

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/05/2012

Department of Commerce
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/04/2012

ACTION REQUESTED: Extension without change of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201209-0648-005

AGENCY ICR TRACKING NUMBER:

TITLE: Southeast Region Vessel Monitoring System (VMS) and Related Requirements

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change

OMB CONTROL NUMBER: 0648-0544

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 12/31/2015

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	11,755	2,348	858,027
New	11,995	2,383	916,033
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	240	35	58,006
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE: Prior to renewal, NMFS will consult with persons outside of the agency to obtain their views on the burden estimates and other aspects of the collection mentioned under item number 8 in part A of the supporting statement.

OMB Authorizing Official: Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Southeast Region Vessel Monitoring System (VMS) Purchase, Installation and Certification Checklist for for Transfer of Vessel and/or Permit	NA	Reef Fish VMS certification and checklist	50 CFR 622
Certification and Activation Checklist for Transfers not involving purchase and installation of VMC	NA	Reef Fish VMS certification and checklist	
Power-down requests	NA	Power Down Exemption Request	
Reports of fishing activity prior to departure plus annual maintenance burden and cost plus transmission cost			50 CFR 622.9

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
SOUTHEAST REGION VESSEL MONITORING SYSTEM (VMS) AND RELATED
REQUIREMENTS
OMB CONTROL NO. 0648-0544**

INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Gulf of Mexico 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 reef fish fishery in the waters of the Gulf of Mexico under the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMP). NMFS issued a final rule to implement Amendment 18A to the FMP, RIN 0648-AN09. This final rule requires owners and operators of Gulf reef fish vessels to have installed and use a functional NMFS approved vessel monitoring system (VMS) on their vessels. NMFS requires specific types of data submissions and agency notifications through VMS, and requires VMS to be installed and functional to renew Gulf reef fish permits. The VMS regulations for the Gulf reef fish fishery may be found at 50 CFR §622.9.

This request is for an extension of this information collection.

A. JUSTIFICATION

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

The Gulf Reef Fish Fishery Management Plan (FMP) contains several area-specific regulations in which fishing is restricted or prohibited in order to protect habitat or spawning aggregations, or to reduce fishing pressure in areas that are heavily fished. Unlike size, bag, and trip limits, where the catch can be monitored onshore when a vessel returns to port, area restrictions require at-sea enforcement. However, at-sea enforcement of offshore area restrictions is difficult due to the distance from shore and the limited number of patrol vessels, resulting in a need to improve enforceability of area fishing restrictions through remote sensing methods. In addition, all fishing gears are subject to some area fishing restrictions, but longlines and fish traps have more area restrictions than other gear types. Because of the sizes of these areas and the distances from shore, the effectiveness of enforcement through over flights and at-sea interception is limited. An electronic VMS allows a more effective means to monitor vessels for intrusions into restricted areas.

The VMS provides effort data and significantly aids in enforcement of areas closed to fishing. As a condition of authorized fishing for or possession of Gulf reef fish in or from the Gulf Exclusive Economic Zone (EEZ), a vessel owner or operator subject to the requirements for a VMS in this section must allow NMFS, the United States Coast Guard (USCG), and their authorized officers and designees, access to the vessel's position data obtained from the VMS. As a further aid to law enforcement officials, prior to departure for each trip, each vessel owner or operator must report their planned fishing activity (including but not limited to Gulf reef fish, shark, swordfish, tuna, etc), and the gear onboard the vessel (including but not limited to pelagic longline, bottom longline, gillnet, etc). Additionally, if fishing activity is altered during a trip,

notification of the changes must be given to law enforcement. Reporting of changes to fishing activity can be reported one of three ways, as described in the response to Question 3.

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

Every vessel that is required to have a VMS unit must have that VMS unit on and properly functioning at all times, even when docked, and prior to each fishing trip, or during a trip if activity changes, a report of fishing activity must be submitted to NMFS VMS personnel. The units are on seven days a week, 24 hours a day and transmit once an hour unless the vessel has entered a NMFS-defined buffer zone of one nautical mile around areas with fishing restrictions. Once a vessel enters a defined buffer zone, the VMS unit reporting rate will be increased to every 15 minutes. If the vessel then departs the buffer zone and enters the restricted area, the VMS unit reporting rate will be increased to every 10 minutes until it departs the restricted area and/or the buffer zone. The VMS unit on the vessel provides enforcement benefits to NMFS and the fishery.

