

OTICE 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

03/31/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 12/17/2004.

TITLE: Alaska License Limitation Program for Groundfish, Crab, and Scallops

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE  
OMB NO.: 0648-0334  
EXPIRATION DATE: 03/31/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	244	544	1
New	244	544	1
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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

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# 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 <span style="float: right;">b. <input type="checkbox"/> None</span> 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
	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
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
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  
ALASKA LICENSE LIMITATION PROGRAM  
FOR GROUND FISH, CRAB, AND SCALLOPS (LLP)  
OMB CONTROL NO. 0648-0334**

**INTRODUCTION**

The LLP program is implemented under the Magnuson Stevens Fishery Conservation and Management Act, the Fishery Management Plan for Groundfish of the Gulf of Alaska, the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands, Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs, the Fishery Management Plan for the Scallop Fishery off Alaska, and regulations at 50 CFR part 679. Any person who wishes to deploy a harvesting vessel in the king and tanner crab fisheries in the Bering Sea/Aleutian Islands (BSAI) must hold a valid crab license. Any person who wishes to deploy a harvesting vessel in the LLP groundfish fisheries in the Gulf of Alaska (GOA) and BSAI must hold a valid groundfish license. Any person who wishes to deploy a harvesting vessel in the LLP scallop fisheries off Alaska must hold a valid scallop license. Further, an original license must name a vessel and be on board that vessel when it is engaged in such fishing.

This action is a request for renewal of the current requirements approved under 0648-0334 (expiration date 12/31/04).

**A. JUSTIFICATION**

Applications for LLP permits were a one-time process. An LLP application originally was used to determine owners of vessels who were qualified to obtain an LLP license, and no new LLP permits may be issued except under very specific conditions. Permits have no expiration date, but are transferable. This collection now supports LLP transfer activities for crab, scallops, and groundfish, and any appeals resulting from denied actions.

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

The LLP must have some basic information in order that decisions can be made regarding whether permit transfers may take place. Two sets of information are required under the LLP: the license transfer application and the appeals process.

**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.**

One of two applications may be used to request a transfer: one for groundfish and crab, the second for scallop. The transferor/seller or the transferee/receiver may be represented by an authorized agent.

**a. Groundfish and crab LLP transfer application**

Each transfer request must include a completed transfer application, the original license, and a copy of the sale or transfer agreement. With the copy of the transfer contract or Bill of Sale for LLP permits, NMFS can look up much of the same financial information if needed. The financial information requested on the applications is primarily used for research and program evaluation.

**Groundfish and crab transfer application**

Identify whether license to be transferred is groundfish or crab and record license number.

Identification of transferor/seller(s)

- Name(s)
- SSN or Tax ID number
- Business address(es)
- Temporary mailing address for transfer documents (if applicable)
- Telephone, FAX and E-mail number(s)

Identification of transferee/receiver(s)

- Must be a U.S. Citizen
- Name(s)
- SSN or Tax ID number
- Business address(es)
- Temporary mailing address for transfer documents (if applicable)
- Telephone, FAX and E-mail number(s)

Identification of vessel currently named on license

- Name
- length overall
- ADF&G registration number
- USCG documentation number

Identification of vessel to be named on the license after the transfer is approved

- Name
- Length overall
- ADF&G registration number
- USCG documentation number

Transferor/seller transfer information

- If a broker was used for the transaction
  - Amount being paid in brokerage fees
  - Total amount being paid for the license in this transaction, including all fees
  - Reason for transferring the license

Transferee/receiver transfer information

- Whether license is used as collateral for a loan, YES or NO
  - If YES, the name of the party holding security interest or lien
- Primary source of financing
- How the license was located
- Receiver's relationship to the license holder
- Whether an agreement exists YES or NO
  - To return the license to the seller
  - To transfer it to any other person

To require resale of the license  
 To require conveyance of the license

If YES, explain.

Certification of transferor/seller

Printed name and signature and date signed

Name and signature of notary public, notary stamp or seal, and date commission expires

Certification of transferee/receiver

Printed name and signature and date signed

Name and signature of notary public, notary stamp or seal, and date commission expires.

**b. Scallop LLP transfer application**

License number

Total price to be paid for the license, including fees

Identification of transferor/seller(s)

Name(s)

SSN or Tax ID number

Business mailing address

Telephone and FAX number(s)

Identification of transferee/buyer(s)

Must be a U.S. Citizen

Name(s)

SSN or Tax ID number

Business mailing address

Telephone and FAX number(s)

Certification of transferor/seller

Printed name and signature and date signed

Name and signature of notary public, notary stamp or seal, and date commission expires

Certification of transferee/buyer

Printed name and signature and date signed

Name and signature of notary public, notary stamp or seal, and date commission expires.

