	15 min	25	24.21	605
12. Electronic Monitoring									
12.a	Vessel Monitoring Plan	Vessel owner or operator	292	1	292	48 hours ³	14,016	24.21	339,327
12.b	Closing electronic monitoring trips in ODDS	Vessel owner or operator	179	once per selected fishing trip	179	5 min	15	24.21	363
12.c	Submit electronic monitoring data to NMFS	Vessel owner or operator	292	once per selected fishing trip	292	1 hour	292	24.21	7,069
12.d	Landing notice for electronic monitoring pollock trawl offloads	Vessel owner or operator	113	varies	2,838	5 min	237	24.21	5,738
13.a	Trawl electronic monitoring incentive plan agreement (TEM IPA)	TEM IPA representative	1	1	1	40 hours	40	75	3,000

Information Collection		Type of Respondent (e.g., Occupational Title)	# of Respondents/ year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
13.b	TEM IPA annual report	TEM IPA representative	1	1	1	40 hours	40	75	3,000
II. Observer Provider Requirements									
1	Observer provider permit application	Observer provider company applicant	1 ⁴	1	1	60 hours	60	50.06	3,004
2	Candidate college transcripts	Permitted observer provider company	3	varies	150	8 hours	1,200	50.06	60,072
3.a	Observer training registration	Permitted observer provider company	3	varies	150	1 hour	150	50.06	7,509
3.b	Observer briefing registration	Permitted observer provider company	3	varies	852	7 min	99	50.06	4,956
4	Projected observer assignments	Permitted observer provider company	3	varies	650	7 min	76	50.06	3,805
5	Physical examination verification	Permitted observer provider company	3	varies	384	5 min	32	50.06	1,602
6	Observer deployment/logistics report	Permitted observer provider company	3	52 (weekly)	156	7 min	18	50.06	901
7	Observer debriefing registration	Permitted observer provider company	3	varies	609	30 min	305	50.06	15,268
8	Certificates of insurance	Permitted observer provider company	3	1	3	12 min	1	50.06	50
9	Observer provider contracts	Permitted observer provider company	3	1	3	30 min	2	50.06	100
10	Other reports	Permitted observer provider company	3	varies	400	2 hours	800	50.06	40,048
11	Update to provider information	Permitted observer provider company	3	once or less	3	5 min	0	50.06	13
12	Observer provider invoices	Permitted observer provider company	3	12 (monthly)	36	30 min	18	50.06	901
III. EM Hardware Service Provider Permit		EM service provider	2	1	2	8 hours	16	50.06	801
IV. Administrative Appeals		Vessel owner or operator; permitted observer provider company	1	1	1	4 hours	4	49.76 ⁵	199
Totals					115,324		22,770		\$627,290

¹ The mean hourly wage rate used is an average of the labor rates for the respondents that may submit an industry request for assistance in improving observer data quality issues (24.21)

+ 50.06 = 74.27/2 = \$37.14)

² NMFS estimates the time for developing a new Deck Safety Plan to be 12 hours during the first year the vessel participates in halibut deck sorting. This includes time required to locate and revise deck layout plans and to consult with crew and NMFS staff on practical implementation. After the first year, NMFS estimates the annual time burden for modifying or renewing an existing Deck Safety Plan to be one hour.

³ NMFS estimates the total time to complete, sign, and submit a VMP is approximately 48 hours. This estimate includes discussions with vessel operators about the best location to install the EM system equipment; installing the needed infrastructure and equipment; taking the necessary photos, drawing diagrams, and writing descriptions of how vessel operations will occur; compiling all the information in a VMP document; and the vessel operator signing the VMP and submitting it to NMFS via email. The time estimate also includes the possibility that some vessels may need to amend their VMP after it has been approved.

⁴ NMFS estimates that one or fewer companies may apply for a new permit each year. For purposes of this analysis, one is used.

⁵ The mean hourly wage rate used is an average of the labor rates for the respondents that may submit an appeal ($24.21 + 50.06 + \$75 = 149.27 / 3 = \49.76).

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).