Two other requirements are completion and submission of the statement certifying compliance with the installation and activation checklist, and a power-down exemption request for when boats are out of the water, i.e. for maintenance/repairs in dry dock.

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 response to 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and 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 position reports are all transmitted electronically. Changes to fishing activity may be reported either via VMS or through a NMFS call-in system: 1-888-219-9228. The fillable and printable checklist and power-down exemption request form are available at: <http://sero.nmfs.noaa.gov/vms/vms.htm>, and must be mailed to: NOAA/NMFS, Southeast Office for Law Enforcement, 263 13th Avenue South, Suite 109, St. Petersburg, FL 33701.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of state and federal officials

responsible for resource management in their area. These two circumstances allow for identification of other collections that may be gathering the same or similar information.

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

Because all respondents are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS fisheries management and permitting programs are requested from all applicants.

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

The VMS units provide vessel characteristics data, and enforcement information to increase compliance in the fishery. The approved VMS provides automatic recording of positions at one hour intervals, and more frequently under certain circumstances, as described in the response to Question 2. A less frequent recording of positions would provide ineffective monitoring and not achieve the Council's intended benefits. Additionally, reporting of fishing activity aids law enforcement in identifying closed area violations depending on the declaration of activity.

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

Due to requirements described in the response to Question 6, vessel position needs to be reported and transmitted more frequently than on a quarterly basis. Similarly, the need to monitor areas where fishing is restricted to certain gear types makes it necessary to collect fishing activity information on a by-trip frequency as opposed to quarterly. The collection is otherwise consistent with Office of Management and Budget (OMB) guidelines.

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

A Federal Register Notice published on May 4, 2012 (77 FR 26513) soliciting comments on the continuation of this collection of information. No comments were received.

Previously, NMFS published a notice of availability for Amendment 18A, and the proposed and final rules to implement Amendment 18A, which included a notice of and request for comments on this data collection.

Because these data collection programs are part of fishery management plans, all aspects of the programs have been reviewed by both statistical and constituent advisory committees. Furthermore, comments and suggestions from fishermen are routinely submitted, reviewed, and considered. Experience with the various programs, some of which have been operating for many

years, provides a continual feedback mechanism to NMFS on issues and concerns to the respondents. Amendment 18A did not raise an unusual amount of controversy during the Council development process. There are no major problems with Amendment 18A that have not been resolved.

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

There are no payments or other remunerations to respondents.

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

As stated on the forms, all data that are submitted are treated as confidential in accordance with the Magnuson-Stevens Act (16 U.S.C. 1881a, *et seq.*) and NOAA Administrative Order 216-100.

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

No questions of a sensitive nature are asked.

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

Of the affected 905 vessels, all would have the burden of 2 hours for annual maintenance. In addition, it is estimated that approximately 30% of the fleet will request a power down exemption annually, which will require an additional 5 minutes of burden time per vessel. Also, it is expected that 140 permit transfers will occur within a given year. Due to the several types of transfers, the time burden and cost burden will be described in detail below. Finally, the annual average of trips taken by these 905 vessels for the time period 2009-2011 was 11,550, with a burden of one minute to report fishing activity prior to departure.

RESPONSES:

VMS

Annually: 305 power down requests

Fishing report responses: 11,550

Installation checklists: 140 (see transfers)

Total estimated annualized responses = 11,995.

TRANSFERS

Only a VMS that has been approved by NMFS for use in the Gulf reef fish fishery may be used, and it must be properly registered and activated with an approved communications provider for the new vessel. Additionally, it must be installed by a qualified marine electrician. When reinstalling and reactivating the NMFS-approved VMS, the new vessel owner or operator must: (1) follow procedures indicated on an installation and activation checklist, available from NMFS, Office for Law Enforcement, Southeast Region, St Petersburg, FL 33701; phone: (727) 824-5347; (2) submit to NMFS, Office for Law Enforcement, Southeast Region, St Petersburg, FL, a

statement certifying compliance with the checklist, as prescribed on the checklist; and (3) submit to NMFS, Office for Law Enforcement, Southeast Region, St Petersburg, FL, a vendor-completed installation certification checklist, available from NMFS, Office for Law Enforcement, Southeast Region, St Petersburg, FL 33701; phone: (727) 824-5347.