<b>Groundfish, crab, and scallop transfer application, Respondent</b>	
Number of transfers per year	144
Frequency of response	1
<b>Total annual responses</b>	<b>144</b>
Hours per response	1 hr
<b>Total burden hours</b>	<b>144</b>
<b>Total personnel cost</b> (\$25 x 144)	<b>\$3600</b>
<b>Total miscellaneous costs</b> Fax (\$6 x 144 )	<b>\$864</b>

**Groundfish, crab, and scallop transfer application, Federal Government**

Number of transfers	144
Hours per transfer application	5
<b>Total burden hours</b> (144 x 5)	<b>720 hr</b>
<b>Total personnel cost</b> (720 x \$25)	<b>\$18,000</b>

**c. Permit appeals**

For permit appeals the applicant must provide a written statement in support of the appeal and show why the initial determination should be reversed.

<b>Permit appeals, Respondent</b>	
Number of respondents	100
Frequency of response	1
<b>Total annual responses</b>	<b>100</b>
Hours per response	4 hr
<b>Total burden hours</b> (100 x 4 hr)	<b>400 hr</b>
<b>Total personnel cost</b> (\$25 x 400 = \$10,000)	<b>\$10,000</b>
<b>Total miscellaneous costs</b> Postage (\$1.48 x 100)	<b>\$148</b>

<b>Permit appeals, Federal Government</b>	
Number of responses	100
Time per response	75 hr
<b>Total burden hours</b> (100 x 75)	<b>7,500 hr</b>
<b>Total personnel cost</b> (\$25 x 7500)	<b>\$187,500</b>

See response to Question 16 for information to be made public. The information collection is designed to yield data that meet applicable information quality guidelines. Prior to any dissemination, the information will meet the quality control measures and pre-dissemination review requirements of the NOAA Information Quality Guidelines (see <http://www.noaanews.noaa.gov/stories/iq.htm> ).

**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.**

Transfer applications are available on the Internet (PDF versions) for ease in obtaining applications; however, the agency currently does not have the capability to collect information by means of electronic submission. The applicant can download the form and print it, then submit the completed form to NMFS along with any necessary documentation. A signature is required. An electronic signature capability currently does not exist at NMFS at this time. If the capability to obtain an electronic signature becomes feasible and cost-effective, the agency may shift to (or provide the option for) electronic submission of transfer applications.

**4. Describe efforts to identify duplication.**

The requests for transfers are designed to determine the eligibility of the license recipient for the harvest privilege. These license recipients do not have to be prior users of the fisheries resource, therefore NMFS may not have any information on file regarding these recipients.

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

This renewal does not impose anything new that would significantly impact small entities. Most applicants for the LLP are small entities. A license under the LLP is a valuable harvest privilege. All entities, whether small or large, must provide sufficient information to acquire that privilege. Only information necessary to track transfers is requested from large or small entities. NMFS does not consider 1 hour too burdensome to obtain a valuable harvest privilege.

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

An essential feature of the LLP program is the ability for participants to transfer their LLP license. The transfer feature is not a mandated item nor does it contain a cycle of completion. Transfers are done when the participants deem it necessary. Without the ability to track the movement of the LLP license, NMFS would be unable to manage effectively the LLP program

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

No special circumstances exist that would require information collection to be conducted in a manner inconsistent with OMB guidelines.

**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.**

NMFS published the attached notice in the *Federal Register* (69 FR 40874, July 7, 2004) soliciting public comments on the information collection. No comments were received.

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

No payment or gift will be provided under this program. The license is expected to be valuable

in itself. Additional incentive is not appropriate

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

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). It is also confidential under NOAA Administrative Order 216.100, which sets forth procedures to protect confidentiality of fishery statistics.

The Privacy Act does apply to this collection-of-information because the social security number is requested on a voluntary basis. The social security number is needed basically to avoid inappropriate release of data: to distinguish between same names; to ensure that the records go to the same person through the use of this personal ID; when there are several operators on a vessel owned by a different individual, ensure that the confidential data of each operator is protected. With mis-spellings and possible duplications, it is necessary to select a unique identifier to find records in the database; and prevents release of confidential data to the wrong person.

**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 collection of information requests the social security number (see item 10).

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

The total number of respondents is 144 . The total estimated number of responses per year is 244. The estimated total annual burden for this collection is 544 hours (144 for applications + 400 for appeals, as detailed under Question 2). Personnel cost per hour is \$25 per hour, based on the average wage equivalent to a GS-9 employee in Alaska, including COLA. Total estimated personnel costs are \$6,933 (a decrease of \$666 because an arithmetic error was corrected).

**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).**

No capital or significant start up costs are associated with the information collection under the LLP. Miscellaneous costs associated with the LLP transfer or appeal processes include costs associated with mailing or faxing applications and/or documentation required to support the application. Estimated total miscellaneous costs are \$1,012 (864 + 148), an increase of \$20.

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

The total estimated number of responses per year is 244. The estimated total annual burden for this collection is 8,220 hr.

Personnel cost is \$25 per hour, based on the average wage equivalent to a GS-9 employee in Alaska, including COLA. The total estimated personnel cost is \$ 205,500.

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

The miscellaneous costs for permit appeals increased by \$20 due to adjustments in postage cost to current prices.

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

NMFS Alaska Region posts LLP license information on the web at <http://www.fakr.noaa.gov/ram/llp.htm#list>. The lists contain LLP groundfish and crab licenses issued as of the indicated preparation date. Data are sorted alphabetically and are updated daily. Under current regulations, vessels must be designated on the licenses and the identities of original qualifying vessels are provided for reference only.

