

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

02/28/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 02/11/2005.

TITLE: NMFS Alaska Region Vessel Monitoring System (VMS) Program

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0445
EXPIRATION DATE: 07/31/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	6,986,518	13,152	491
New	7,418,718	14,992	653
Difference	432,200	1,840	162
Program Change		1,840	162
Adjustment		0	0

TERMS OF CLEARANCE:

This approval is associated with the final rule published under RIN 0648-AS47. The agency is instructed to conduct a focused outreach campaign prior to submission of a request for extension for this ICR to validate burden estimates and elicit suggestions from the regulated community for reducing the burden of this program. The results of this campaign must be summarized in the submission.

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
NMFS ALASKA REGION
VESSEL MONITORING SYSTEM (VMS) PROGRAM
OMB CONTROL NO. 0648-0445**

INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Stevens Act) authorizes the North Pacific Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. National Marine Fisheries Service (NMFS) manages the crab fisheries in the waters off the coast of Alaska under the Fishery Management Plan for Bering Sea and Aleutian Islands Crab (FMP). Regulations implementing the FMP appear at 50 CFR part 680. Regulations at 50 CFR part 679 and subpart H of 50 CFR part 600 also pertain

Amendments 18 and 19 amend the FMP to include a Voluntary Three-Pie Cooperative Program (herein after referred to as the Crab Rationalization Program (Program)). Congress amended the Magnuson-Stevens Act to require the Secretary of Commerce to approve the Program.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The Program reallocates BSAI crab resources among harvesters, processors, and coastal communities. This collection-of-information address the Vessel Monitoring System (VMS) procedures required for participation in the Program. This action adds 200 catcher vessels that harvest crab to this collection.

A vessel that harvests crab in the crab fisheries, including a vessel harvesting CDQ or Adak allocations, would be required to have onboard an operating NMFS-approved VMS transmitter at any time when the vessel has crab gear on board. These transmitters automatically determine the vessel's location several times per hour using Global Positioning System (GPS) satellites and send the position information to NMFS via a mobile communication service provider. The VMS transmitters are designed to be tamper-resistant and automatic. The vessel owner should be unaware of exactly when the unit is transmitting and would be unable to alter the signal or the time of transmission.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with applicable NOAA Information Quality Guidelines.

Note: the forms and numbers discussed below pertain ONLY to the Crab Rationalization addition to this program. For a complete set of forms and numbers, please refer to Appendix I.

The VMS information is used primarily by the NOAA Fisheries, Office for Law Enforcement, Alaska Region (OLE) for enforcement purposes and by the NMFS, Alaska Region, Sustainable Fisheries Division for fishery management purposes. The information is used to track the location of vessels participating in the fisheries. To participate in the VMS program, a vessel owner must:

1. Purchase a NMFS-approved VMS transmitter and have it installed onboard the vessel in accordance with the instructions provided by NMFS. A copy of the VMS installation and operation instructions is available from the Regional Administrator upon request. Installation time for a VMS unit is estimated to be less than two hours, but a higher estimate of 6 hours/vessel is used, based on a worst case scenario where a 12 volt DC hookup is not convenient to a location where the VMS unit can be installed.

2. Before participating in a crab fishery, activate the VMS transmitter. Upon completion of purchase and installation of the VMS units, and prior to participation in a crab fishery, the participant must submit to NMFS by FAX a VMS check-in report. The information on this report will enable NMFS to verify that the VMS system is functioning and that VMS data are being received.

3. A vessel's transmitter must be transmitting if:
 The vessel is operating in any reporting area off Alaska;
 The vessel has crab pots or crab pot hauling equipment, or a crab pot launcher onboard; and
 The vessel has or is required to have a Federal crab vessel permit for that crab fishing year.

4. Make the VMS transmitter available for inspection by NMFS personnel, observers, or an authorized officer;

5. Ensure that the VMS transmitter is not tampered with, disabled, destroyed, or operated improperly; and

6. Pay all charges levied by the communication service provider.

7. Anytime a VMS unit is replaced or moved from one vessel to another (as may happen with companies that own multiple vessels), the owner or operator must submit another VMS check-in report.

A VMS check-in report consists of the following:

VMS Check-in Report

- Date
- Vessel name
- U.S. Coast Guard documentation number
- Federal Fisheries Permit number or Federal Crab Fishing Permit
- Contact person name and telephone number
- VMS transmitter serial number

VMS check-in report, Respondent	
Number of respondents	200
Frequency of check-in responses	1
Total responses	200

Hours per response (12/60 min)	0.2 hr
Total burden hours	40 hr
Total personnel cost (\$25 x 40)	\$1000
Total miscellaneous costs (FAX \$6 x 200)	\$1200

VMS check-in report, Federal Government	
Total responses	200
Total burden hours (0.2 x 200)	40 hr
Total personnel cost (40 hr x \$25/hr)	\$1000

VMS operation, Respondent	
Number of respondents	200
Number VMS responses per respondent (72 x 30)	2160
30 fishing days per vessel	
72 transmissions per fishing day	
Total VMS responses (2160 x 200)	432,000
Total VMS burden hours	600 hr
Total hours per response (600 hr)	
Time for each transmission = 5 sec	
(432000 x 5 sec)=2160000/3,600 sec/hr	
Transmission (600 x 200)	
Total personnel burden hours	1,200 hr
VMS installation time for each vessel	
(6 hr one time charge) x 200 vessels=1200/3 year = 400 hr	
VMS maintenance time (4 hr/yr x 200 vessels) 800 hr	
Total personnel cost (\$25 x 1200)	\$30,000
Total miscellaneous cost	\$120,150
Initial cost of VMS units	
(\$1,800 x 200=360,000/3 yr= \$120,000)	
VMS transmission time (\$5/day x 30 days = \$150)	