An average of 140 transfers occurs in a year, broken down into three categories. The first is transfers of both the permit and the vessel to a new owner. There are an estimated **60 transfers** of this type, involving only the burden of submitting a compliance checklist by the new owner, as the VMS will already be on-board and will have been installed by a qualified marine electrician. Therefore, burden time for these transfers is estimated to be **15 hours** (60 transfers x 15 minutes for compliance checklist and certification), with no associated cost.

Transfers involving a new permit holder using a new boat will require the new owner to acquire a certified VMS unit, have it installed, and submit the activation and compliance check list. There are **40 transfers** of this type in an average year. Therefore, burden hours are estimated at **170** for this type of transfer (40 transfers x 4 hours for installation + 40 transfers x 15 minutes for compliance check list).

The final type of transfer (**40 transfers**) involves a permit holder transferring the permit to a new vessel. This will require the owner/operator to either move the NMFS-approved VMS unit from the old vessel to the new one or to purchase an entirely new unit. Burden hours for this type of transfer are estimated at **170 hours** (40 transfers x 4 hours for installation + 40 transfers x 15 minutes for compliance checklist).

Total transfer responses, 140 (60 + 40 + 40); burden hours: 355 (15 + 170 + 170).

ANNUAL RESPONSES AND HOURS:

1. 11,550 trips x 1 minute/60 minutes for fishing activity report = 11,550 responses and 193 hours
2. 905 vessels x 2 hours per year maintenance = 1,810 hours
3. 305 vessels x 5 minutes/60 minutes per year for power down exemption request = 305 responses and 25 hours
4. Total transfer responses and burden hours: 140 responses (checklists) and 355 hours (15 + 170 + 170)

Total estimated annualized responses: 11,995.

Total estimated burden hours: 2,383.

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

For the 305 power down exemption requests and the 140 checklists, the cost will be \$200.25 (\$200): 445 responses x \$0.45.

A total of 905 vessels are required to have purchased and installed VMS units. Equipment costs, including installation by a qualified marine electrician, are between \$3,100 and \$3,800. However, other than the transfers listed below, all vessels have already completed this

requirement. Yearly communication costs range from \$450 to \$650, depending on the communication provider chosen.

Total maximum estimated annualized capital/start-up costs other than for certain transfers (see below) = \$0.

Total maximum estimated annualized operations and maintenance costs = \$588,250 (905 vessels x \$650 in operations costs) + \$226,250 (905 vessels x \$250 in maintenance costs) + \$200 in postage costs = \$814,700.

TRANSFERS

For transfers involving the new permit owner acquiring both the permit and vessel, it is assumed that a NMFS-approved VMS unit will already be on board. For this type of transfer, there is expected to be no additional cost to the new owner. Transfers involving a new owner and a new vessel will require the purchase of a NMFS-approved VMS unit and installation by a qualified marine electrician. This type of transfer is expected to increase costs by \$152,000 (40 transfers x \$3,800). For transfers in which the same owner transfers the permit to a new vessel, costs are expected to increase by \$152,000 (40 transfers x \$3,800). Communication costs for all three types of transfers are already calculated in total communication costs for the fleet as these are not additional permits, but merely the same number of permits owned by different individuals.

Total maximized estimated transfer costs = \$304,000 (\$152,000 + \$152,000), annualized to \$101,333.

For the entire collection, estimated annual costs will be \$101,333 in start-up transfer costs + \$814,500 in operations and maintenance costs, plus \$200 in postage costs = \$916,033.

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

Federal Costs		
Annual Costs		
	Salary and Benefits ¹	\$200,000
	Internet Connection ²	\$137,400
	Equipment ³	\$2,000
	Software licensing	\$2,500
	Supplies	\$15,000
	Training and travel	\$5,000
	Total Annual Costs	\$361,900

¹ Salary and benefits for 3 program support personnel.