The lists are provided in two formats. The ".pdf" format is more suitable for on-screen viewing. The ".csv" format is a delimited ascii file more suitable for use with spreadsheets such as EXCEL. The ".csv" format files have some additional information not available in the ".pdf" versions due to space limitations. They include the state of residence of the license holder, identification of "non-severable" groundfish and crab LLP licenses, and, for groundfish, the name of the original qualifying vessel that gave rise to the license.

**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 the expiration date of OMB approval will be shown on all information collection instruments

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

No exceptions to the certification statement are requested.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

	<p><b>APPLICATION FOR TRANSFER LICENSE LIMITATION PROGRAM GROUNDFISH/CRAB LICENSE</b></p>	<p>U.S. Dept. of Commerce/NOAA National Marine Fisheries Service Alaska Region Restricted Access Management P.O. Box 21668 Juneau, Alaska 99802-1668</p>	
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**BLOCK A - REQUIRED DOCUMENTATION**

**Use this block to determine which forms and other information must be included with your transfer. Please check each applicable box below to ensure that your application is complete and can be processed in a timely manner.**

- |  |   |
|--|---|
| <input type="checkbox"/> Completed Application           | <input type="checkbox"/> Power of Attorney (if applicable)        |
| <input type="checkbox"/> Original License                | <input type="checkbox"/> Prepaid Express Mail or Courier Envelope |
| <input type="checkbox"/> Copy of Sale/Transfer Agreement | (if you are requesting special mailing procedures)                |

**NOTE:** The transfer of a license that was issued based on the documented harvests from a vessel that did not have a Federal Fisheries Permit during the period beginning January 1, 1988, through October 8, 1998, are restricted by regulation. Under this transfer restriction, the groundfish LLP license and the vessel from which the license was earned must be transferred together. In other words, this type of groundfish LLP license cannot be transferred separately and used on a vessel other than the original qualifying vessel. 50 CFR 679.4(k)(7)(ix).

**BLOCK B - IDENTIFICATION OF LICENSE TO BE TRANSFERRED**

Crab       Groundfish      License Number: \_\_\_\_\_

**BLOCK C - PERSON(S) TRANSFERRING LICENSE (TRANSFEROR/SELLER)**

1. Name of Transferor (as it appears on the license)	2. SSN or Tax ID	
3. Business Mailing Address	4. Temporary Mailing Address for Transfer Documents	
5. Business Phone	6. Business Fax	7. E-mail Address

**BLOCK D - PERSON(S) TO WHOM LICENSE WILL BE TRANSFERRED (TRANSFeree/RECEIVER)**

1. Is the person applying to receive the license a U.S. Citizen (individual, corporation, partnership, or other association)?

Yes       No, **STOP HERE.** This person is **not eligible** to receive a license.

2. Name of Receiver(s) (as it will appear on the license)	3. SSN or Tax ID	
4. Business Mailing Address	5. Temporary Mailing Address for Transfer Documents	
6. Business Phone	7. Business Fax	8. E-mail Address

<b>BLOCK E - VESSEL CURRENTLY NAMED ON LICENSE</b>	<b>BLOCK F - VESSEL TO BE NAMED ON NEW LICENSE</b> <i>If the LOA of this vessel exceeds the MLOA of the original qualifying vessel, this vessel may <u>not</u> receive this license by transfer.</i>
Name of Vessel _____ LOA _____ ADF&G Number _____ U.S. Coast Guard Number _____	Name of Vessel _____ LOA _____ ADF&G Number _____ U.S. Coast Guard Number _____

**REQUIRED SUPPLEMENTAL INFORMATION  
APPLICATIONS WILL NOT BE PROCESSED  
UNLESS ALL INFORMATION REQUESTED IN BLOCKS G & H IS PROVIDED**

**BLOCK G - TO BE COMPLETED BY THE TRANSFEROR (SELLER)**

1. Are you employing a broker to assist with this transaction?  Yes  No

If yes, how much is being paid in brokerage fees? \$ \_\_\_\_\_ (or \_\_\_\_\_ % of total price)

2. What is the total amount being paid for the license in this transaction, including all fees? \$ \_\_\_\_\_

3. What is your reason(s) for transferring the license? (check all that apply)

- |   |   |
|---|---|
| <input type="checkbox"/> Retirement from the fishery(ies) | <input type="checkbox"/> Enter other fishery(ies) |
| <input type="checkbox"/> Pursue non-fishing activities    | <input type="checkbox"/> Other (explain)          |
| <input type="checkbox"/> Health problems                  |   |

**BLOCK H - TO BE COMPLETED BY THE TRANSFEREE (RECEIVER)**

1. Is the license being used as collateral for a loan?  Yes  No

If yes, name of party holding security interest or lien: \_\_\_\_\_

2. What is the primary source of financing for this transfer?

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Personal Resources (cash) | <input type="checkbox"/> AK Com. Fish & Ag. Bank (CFAB) | <input type="checkbox"/> NMFS Loan Program  |
| <input type="checkbox"/> Private Bank/Credit Union | <input type="checkbox"/> Transferor/Seller              | <input type="checkbox"/> Received as a Gift |
| <input type="checkbox"/> Alaska Dept. Of Commerce  | <input type="checkbox"/> Processor/Fishing Company      | <input type="checkbox"/> Other (name) _____ |

