

(viii) American Samoa, Guam and the Commonwealth of the Northern Mariana Islands.

(2) Utilize angler registry data, or direct field counts to obtain angler effort, or other appropriate statistical means to obtain fishing effort;

(3) Utilize angler registry data to identify individuals to be surveyed by telephone, mail or Internet if such regional survey includes a telephone survey component; and

(4) Meet NMFS survey design and data collection standards.

[73 FR 79717, Dec. 30, 2008, as amended at 77 FR 42192, July 18, 2012]

### Subpart Q—Vessel Monitoring System Type-Approval

SOURCE: 85 FR 40921, July 8, 2020, unless otherwise noted.

#### § 600.1500 Definitions and acronyms.

In addition to the definitions in the Magnuson-Stevens Act and in § 600.10, and the acronyms in § 600.15, the terms and acronyms in this subpart have the following meanings:

*Authorized entity* means a person, defined at 16 U.S.C. 1802(36), authorized to receive data transmitted by a VMS unit.

*Bench configuration* means the configuration of a VMS unit after it has been customized to meet the Federal VMS requirements.

*Bundle* means a mobile communications service and VMS unit sold as a package and considered one product. If a bundle is type-approved, the requestor will be the type-approval holder for the bundled MCS and VMS unit.

*Cellular communication* means the wireless transmission of VMS data via a cellular network.

*Communication class* means the satellite or cellular communications operator from which communications services originate.

*Electronic form* means a pre-formatted message transmitted by a VMS unit that is required for the collection of data for a specific fishery program (e.g., declaration system, catch effort reporting).

*Enhanced Mobile Transceiver Unit (EMTU)* means a type of MTU that is

capable of supporting two-way communication, messaging, and electronic forms transmission via satellite. An EMTU is a transceiver or communications device, including an antenna, and dedicated message terminal and display which can support a dedicated input device such as a tablet or keyboard, installed on fishing vessels participating in fisheries with a VMS requirement.

*Enhanced Mobile Transceiver Unit, Cellular Based (EMTU-C)* means an EMTU that transmits and receives data via cellular communications, except that it may not need a dedicated message terminal and display component at the time of approval as explained at § 600.1502(a)(6). An EMTU-C only needs to be capable of transmission and reception when in the range of a cellular network.

*Latency* means the state of untimely delivery of Global Positioning System position reports and electronic forms to NMFS (i.e., information is not delivered to NMFS consistent with timing requirements of this subpart).

*Mobile Communications Service (MCS)* means the satellite and/or cellular communications services used with particular VMS units.

*Mobile Communications Service Provider (MCSP)* means an entity that sells VMS satellite and/or cellular communications services to end users.

*Mobile Transmitter Unit (MTU)* means a VMS unit capable of transmitting Global Positioning System position reports via satellite. (MTUs are no longer approved for new installations on VMS vessels).

*Notification Letter* means a letter issued by NMFS to a type-approval holder identifying an alleged failure of a VMS unit, MCS, or the type-approval holder to comply with the requirements of this subpart.

*Position report* means the unique global positioning system (GPS) report generated by a vessel's VMS unit, which identifies the vessel's latitude/longitude position at a point in time. Position reports are sent from the VMS unit via the MCS, to authorized entities.

*Requestor* means a vendor seeking type-approval.

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*Service life* means the length of time during which a VMS unit remains fully operational with reasonable repairs.

*Sniffing* means the unauthorized and illegitimate monitoring and capture, through use of a computer program or device, of data being transmitted over a network.

*Spoofing* means the reporting of a false Global Positioning System position and/or vessel identity.

*Time stamp* means the time, in hours, minutes, and seconds in a position report. Each position report is time stamped.

*Type-approval holder* means an applicant whose type-approval request has been approved pursuant to this subpart.

*Vendor* means a commercial provider of VMS hardware, software, and/or mobile communications services.

*Vessel Monitoring System (VMS)* means, for purposes of this subpart, a satellite and/or cellular based system designed to monitor the location and movement of vessels using onboard VMS units that send Global Positioning System position reports to an authorized entity.

*Vessel Monitoring System (VMS) data* means the data transmitted to authorized entities from a VMS unit.

*Vessel Monitoring System Program* means the Federal program that manages the vessel monitoring system, data, and associated program-components, nationally and in each NMFS region; it is housed in the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service's Office of Law Enforcement.

*Vessel Monitoring System (VMS) Unit* means MTU, EMTU or EMTU-C, as well as the units that can operate as both an EMTU and an EMTU-C.

*Vessel Monitoring System (VMS) Vessels* means vessels that operate in federally managed fisheries with a requirement to carry and operate a VMS unit.

### § 600.1501 Vessel Monitoring System type-approval process.

(a) *Applicability.* Unless otherwise specified, this section applies to EMTUs, EMTU-Cs, units that operate as both an EMTU and EMTU-C, and MCSs. Units that can operate as both

an EMTU and EMTU-C must meet the requirements for both an EMTU and an EMTU-C in order to gain type-approval as both. MTUs are no longer eligible for type-approval.

(b) *Application submission.* A requestor must submit a written type-approval request and electronic copies of supporting materials that include the information required under this section to the NMFS Office of Law Enforcement (OLE) at: U.S. Department of Commerce; National Oceanic and Atmospheric Administration; National Marine Fisheries Service; Office of Law Enforcement; Attention: Vessel Monitoring System Office; 1315 East-West Highway, SSMC3, Suite 3301, Silver Spring, Maryland 20910.

(c) *Application requirements.* (1) EMTU, EMTU-C, and MCS Identifying Information: In a type-approval request, the requestor should indicate whether the requestor is seeking approval for an EMTU, EMTU-C, MCS, or bundle and must specify identifying characteristics, as applicable: Communication class; manufacturer; brand name; model name; model number; software version and date; firmware version number and date; hardware version number and date; antenna type; antenna model number and date; tablet, monitor or terminal model number and date; MCS to be used in conjunction with the EMTU/EMTU-C; entity providing MCS to the end user; and current global and regional coverage of the MCS.

(2) Requestor-approved third party business entities: The requestor must provide the business name, address, phone number, contact name(s), email address, specific services provided, and geographic region covered for the following third party business entities:

(i) Entities providing bench configuration for the EMTU/EMTU-C at the warehouse or point of supply.

(ii) Entities distributing/selling the EMTU/EMTU-C to end users.

(iii) Entities currently approved by the requestor to install the EMTU/EMTU-C onboard vessels.

(iv) Entities currently approved by the requestor to offer a limited warranty.