Information Collection		# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent ¹ (h)	Total Annual Cost Burden (i) = (c) x (h)
I. Industry Requirements						
1	Observer notification	705	varies	100,000	0	0
2	Industry request for assistance in improving observer data quality issues	10	1	10	0	0
4	ATLAS communications and observer data entry	189	0	0	0	0
5	Pre-cruise meeting notification	59	varies	277	0	0
6	Catcher/processor request to be placed in partial observer coverage	3	1	3	Operating costs ² - \$5	15
7	Request to be placed in the full observer coverage category	14	1	14	0	0
8	Request to be placed in or removed from electronic monitoring	292	1	292	0	0
9	Observer Declare and Deploy System (ODDS) log a fishing trip	800	varies	7,600	0	0
10	Deck safety plan—initial year	1	1	1	0	0
	Deck safety plan—annual renewal	24	1	24	0	0
11	Deck sorting safety meeting	25	4	100	0	0
12. Electronic Monitoring						
12.a	Vessel Monitoring Plan	292	1	292	0	0
12.b	Closing electronic monitoring trips in ODDS	179	once per selected fishing trip	179	0	0
12.c	Submit electronic monitoring data to NMFS	292	once per selected fishing trip	292	\$15 (mail: small flat rate box, return receipt)	4,380
12.d	Landing notice for electronic monitoring pollock trawl offloads	113	varies	2,838	0	0
13.a	Trawl electronic monitoring incentive plan agreement (TEM IPA)	1	1	1	Operating costs ² - \$5	5
13.b	TEM IPA annual report	1	1	1	Operating costs ² - \$5	5

Information Collection		# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent ¹ (h)	Total Annual Cost Burden (i) = (c) x (h)
II. Observer Provider Requirements						
1	Observer provider permit application	1	1	1	0	0
2	Candidate college transcripts	3	varies	150	0	0
3.a	Observer training registration	3	varies	150	0	0
3.b	Observer briefing registration	3	varies	852	0	0
4	Projected observer assignments	3	varies	650	0	0
5	Physical examination verification	3	varies	384	0	0
6	Observer deployment/logistics report	3	52 (weekly)	156	0	0
7	Observer debriefing registration	3	varies	609	0	0
8	Certificates of insurance	3	1	3	0	0
9	Observer provider contracts	3	1	3	0	0
10	Other reports	3	varies	400	0	0
11	Update to provider information	3	once or less	3	0	0
12	Observer provider invoices	3	12 (monthly)	36	0	0
III. EM Hardware Service Provider Permit		2	1	2	\$15 (mail: small flat rate box, return receipt)	30
IV. Administrative Appeals		1	1	1	\$505 (Operating costs ² - \$5 Attorney - \$500 ³)	505
TOTALS		907⁴		115,324		\$4,940

¹ Most of these information collections are submitted by email or online rather than by fax or mail; so, although fax and mail may be an option, we do not expect any submissions by fax or mail. Therefore, the miscellaneous costs for information collections expected to be submitted by email or online are estimated to be \$0.

² Operating costs account for the typical inclusive general office services packages that include expenses for email, fax, copying, mailing, printing, and internet.

³ 4 hours of attorney time at \$125 per hour

⁴ Total respondents includes unique respondents only. Some respondents submit more than one instrument in this collection; therefore, the number of unique respondents is used to show the estimated annual number of separate participants who are expected to submit information during the 3-year renewal period for this information collection. Unique respondents = 907 (900 vessels and processors + 1 TEM IPA representative + 3 permitted observer provider companies + 1 observer provider applicant + 2 EM hardware service applicants).

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.

Federal government costs are based on one ZP-5, one ZP-4, one ZP-3, one ZP-2, and one GS-14. The fully loaded salary is based on the 2023 salary and includes 52 percent of the salary to account for benefits and other overhead costs. For example, for a capped out ZP-2 step 3, $\$92,174 * 1.52 = \$140,104$ loaded salary. The grade and step are from the Department of Commerce Alternative Personnel System (CAPS) pay tables (<https://www.commerce.gov/hr/practitioners/caps/pay-administration>). The general schedule grade equivalent for CAPS is included in parentheses.

Cost Descriptions	Grade/Step ¹	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP-5 step 3 (GS 15)	\$278,920	1%		\$2,789
Other Federal Positions	ZP-4 step 3 (GS 13/14)	\$259,245	5%		\$12,962
	ZP-3 step 3 (GS 11/12)	\$184,495	25%		\$46,124
	ZP-2 step 3 (GS 9/10)	\$140,104	15%		\$21,016
	GS 14	\$261,554	.2%		\$523
Contractor Cost		—	—	—	—
Travel					—
Other Costs:					—
TOTAL				—	\$83,414

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

The tables below show the program changes due to the rule (RIN 0648-BM40) and adjustments made based on the most current data available. The labor costs were adjusted because the most current BLS hourly wage rate was used to calculate the costs. The table also shows OMB Control Number 0648-0815 merged into this collection. Merging -0815 added six BSAI pot catcher/processors as respondents to the pre-cruise meeting notification, which increased the total annual burden hours and labor costs.