3. How was the license located? (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Relative        | <input type="checkbox"/> Advertisement/Public Notice | <input type="checkbox"/> Permit Broker   |
| <input type="checkbox"/> Personal Friend | <input type="checkbox"/> Casual Acquaintance         | <input type="checkbox"/> Other (explain) |

4. What is the receiver's relationship to the license holder? (check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> No Relationship | <input type="checkbox"/> Business Partner/Associate | <input type="checkbox"/> Other (explain) |
| <input type="checkbox"/> Family Member   | <input type="checkbox"/> Friend                     |  |

5. Is there an agreement to return the license to the transferor (seller) or to transfer it to any other person, or is there any condition requiring the resale or conveyance of the license?  Yes  No

If yes, please explain (use attachment if necessary):

**BLOCK I - TRANSFEROR (SELLER)**

Under penalty of perjury, I hereby declare that I have examined this application, and the information presented herein is true, accurate, and complete to the best of my knowledge and belief.

1. Signature of Transferor (Seller) or Authorized Agent

2. Date

3. Printed Name of Transferor (Seller) or Authorized Agent

4. Notary Public Signature

**ATTEST**

5. Affix Notary Stamp or Seal Here

6. Commission Expires

**BLOCK J - TRANSFEREE (RECEIVER)**

Under penalty of perjury, I hereby declare that I have examined this application, and the information presented herein is true, accurate, and complete to the best of my knowledge and belief.

1. Signature of Transferee (Receiver) or Authorized Agent

2. Date

3. Printed Name of Transferee (Receiver) or Authorized Agent

4. Notary Public Signature

**ATTEST**

5. Affix Notary Stamp or Seal Here

6. Commission Expires

**LLP**License Limitation  
Program**INSTRUCTIONS  
APPLICATION FOR TRANSFER  
LICENSE LIMITATION PROGRAM  
GROUNDFISH/CRAB LICENSE****Completing the Application - General Information**

**NOTE:** The transfer of a license that was issued based on the documented harvests from a vessel that did not have a Federal Fisheries Permit during the period beginning January 1, 1988, through October 8, 1998, are restricted by regulation. Under this transfer restriction, the groundfish LLP license and the vessel from which the license was earned must be transferred together. In other words, this type of groundfish LLP license cannot be transferred separately and used on a vessel other than the original qualifying vessel. 50 CFR 679.4(k)(7)(ix)..

- ✓ Both the proposed transferor (seller) and the proposed transferee (receiver) must complete and sign this application.
- ✓ When completed, the application should be mailed or delivered to:

**NMFS Alaska Region  
Restricted Access Management (RAM)  
P.O. Box 21668  
Juneau, Alaska 99802-1668**

- ✓ An original application must be submitted; an application sent by facsimile will **not** be processed.
- ✓ **Please allow at least ten working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or corporate account number for express delivery.
- ✓ It is important that all blocks are completed. Failure to answer any of the questions, provide any of the required documents, or to have signatures notarized could result in delays in the processing of your request for a transfer under the provisions of 50 CFR 679.4(k)(7).
- ✓ Direct any questions you may have to NMFS, RAM at 1-800-304-4846 (option 2) or (907) 586-7202 (option 2).

**Completing the Application Form - Specific Instructions****BLOCK A - REQUIRED DOCUMENTATION**

Use this list as a guide to make sure you have included all the necessary items in the mailing of your application. This will ensure timely processing of your transfer application. If you have lost your original license, you will need to complete a replacement application form. This application is available on the NMFS, Alaska Region web site at <<http://www.fakr.noaa.gov>>. You may also call RAM at one of the numbers listed above and request the application be mailed or faxed to you; or you may visit the RAM office (709 W 9<sup>th</sup> Street, 7<sup>th</sup> Floor, Suite 713, Juneau, Alaska) and pick up the application.

**BLOCK B - IDENTIFICATION OF LICENSE TO BE TRANSFERRED**

Enter the identity of the crab or groundfish license to be transferred. Use one application for each license. **Note:** If both crab and groundfish licenses resulted from the activities of the same qualifying vessel, the two licenses may not be transferred independently of each other.

**BLOCK C - PERSON(S) TRANSFERRING LICENSE (TRANSFEROR/SELLER)**

1. Enter the full name as it appears on the license.

2. Enter the Social Security or Tax ID Number.

**Privacy Act Statement:** Your social security number (SSN) is confidential and is protected under the Privacy Act. Disclosure of your SSN is voluntary. The primary purpose for soliciting the SSN is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

3. Enter the permanent business mailing address, include city, state, and zip code.
4. Enter the temporary mailing address (include city, state, and zip code), if you would like the transfer documentation sent somewhere other than to your permanent address.
- 5-6. Enter the business telephone and facsimile numbers, including area code.
7. Enter the e-mail address (if available).