VMS operation, Federal Government	
Total burden hours	0
Total personnel cost	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following paragraphs, the information gathered has utility. NOAA Fisheries 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 response #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.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The VMS information collection is automated. Upon completion of purchase and installation of the VMS units, NMFS requires that a check-in report for VMS operation be submitted to NMFS

by FAX. Information from this report will enable NMFS to verify that the VMS system is functioning and that VMS data are being received. The vessel owner will be informed if for some reason the unit ceased transmitting and would be required to repair or replace it. Anytime a VMS unit is replaced or moved from one vessel to another (as may happen with companies that own multiple vessels), the owner or operator must submit another VMS check-in report.

An Internet data entry form for the VMS check-in report will be accomplished by NMFS in the near future.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

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

This collection-of-information does not impose a significant impact on small entities.

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

NMFS believes a VMS system is an essential component of a rationalized crab fishery. A VMS system would allow NMFS to verify where fishing is taking place and ensure that vessels harvesting crab were permitted to do so and that harvested IFQ is properly debited. A VMS system also allows NMFS to track vessels as they arrive in port to offload crab or crab product. This helps to ensure all landings are properly made to an RCR and the landing is properly debited from the IFQ holder's account.

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

There are no inconsistencies.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The NMFS Alaska Region submitted the attached proposed rule (69 FR 63200, October 29, 2004) requesting comments from the public. No comments regarding this specific collection were received.

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 assurance in statute, regulation, or agency policy.

NMFS and the United States Coast Guard (USCG) have worked to ensure the confidentiality of all VMS transmissions, and all VMS units include systems to minimize the risk of direct or inadvertent disclosure of vessel position.

The VMS transmissions are considered confidential and are subject to confidentiality protection under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection does not involve information of a sensitive nature.

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

This action adds 200 respondents, for a total of 739. This action adds 432,200 responses for a total of 7,418,718. This action adds 1240 burden hours, for a total of 14,992. This action adds \$31,000 personnel cost (at \$25/hour personnel cost), for a total of \$294,040.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

This action adds \$121,350 miscellaneous cost, for a total of \$612,918. This action also adds start-up costs of \$120,000 for VMS purchase, annualized to \$40,000.

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

This action adds 40 burden hours, for a total of 40 hr because the hours were not formerly listed. This action adds \$1,000 for personnel cost, for a total of \$1,000 because costs were not formerly listed.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This action is a program change. The requirement to operate a VMS unit and to check-in with NMFS prior to operating a VMS unit is extended to the new BSAI crab fisheries. The estimated number of vessels added to the VMS program is 200.

This action also adds start-up costs of \$120,000 for VMS purchase.

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

No plans exist for publishing the results of the information collection that are discussed above.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

In accordance with OMB requirements, the control number and expiration date of OMB approval will be shown on the VMS check-in report and the VMS reimbursement request form. The transmission of the VMS data is automatic and electronic, and it would not be possible to display the OMB expiration date.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

As explained above, the transmission of the VMS data is automatic and electronic and it would not be possible to display the OMB expiration date.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Crab Rationalization Program Numbers in Context of Complete Alaska Region Vessel Monitoring System Program

0445 VMS Information												
	Status	Respondents		Responses		Burden		Personnel		Misc		Initial
		old	new	old	new	old	new	old	new	old	new	new
VMS units, initial cost	Now applicable only to the 200 new respondents											120,000 (annualized to 40,000)
VMS Check-in report	Changed	539	739	539	739	108	148	-	1000	3234	4434	0
VMS Cost Reimbursement form	Unchanged	539	539	539	539	108	108	-	0	3234	3234	0
VMS installation	Changed				0	1078	1478			0		
VMS maintenance	Changed				0	2156	2956			0		
VMS transmission	Changed	539	739	6,985,440	741,7440	9702	10,302		30,000	485,100	605,250	
Total Personnel Cost (13,152x20)					0			263,040				
TOTAL		539	739	6,986,518	7,418,718	13,152	14,992	263,040	294,040	491,568	612,918	120,000

Please fax this completed form to:
NOAA Fisheries Office For Law Enforcement
VMS Fax number: 907-586-7703



NOAA/NMFS
Office for Law Enforcement



VMS Fax

**Note: Please register your VMS unit
with an approved service provider prior to using this fax.**

Date: _____

Vessel Name: _____

Coast Guard DOC#: _____

Federal Fisheries Permit #: _____

or

Federal Crab Vessel permit#: _____

Contact Person: _____

Contact Telephone: _____

Inmarsat IMN: _____

or

Skymate Serial #: _____

or

ESL Serial #: _____

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 0.2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Durall).

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) NMFS cannot conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is mandatory and is required to manage the VMS data collection program for groundfish under 50 CFR part 679 and CR crab fisheries under 50 CFR part 680, and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) and 16 U.S.C. 1862(j) ; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Responses to this information request are not confidential.