² Estimated at \$10/month/vessel.

³ Additional server and data center.

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

Adjustments:

The number of affected vessels increased from 882 to 905, because there are more vessels that have VMS on board, that are now permitted for this fishery. The number of power down exemption requests has also increased, from 264 to 305. However, the response time estimate for these requests has decreased from 10 minutes, to 5 minutes, so there is a net decrease in burden hours of 19 (from 44 to 25). The number of fishing reports increased by 179 (from 11,371 to 11,550), resulting in an increase of 3 hours. The number of transfers not involving purchase of a VMS increased from 40 to 60, adding 20 responses and 5 hours. Due to the increase of 23 in VMS units, annual maintenance hours (no responses) increased by 46. **Total net increase in responses is 240; in hours, 35.**

The average number of VMS units purchased per year has not changed, but the maximum unit cost for the VMS unit purchase and installation has increased by \$300 since 2009, increasing the total annualized cost by \$8,000. Due to an increase in annual maintenance cost per unit from \$617 to \$650, total maintenance and operation costs increased by \$43,527.

Finally, postage costs for the power down exemption requests and activation checklist were not counted previously; this correction adds \$200 annually.

Annual costs increased by \$58,006.

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

The results from this collection are not planned for statistical publication.

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.

NA.

18. Explain each exception to the certification statement.

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.

**Vessel Monitoring System (VMS) Mobile Transceiver Unit (MTU)
Power Down Exemption Request
For Gulf of Mexico Reef Fish Fishery Vessels**

Regulations implementing the requirements for the Vessel Monitoring System (VMS) within the Gulf of Mexico Reef Fish Fishery Management Plan (FMP) allows for vessel owners and/or operators to discontinue the use of VMS units for a minimum period of 30 days for specific periods of time, provided they obtain a VMS power down exemption letter from the Southeast Office for Law Enforcement (SE OLE). To obtain this exemption letter, fill out the appropriate information below and submit this form to **NOAA/NMFS, Southeast Office of Law Enforcement, 263 13th Avenue South, Suite 109, St. Petersburg, FL 33701. You may also fax this form to 727-824-5318**

Vessel Information:

Vessel Name: _____ **Permit #:** _____
Vessel State Registration # or USCG documentation #: _____

Vessel Port Location During VMS Power Down: _____

Exemption Period:

Date VMS to be Turned Off: _____
Date VMS to be Turned On: _____

Reason for VMS Power Down (optional): _____

NOTE: VMS units must remain operational until a Letter of Exemption from the Southeast Office for Law Enforcement is received prior to turning off a vessel's VMS. Upon receipt of the letter of exemption, the vessel owner or operator may discontinue VMS operation for the period requested above. Vessel owners or operators may request changes to the time period for this exemption through a written request to the Southeast Office for Law Enforcement, provided the minimum period of 30 days is met. Vessels that wish to leave the port specified above during the exemption period for purposes other than engaging in fishing operations may do so, provided the VMS unit is turned on and is operational during transiting according to the regulations at 50 CFR Part 622.9(a)(2). Upon reaching another port, the VMS unit may once again be turned off for the duration of the exemption period specified above.

This form is required to obtain approval for a vessel to turn off their VMS unit consistent with the regulations at 50 CFR 622.9(a)(2) and to restart VMS operation for Gulf of Mexico Reef Fish permit holders. Making a false statement on this form is punishable by law.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden estimate or any other aspect of this collection of information to Anik Clemens, NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701.