**BLOCK D - PERSON(S) TO WHOM LICENSE WILL BE TRANSFERRED (TRANSFeree/ RECEIVER)**

1. Indicate if the person applying to receive the license by transfer is a U.S. Citizen (i.e., an individual, corporation, partnership or other U.S. association, as defined at chapter 121, title 46, U.S.C.). If **NO, STOP**, this person is not eligible to receive a license.
2. Enter the full name as it will appear on the license.
3. Enter the Social Security or Tax ID Number.

**Privacy Act Statement:** Your social security number (SSN) is confidential and is protected under the Privacy Act. Disclosure of your SSN is voluntary. The primary purpose for soliciting the SSN is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

4. Enter the permanent business mailing address, include city, state, and zip code.
5. Enter the temporary mailing address (include city, state, and zip code), if you would like the transfer documentation sent somewhere other than to your permanent address.
- 6-7. Enter the business telephone and facsimile numbers, including area code.
8. Enter the e-mail address (if available).

**BLOCK E - VESSEL CURRENTLY NAMED ON LICENSE**

Enter the name of the vessel, the vessel's Alaska Department of Fish and Game (ADF&G) number, U.S. Coast Guard (USCG) number, and the vessel's length overall (LOA).

## LOCK F - VESSEL TO BE NAMED ON NEW LICENSE

Enter the name of the receiving vessel, the vessel's ADF&G number, USCG number, and the vessel's LOA. **If no vessel is named in this block, no license will be issued until such time a vessel is named.**

If the LOA of this vessel exceeds the maximum length overall (MLOA) of the original qualifying vessel, this vessel may **not** receive this license by transfer.

The transfer of a license that was issued based on the documented harvests from a vessel that did not have a Federal Fisheries Permit during the period beginning January 1, 1988, through October 8, 1998, are restricted by regulation. Under this transfer restriction, the groundfish LLP license and the vessel from which the license was earned must be transferred together. In other words, this type of groundfish LLP license cannot be transferred separately and used on a vessel other than the original qualifying vessel. This transfer restriction has two exceptions. First, if the fishing history of a vessel that did not have an FFP was transferred before February 7, 1998, the qualifying vessel did not have to accompany the license. However, subsequent transfers will require the license to be "coupled" with the existing vessel (i.e., the license cannot be transferred separately from the vessel named on the license). Second, a vessel that is subject to this provision but that is lost or destroyed can be replaced under the general vessel replacement provisions of the LLP.

### **REQUIRED SUPPLEMENTAL INFORMATION** **APPLICATION WILL NOT BE PROCESSED** **UNLESS ALL INFORMATION REQUESTED IN BLOCKS G AND H IS PROVIDED**

#### **BLOCK G - TO BE COMPLETED BY THE TRANSFEROR (SELLER)**

1. Are you paying a permit broker or other third party to assist with this transaction? If **No**, go to question #2. If **Yes**, put the total price paid to the broker or calculate how much was paid to the third party as a percentage of the total sale price (including fee).
2. The total amount entered should include **any and all** monies collected on behalf of the seller for the subject license, including any fees that will later be paid out to other parties for the expenses of brokering or assisting in the sale of this license. If the sale of the license is combined with, or part of, the sale of some other asset (i.e., a vessel), the sales price of the license must be set out.
3. Please check all boxes that apply to this transaction.

#### **BLOCK H - TO BE COMPLETED BY THE TRANSFEREE (RECEIVER)**

1. Indicate if the license will be used as collateral. If so, enter the name of entity or person(s) who will hold the lien.
- 2-4. Please check any and all boxes that apply to this transaction.
5. Indicate whether or not there is an agreement to return the license to the transferor (seller), or any other person, or a condition placed on resale. If there is such an agreement, provide details.

#### **BLOCKS I & J - CERTIFICATION OF TRANSFEROR, TRANSFEREE, AND NOTARY**

- 1-3. Sign, print your name, and date the application in the presence of a Notary Public. Application forms submitted to RAM must bear the **original signatures** of the parties — **RAM will not process faxed applications.**

**NOTE:** Representatives signing for a transferor or transferee must submit proof of authorization (e.g., a Power of Attorney) to submit this application on their behalf.

- 4-6. A Notary Public must attest and affix a Notary Stamp or Seal.

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The information requested on this application is for the express purpose of ensuring that transfers of License Limitation Program groundfish and crab licenses are properly executed as requested by the parties to the transfer and to ensure that all provisions of the federal regulations governing the transfer of such licenses [50 CFR 679.4(k)(7)] have been met.