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	
I. Industry Requirements								
1	Observer notification	705	705	100,000	100,000	3,333	3,333	No change
2	Industry request for assistance in improving observer data quality issues	10	10	10	10	5	5	No change
4	ATLAS communications and observer data entry	189	189	0	0	0	0	IC was not reflected in previous ROCIS IC list Added in ROCIS to mirror the total # of ICs listed.
5	Pre-cruise meeting notification	59	53	277	265	23	22	<u>Program Change:</u> Merging OMB Control Number 0648-0815 into this collection adds 6 BSAI pot catcher/processors as respondents for this collection, which resulted in an increase to the total annual responses and burden hours.
6	Catcher/processor request to be placed in partial observer coverage	3	5	3	5	2	3	<u>Adjustment:</u> Updated based on most recent data available.
7	Request to be placed in the full observer coverage category	14	34	14	34	1	3	<u>Adjustment:</u> Updated based on most recent data available.
8	Request to be placed in or removed from electronic monitoring	292	165	292	165	24	14	<u>Renamed collection instrument:</u> Due to the rule, this was renamed because it will include any vessels in electronic monitoring. <u>Program change:</u> NMFS estimates an additional 113 respondents will request electronic monitoring due to the rule, which increases the total annual responses and burden hours. <u>Adjustment:</u> The other respondents reflect the most current data available.
9	Observer Declare and Deploy System (ODDS) log a fishing trip	800	710	7,600	6,675	1,900	1,669	<u>Adjustment:</u> Updated based on most recent data.
10	Deck safety plan—initial year	1	1	1	1	12	12	No change
	Deck safety plan—annual renewal	24	24	24	24	24	24	No change
11	Deck sorting safety meeting	25	25	100	100	25	25	No change

		Respondents		Responses		Burden Hours		
12. Electronic Monitoring Information Collection								Reason for change or adjustment <u>Program change:</u> NMFS estimates 113 additional respondents will submit a VMP due to the rule, which increases the total annual responses and burden hours. <u>Adjustment:</u> The additional respondents reflect the most current data available.
12.a	Vessel Monitoring Plan	292	165	292	165	14,016	7,920	<u>Adjustment:</u> Updated based on most recent data.
12.b	Closing electronic monitoring trips in ODDS	179	142	179	142	15	12	<u>Program change:</u> NMFS estimates 113 additional respondents will submit a VMP due to the rule, which increases the total annual responses and burden hours. <u>Adjustment:</u> The other respondents reflect the most current data available.
12.c	Submit electronic monitoring data to NMFS	292	142	292	142	292	142	<u>Program change:</u> New collection instrument that is added by this rule.
12.d	Landing notice for electronic monitoring pollock trawl offloads	113	—	2,838	—	237	—	<u>Program change:</u> New collection instrument that is added by this rule.
13.a	Trawl electronic monitoring incentive plan agreement (TEM IPA)	1	—	1	—	40	—	<u>Program change:</u> New collection instrument that is added by this rule.
13.b	TEM IPA annual report	1	—	1	—	40	—	<u>Program change:</u> New collection instrument that is added by this rule.
II. Observer Provider Requirements								
1	Observer provider permit application	1	1	1	1	60	60	No change
2	Candidate college transcripts	3	4	150	150	1,200	1,200	<u>Adjustment:</u> Updated based on most recent data.
3.a	Observer training registration	3	4	150	150	150	150	<u>Adjustment:</u> Updated based on most recent data.
3.b	Observer briefing registration	3	4	852	852	99	99	<u>Adjustment:</u> Updated based on most recent data.
4	Projected observer assignments	3	4	650	650	76	76	<u>Adjustment:</u> Updated based on most recent data.
5	Physical examination verification	3	4	384	384	32	32	<u>Adjustment:</u> Updated based on most recent data.
6	Observer deployment/logistics report	3	4	156	208	18	24	<u>Adjustment:</u> Updated based on most recent data.
7	Observer debriefing registration	3	4	609	609	305	305	<u>Adjustment:</u> Updated based on most recent data.