Office of Law Enforcement

**Vessel Monitoring System (VMS) Installation and Activation Certification
For the Reef Fish Fishery of the Gulf of Mexico**

**PLEASE COMPLETE THIS FORM BY
PROVIDING ALL REQUESTED INFORMATION**

Fishing Vessel (F/V) Name: _____

Vessel state registration number or U.S. Coast Guard documentation number: _____

Installing marine electrician or dealer (name, address, and telephone number):

Date of Installation (mm/dd/yyyy): _____

VMS Mobile Transceiver Unit (MTU)

Manufacturer name: _____

Model: _____

Manufacturer Serial Number (S/N): _____

Communication network serial number (ISN): _____

VMS Mobile Communications Service Provider (MCSP)

Communications provider name: _____

Communications ID number assigned by service provider: _____

Did the manufacturer/vendor provide VMS MTU operating instructions? Yes No
Did the manufacturer/vendor provide training on the use of the VMS MTU? Yes No
Once the VMS MTU was installed, did the electrician/dealer, or the owner and/or operator of the vessel verify with NOAA OLE VMS Program personnel that position data was being received? Yes No

In accordance with 50 C.F.R. §622.9(a)(2), as the owner or operator of a vessel participating in the Gulf of Mexico Reef Fish fishery, I hereby certify that the VMS unit on my vessel has been installed and the communication services activated, and receipt of position data has been verified by NOAA OLE VMS Program personnel, in compliance with the applicable procedures of this installation and activation form.

Vessel owner name: _____

Vessel owner signature: _____ Date: _____

Vessel operator name: _____

Vessel operator signature: _____ Date: _____

Submit this certification, when completed, to the NOAA/NMFS, Office of Law Enforcement, Southeast Division VMS Program, 263 13th Avenue South, Suite 109, St. Petersburg, FL 33701.

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the requested information is mandatory for the purposes of managing the Gulf of Mexico Reef Fish fishery. The requested information is used to ensure proper operation of the VMS unit. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. The public reporting burden for this collection of information is estimated to be 15 minutes for completion and submission of the statement certifying compliance with the installation and activation checklist. The estimates of public reporting burden for this collection of information includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Written comments regarding the burden-hour estimate or other aspects of this collection-of-information requirement, or suggestions for reducing this burden should be sent to Anik Clemens, NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 30, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-10722 Filed 5-3-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southeast Region Vessel Monitoring System (VMS) and Related Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 3, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Anik Clemens, (727) 551-5611 or Anik.Clemens@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) authorizes the Gulf of Mexico 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 reef fish fishery in the waters of the Gulf of Mexico under the Reef Fish Fishery Management Plan (FMP). The vessel monitoring system (VMS) regulations for the Gulf reef fish fishery may be found at 50 CFR 622.9.

The Reef Fish Fishery Management Plan contains several area-specific regulations where fishing is restricted or prohibited in order to protect habitat or spawning aggregations, or to reduce fishing pressure in areas that are heavily fished. Unlike size, bag, and trip limits, where the catch can be monitored onshore when a vessel returns to port, area restrictions require at-sea enforcement. However, at-sea enforcement of offshore area restrictions is difficult due to the distance from shore and the limited number of patrol vessels, resulting in a need to improve enforceability of area fishing restrictions through remote sensing methods. In addition, all fishing gears are subject to some area fishing restrictions. Because of the sizes of these areas and the distances from shore, the effectiveness of enforcement through over flights and at-sea interception is limited. An electronic VMS allows a more effective means to monitor vessels for intrusions into restricted areas.

The VMS provides effort data and significantly aids in enforcement of areas closed to fishing. All position reports are treated in accordance with NMFS existing guidelines for confidential data. As a condition of authorized fishing for or possession of Reef Fish in or from the Gulf of Mexico Exclusive Economic Zone (EEZ), a vessel owner or operator subject to the requirements for a VMS in this section must allow NMFS, the United States Coast Guard (USCG), and their authorized officers and designees, access to the vessel's position data obtained from the VMS.

The currently approved reporting requirements are being renewed without change. The burden estimates, however, have changed due to adjustments. There are more vessels with VMS onboard and a larger number of transfers in which the new permit holder obtains a new vessel; therefore, start-up costs (purchase and installation of VMS units) will increase.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648-0544.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 905.

Estimated Time per Response: Installation of VMS, 4 hours; installation and activation checklist, 15 minutes; power-down exemption requests, 5 minutes; transmission of position reports, 1 second; and annual maintenance, 2 hours.

Estimated Total Annual Burden Hours: 2,380.

Estimated Total Annual Cost to Public: \$911,567 in start-up transfer costs, operations and maintenance costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 30, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC014

Marine Mammals; File No. 15777

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.