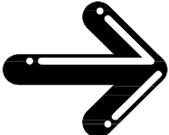
**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 1.0 hours per response, including the time for reviewing the 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: Assistant Regional Administrator for Sustainable Fisheries Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of 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; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request may be confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They may also be confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

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	<b>APPLICATION FOR TRANSFER OF SCALLOP LICENSE</b>		U.S. Dept. of Commerce/NOAA National Marine Fisheries Service Restricted Access Management Program P.O. Box 21668 Juneau, AK 99802-1668	
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**BLOCK A - LICENSE INFORMATION**

1. License Number: \_\_\_\_\_

2. What is the total **PRICE** (if any), including all fees, being paid for this license? \$ \_\_\_\_\_

**Note: The original license to be transferred must be included with this application, together with a copy of the sales contract or other agreement between the parties, that sets out the terms and conditions of the proposed transfer.**

**BLOCK B - TO BE COMPLETED BY THE PROPOSED TRANSFEROR (SELLER)**

1. Name(s)	2. Business Mailing Address (street or P.O. Box, city, state, zip code)	
3. SSN or Tax ID	4. Business Telephone	5. Business Fax

**BLOCK C - TO BE COMPLETED BY THE PROPOSED TRANSFEREE (BUYER)**

1. Are you a U.S. citizen, or a U.S. corporation, partnership, or other association?     Yes     No  
**If "No," STOP.** Only U.S. citizens may hold a scallop license.

2. Name(s)	3. Business Mailing Address (street or P.O. Box, city, state, zip code)	
4. SSN or Tax ID	5. Business Telephone	6. Business Fax

**BLOCK D - CERTIFICATION**

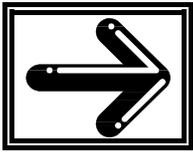
**NOTE:** All parties to the requested transfer must complete and sign this Application for Transfer of Scallop License and signatures must be notarized. **Failure to have signatures properly notarized will result in processing delays.**

**NOTE:** If an agent is signing on behalf of a party, authorization (in the form of a Power of Attorney or other legally sufficient documentation) must be submitted with this application, or be on file with the RAM Program.

**Under Penalty of perjury, I declare that, to the best of my knowledge and belief, the information presented on this application is true, correct, and complete.**

1. Signature of Transferor(s) (or Agent)	2. Printed name of Transferor(s) (or Agent)	3. Date
4. Title, if Agent	5. <b>Affix Notary Stamp or Seal Here</b>	
<b>ATTEST</b> 6. Notary Public		
7. Commission Expires		

1. Signature of Transferee(s) (or Agent)	2. Printed name of Transferee(s) (or Agent)	3. Date
4. Title, if Agent	5. <b>Affix Notary Stamp or Seal Here</b>	
<b>ATTEST</b> 6. Notary Public		
7. Commission Expires		



# INSTRUCTIONS



## Application for Transfer of Scallop License

### *General Information*

The Scallop License Limitation Program is authorized in Federal regulations at 50 CFR Part 679, and provides that any vessel that is deployed in the scallop fisheries in Federal waters off Alaska must carry a valid scallop license.

A license is transferable; i.e., once issued, it may be transferred by its holder(s) to another person(s) who may then use the license aboard a vessel deployed in the Federal scallop fishery in the waters off Alaska (subject to the restrictions of the license).

Scallop licenses have no area endorsements, all licenses are statewide.

#### **Restrictions:**

**Gear:** If a vessel did not make a legal landing of scallops outside Cook Inlet (State of Alaska Registration Area H) in 1 of the 3 years 1996, 1997, or 1998, through October 9, 1998, the license would be restricted to a single 6 foot (1.8 m) dredge.

**Maximum Length Overall (MLOA):** Each license displays an MLOA (in feet). MLOA is restricted to 100% of the LOA of the qualifying vessel or, 100% of the LOA of the largest vessel used in the recent qualifying period.

## Completing the Application

### *Block A -- License Information*

1. Enter the number of the license to be transferred.
2. Enter the total price, including brokerage fees, being paid for the license. Enter "zero" if the transfer is being proposed pursuant to a gift agreement or for non-monetary consideration.

**Note:** The original license **must** be included with the application, together with a complete copy of the sales contract, or other agreement between the parties, that sets out the terms and conditions of the proposed transfer.

### ***Block B -- To be Completed by the Proposed Transferor (Seller)***

1. Enter the proposed transferor's name(s).
2. Enter the proposed transferor's business mailing address, including street or P.O. Box, city, state, and zip code.
3. Enter the proposed transferor's Social Security Number (SSN) or Tax Identification Number.

**Privacy Act Statement:** Federal regulations (at 50 CFR Part 679) authorize collection of this information. This information is used to verify the identity of the applicant and to accurately retrieve confidential records related to federal commercial fishery licenses. Where the requested information is your Social Security Number (SSN), disclosure of your SSN is voluntary; in the event that you do not provide it, NMFS will assign a unique code that will identify your records.

4. Enter the proposed transferor's business telephone number.
5. Enter the proposed transferor's business facsimile (fax) number.

### ***Block C -- To be Completed by the Proposed Transferee (Buyer)***

1. Indicate if the proposed transferee is a U.S. citizen, or a U.S. business (corporation, partnership, or other association). If "**No**," **STOP**. Only U.S. citizens may hold a scallop license.
2. Enter the proposed transferee's name(s) .
3. Enter the proposed transferee's business mailing address, including street or P.O. Box number, and city, state, and zip code.
4. Enter the proposed transferee's Social Security Number (SSN) or Tax Identification (note the Privacy Act Statement set out above).
5. Enter the proposed transferee's business telephone number.
6. Enter the proposed transferee's business facsimile (fax) number.