Information Collection		Respondents		Responses		Burden Hours		Reason for change or adjustment
		Current	Previous	Current	Previous	Current	Previous	
8	Information Collection Certificates of Insurance	3	4	3	4	1	1	<u>Adjustment:</u> Updated based on most recent data.
9	Observer provider contracts	3	4	3	4	2	2	<u>Adjustment:</u> Updated based on most recent data.
10	Other Reports	3	4	400	400	800	800	<u>Adjustment:</u> Updated based on most recent data.
11	Update to provider information	3	4	3	4	0	0	<u>Adjustment:</u> Updated based on most recent data.
12	Observer provider invoices	3	4	36	48	18	24	<u>Adjustment:</u> Updated based on most recent data.
III. EM Hardware Service Provider Permit		2	—	2	—	16	—	<u>Program change:</u> New collection instrument that is added by this rule.
IV. Administrative Appeals		1	1	1	1	4	4	No change
Total for Collection		907*	875*	115,324	111,193	22,770	15,961	
Difference		32 (Program change: 6; Adjustment: 26)		4,131 (Program change: 3,193; Adjustment: 938)		6,809 (Program change: 5880; Adjustment: 929)		

*Total respondents includes unique respondents only.

Information Collection		Labor Costs		Miscellaneous Costs		Reason for change or adjustment
		Current	Previous	Current	Previous	
I. Industry Requirements						
1	Observer notification	80,692	75,059	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
2	Industry request for assistance in improving observer data quality issues	186	167	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
4	ATLAS communications and observer data entry	0	0	0	0	No change
5	Pre-cruise meeting notification	557	495	0	0	<u>Adjustment:</u> Merging OMB Control Number 0648-0815 into this collection increases the respondents for the pre-cruise meeting notification, which increases the total labor costs for this collection. Labor costs were adjusted to use the most current BLS hourly wage rate.
6	Catcher/processor request to be placed in partial observer coverage	48	68	15	25	<u>Adjustment:</u> The most current data available increased the respondents, which increases the total labor costs. Labor costs were adjusted to use the most current BLS

		Labor Costs		Miscellaneous Costs		
						hourly wage rate.
7	Information Collection Request to be placed in the full observer coverage category	24	68	0	0	<u>Reason for change or adjustment:</u> <u>Adjustment:</u> The most current data available increased the respondents, which increases the total labor costs. Labor costs were adjusted to use the most current BLS hourly wage rate.
8	Request to be placed in or removed from electronic monitoring	581	315	0	0	<u>Renamed collection instrument:</u> : Due to the rule, this was renamed because it will include any vessels in electronic monitoring. <u>Program change:</u> The revision due to the rule increases the respondents, which increases the total labor costs. <u>Adjustment:</u> The most current data available increased the respondents, which increases the total labor costs. Labor costs were adjusted to use the most current BLS hourly wage rate.
9	Observer Declare and Deploy System (ODDS) log a fishing trip	45,999	37,586	0	0	<u>Adjustment:</u> The most current data available increased the respondents, which increases the total labor costs. Labor costs were adjusted to use the most current BLS hourly wage rate.
10	Deck safety plan—initial year	291	270	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
	Deck safety plan—annual renewal	581	540	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
11	Deck sorting safety meeting	605	563	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
12. Electronic Monitoring						
12.a	Vessel Monitoring Plan	339,327	167,508	0	0	<u>Program change:</u> The revision due to the rule increases the respondents, which increases the total labor costs. <u>Adjustment:</u> The most current data available increased the respondents, which increases the total labor costs. Labor costs were adjusted to use the most current BLS hourly wage rate.
12.b	Closing electronic monitoring trips in ODDS	363	254	0	0	<u>Adjustment:</u> The most current data available increased the respondents, which increases the total labor costs. Labor costs were adjusted to use the most current BLS hourly wage rate.
12.c	Submit electronic monitoring data to NMFS	7,069	3,003	4,380	1,172	<u>Program change:</u> The revision due to the rule increases the respondents, which increase the total labor costs. <u>Adjustment:</u> The most current data available increased the respondents, which increases the total labor costs. Labor costs were adjusted to use the most current BLS

Information Collection		Labor Costs		Miscellaneous Costs		Reason for change or adjustment
						hourly wage rate for change in adjustment, which increased the miscellaneous costs.
12.d	Landing notice for electronic monitoring pollock trawl offloads	5,738	—	0	—	<u>Program change:</u> New collection instrument that is added by this rule. <u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
13.a	Trawl electronic monitoring incentive plan agreement (TEM IPA)	3,000	—	5	—	<u>Program change:</u> New collection instrument that is added by this rule.
13.b	TEM IPA annual report	3,000	—	5	—	<u>Program change:</u> New collection instrument that is added by this rule.
II. Observer Provider Requirements						
1	Observer provider permit application	3,004	2,644	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
2	Candidate college transcripts	60,072	52,884	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
3.a	Observer training registration	7,509	6,611	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
3.b	Observer briefing registration	4,956	4,363	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
4	Projected observer assignments	3,805	3,349	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
5	Physical examination verification	1,602	1,410	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
6	Observer deployment/logistics report	901	1,058	0	0	<u>Adjustment:</u> The most current data available decreased the respondents, which decreased the total labor costs. Labor costs were adjusted to use the most current BLS hourly wage rate.
7	Observer debriefing registration	15,268	13,441	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
8	Certificates of Insurance	50	44	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
9	Observer provider contracts	100	88	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
10	Other Reports	40,048	35,256	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
11	Update to provider information	13	15	0	0	<u>Adjustment:</u> Labor costs were adjusted to use the most current BLS hourly wage rate.
12	Observer provider invoices	901	1,058	0	0	<u>Adjustment:</u> The most current data available decreased the respondents, which decreased the total labor costs.

		Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Information Collection					
						Labor costs were adjusted to use the most current BLS hourly wage rate.
	III. EM Hardware Service Provider Permit	801	—	30	—	<u>Program change</u> : New collection instrument that is added by this rule.
	IV. Administrative Appeals	199	117	505	505	<u>Program change</u> : Adjusted the labor rate due to the rule. <u>Adjustment</u> : Labor costs were adjusted to use the most current BLS hourly wage rate.
	Total for Collection	\$627,290	\$371,921	\$4,940	\$1,702	
	Difference	\$255,369 (Program change: \$136,759; Adjustment: \$118,610)		\$3,238 (Program change: \$1,735; Adjustment: \$1,503)		

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.

Due to this rule (RIN 0648-BM40), each year, NMFS will publish on the NMFS Alaska Region website the approved list of TEM IPAs and NMFS Approval Memos, the list of parties to each TEM IPA, approved modifications to the TEM IPAs, and the list of catcher vessels that, on average, catch more than 300,000 pounds (136 mt) of pollock per fishing trip in the GOA or and have harvest bycatch in quantities that will exceed maximum retainable amounts. The Council will make the TEM IPA annual report available to the public.

A list of the BSAI trawl catcher vessels annually placed in full coverage rather than partial coverage at the request of the vessel owners is posted on the NMFS Alaska Region website (<https://www.fisheries.noaa.gov/resource/document/bsai-trawl-catcher-vessels-cvs-full-coverage>). NMFS posts the vessel's name and FFP number.

Most information collected by observers is confidential and is only provided to the public in summary form. However, under § 679.54, the following information may be made available to the public:

Summary of weekly data. The following information collected by observers for each catcher/processor and catcher vessel during any weekly reporting period may be made available to the public:

- Vessel name and Federal permit number.
- Number of Chinook salmon and “other salmon” observed.
- The ratio of total round weight of incidentally caught halibut or Pacific herring to the total round weight of groundfish in sampled catch.
- The ratio of number of king crab or *Chionoecetes bairdi* Tanner crab to the total round weight of groundfish in sampled hauls.
- The number of observed trawl hauls or fixed gear sets.
- The number of trawl hauls that were basket sampled.
- The total weight of basket samples taken from sampled trawl hauls.

Haul-specific data. The information listed below collected by observers from observed hauls on board vessels using trawl gear to participate in a directed fishery for groundfish other than rockfish, Greenland turbot, or Atka mackerel may be made available to the public:

- Date.
- Time of day gear is deployed.
- Latitude and longitude at beginning of haul.
- Bottom depth.
- Fishing depth of trawl.
- The ratio of the number of Chinook salmon to the total round weight of groundfish.
- The ratio of the number of other salmon to the total round weight of groundfish.
- The ratio of total round weight of incidentally caught halibut to the total round weight of groundfish.
- The ratio of total round weight of herring to the total round weight of groundfish.
- The ratio of the number of king crab to the total round weight of groundfish.

- The ratio of the number of *C. bairdi* Tanner crab to the total round weight of groundfish.
- Sea surface temperature (where available).
- Sea temperature at fishing depth of trawl (where available).

The identity of the vessels from which the haul-specific data are collected is not released. In addition, in exceptional circumstances, the owners and operators of vessels may provide to NMFS written justification at the time observer data are submitted, or within a reasonable time thereafter, that disclosure of this information could reasonably be expected to cause substantial competitive harm. The determination whether to disclose the information is made pursuant to 15 CFR 4.7.

Final administrative appeal decisions with redactions are posted on the NMFS National Appeals Office website (<https://www.fisheries.noaa.gov/national/rules-and-regulations/appeals>). Personally identifiable information and confidential business information submitted in an administrative appeal are not released to the public.

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.

Some of the requirements in this collection do not have instruments on which to provide an OMB expiration date because they are conducted by phone, in person, or are not submitted on a form or online. The agency will display the expiration date for OMB approval of the information collection on all other instruments.

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\(b\)\(3\)](#).