### ***Block D -- Certification***

#### **Proposed Transferor**

- 1-3. The proposed transferor (or an authorized agent) must sign, print his/her name(s), and date the application in the presence of a Notary Public.
4. Enter the title of the agent, if any.

Note: if an agent is signing on behalf of the license holder, authorization (in the form of a Power of Attorney or other legally sufficient documentation) must be submitted with the application or be currently on file with the RAM Program.

5-7. To be completed by a Notary Public.

### **Proposed Transferee**

1-3. The proposed transferee (or authorized agent) must sign, print his/her name(s), and date the application in the presence of a Notary Public.

4. Enter the title of the agent, if any.

Note: if an agent is signing on behalf of the proposed transferee, authorization (in the form of a Power of Attorney or other legally sufficient documentation) must be submitted with the application or be currently on file with the RAM Program.

5-7. To be completed by a Notary Public.

### ***Application Processing***

Please allow at least 10 days for processing of your application. We require an original notarized Application for Transfer of Scallop License and any required attachments, including the original license. We regret a license cannot be returned to you by fax.

Upon approval of an Application for Transfer of Scallop License, RAM will void the license in the name of the transferor and mail a new license to the new holder's address via first class mail, **unless** a pre-paid express envelope or an account number for a private express carrier has been provided, or arrangements have been made to have the transaction expedited by a private facilitator or courier.

For additional information, please contact:

**National Marine Fisheries Service  
Restricted Access Management  
P.O. Box 21668  
709 W. 9th St., Suite 713  
Juneau, AK 99802-1668**

**Tel: 800-304-4846 (#2) or 907-586-7202 (#2)**

**Fax: 907-586-7354**

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The information requested on this application is for the express purpose of ensuring that transfers of scallop licenses are properly executed as requested by the parties to the transfer and to ensure that all provisions of the federal regulations governing the transfer of such licenses, 50 CFR 679.4(1)(4), have been met.

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***PUBLIC REPORTING BURDEN STATEMENT***

Public reporting burden for this collection of information is estimated to average 1.0 hour per response, including the time for reviewing the 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 the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668 (Attn: Lori Gravel).

***ADDITIONAL INFORMATION***

Before completing this application, please note the following: 1) Notwithstanding any other provision of 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; 2) This information is being used to manage the Scallop License Limitation Program; 3) Submission of an Application for Transfer of Scallop License is required of those seeking to obtain such a transfer; 5) Responses to this information request are confidential 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. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

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## Fishery Conservation and Management

## § 679.4

(i) If the application is for an amended permit, the current Federal processor permit number and an update of the permit information that has changed.

(ii) The shoreside processor's name, business street address, telephone number, and fax number.

(iii) The shoreside processor owner's name or names, business mailing address, managing company, if any, telephone number, ADF&G Processor Code, and fax number.

(iv) Indication of the fishery or fisheries for which the permit is requested.

(v) Indication of the shoreside processor operations category.

(vi) *Signature.* The owner or agent of the owner of the shoreside processor must sign and date the application. If the owner is a company, the agent of the owner must sign and date the application.

(3) *Issuance.* (i) Upon receipt of a properly completed permit application, the Regional Administrator will issue a Federal processor permit required by this paragraph (f).

(ii) The Regional Administrator will send the Federal processor permit to the applicant with the shoreside processor logbook, as provided under § 679.5.

(4) *Duration.* (i) A Federal processor permit is issued for a 3-year period and remains in full force and effect from the date of issuance through the end of the current NMFS 3-year renewal cycle, unless it is revoked, suspended, or modified under § 600.735 or § 600.740 of this chapter.

(ii) A Federal processor permit is surrendered when the original permit is submitted to and received by the Program Administrator, RAM Division, Juneau, AK.

(5) *Transfer.* A Federal processor permit issued under this paragraph (f) is not transferable or assignable and is valid only for the processor for which it is issued.

(6) *Inspection.* (i) An original Federal processor permit issued under this paragraph (f) must be on site at the shoreside processor at all times. Photocopied or faxed copies are not considered originals.

(ii) A permit issued under this paragraph (f) must be presented for inspec-

tion upon the request of any authorized officer.

(g) *Scallop LLP*—(1) *General requirements.* In addition to the permit and licensing requirements prescribed in this part, each vessel within the EEZ off Alaska that is catching and retaining scallops, must have an original scallop LLP license on board at all times it is catching and retaining scallops. This scallop LLP license, issued by NMFS, authorizes the person named on the license to catch and retain scallops in compliance with regulations of the State of Alaska and only with a vessel that does not exceed the MLOA specified on the license and the gear designation specified on the license.

(2) *Qualifications for a scallop LLP license.* A scallop LLP license will be issued to an eligible applicant who:

(i) Is a qualified person;

(ii) Was named on a State of Alaska scallop moratorium permit or Federal scallop moratorium permit on February 8, 1999;

(iii) Used the moratorium permit held on February 8, 1999, to make legal landings of scallops in each of any 2 calendar years during the qualification period beginning January 1, 1996, through October 9, 1998; and

(iv) Submitted a complete application for a scallop license during the application period specified pursuant to paragraph (g)(4) of this section.

(3) *Scallop license conditions and endorsements.* A scallop license authorizes the license holder to catch and retain scallops only if the vessel length and gear used do not exceed the vessel length and gear endorsements specified on the license. These endorsements will be determined as follows.

(i) The MLOA specified on the scallop license is equal to the length overall on February 8, 1999, of the longest vessel that was authorized by a Federal or State of Alaska Scallop Moratorium Permit to harvest scallops and used by the eligible applicant to make legal landings of scallops during the scallop LLP qualification period, as specified at § 679.4(g)(2)(iii) of this part.

(ii) The gear specified on a scallop license will be restricted to a single 6-ft (1.8-m) dredge in all areas if the eligible applicant was a moratorium permit holder with a Scallop Registration

Area H (Cook Inlet) endorsement and did not make a legal landing of scallops caught outside of Area H during the qualification period specified in paragraph (g)(2)(iii) of this section.

(4) *Application for a scallop license*—(i) *General.* The Regional Administrator will issue a scallop license to an applicant if a complete application is submitted by or on behalf of the applicant during the specified application period, and if that applicant meets all the criteria for eligibility in this part. An application that is postmarked or hand delivered after the ending date for the application period for the scallop LLP specified in paragraph §679.4(g)(4)(ii) will be denied. An application form will be sent to the last known address of the person identified as an eligible applicant by the official LLP record. An application form may be requested from the Regional Administrator.

(ii) *Application Period.* January 16, 2001, through February 12, 2001.

(iii) *Contents of application.* To be complete, an application for a scallop license must be signed and dated by the applicant, or the individual representing the applicant, and contain the following information, as applicable:

(A) Scallop Moratorium Permit number under which legal landings of scallops were made during the qualification period specified in paragraph (g)(2)(iii) of this section;

(B) Name, business address, telephone number, FAX number, and social security number or tax ID number of the applicant, and whether the applicant is a U.S. citizen or a U.S. business;

(C) Name of the managing company, if any;

(D) Evidence of legal landings in the qualifying years and registration areas;

(E) For the vessel(s) being used as the basis for eligibility for a license, the name, state registration number (e.g., ADF&G number), the USCG documentation number, and valid evidence of the LOA on February 8, 1999, of the longest vessel used by the applicant during the qualification period specified in paragraph (g)(2)(iii) of this section.

(iv) *Successor-in-interest.* If an applicant is applying as the successor-in-in-

terest to an eligible applicant, an application, to be complete, also must contain valid evidence proving the applicant's status as a successor-in-interest to that eligible applicant and:

(A) Valid evidence of the death of that eligible applicant at the time of application, if the eligible applicant was an individual; or

(B) Valid evidence that the eligible applicant is no longer in existence at the time of application, if the eligible applicant is not an individual.

(v) *Application evaluation.* The Regional Administrator will evaluate an application submitted during the specified application period and compare all claims in the application with the information in the official LLP record. Claims in the application that are consistent with information in the official LLP record will be accepted by the Regional Administrator. Inconsistent claims in the application, unless verified by evidence, will not be accepted. An applicant who submits inconsistent claims, or an applicant who fails to submit the information specified in paragraphs (g)(4)(iii) and (g)(4)(iv) of this section, will be provided a 60-day evidentiary period pursuant to paragraph (g)(4)(vii) of this section to submit the specified information, submit evidence to verify his or her inconsistent claims, or submit a revised application with claims consistent with information in the official LLP record. An applicant who submits claims that are inconsistent with information in the official LLP record has the burden of proving that the submitted claims are correct.

(vi) *Additional information or evidence.* The Regional Administrator will evaluate additional information or evidence to support an applicant's inconsistent claims submitted within the 60-day evidentiary period pursuant to paragraph (g)(4)(vii) of this section. If the Regional Administrator determines that the additional information or evidence meets the applicant's burden of proving that the inconsistent claims in his or her application are correct, the official LLP record will be amended and the information will be used in determining whether the applicant is eligible for a

license. However, if the Regional Administrator determines that the additional information or evidence does not meet the applicant's burden of proving that the inconsistent claims in his or her application is correct, the applicant will be notified by an initial administrative determination, pursuant to paragraph (g)(4)(viii) of this section, that the applicant did not meet the burden of proof to change the information in the official LLP record.

(vii) *60-day evidentiary period.* The Regional Administrator will specify by letter a 60-day evidentiary period during which an applicant may provide additional information or evidence to support the claims made in his or her application, or to submit a revised application with claims consistent with information in the official LLP record, if the Regional Administrator determines that the applicant did not meet the burden of proving that the information on the application is correct through evidence provided with the application. Also, an applicant who fails to submit information as specified in paragraphs (g)(4)(iii) and (g)(4)(iv) of this section will have 60 days to provide that information. An applicant will be limited to one 60-day evidentiary period. Additional information or evidence, or a revised application, received after the 60-day evidentiary period specified in the letter has expired will not be considered for purposes of the initial administrative determination.

(viii) *Initial administrative determinations (IAD).* The Regional Administrator will prepare and send an IAD to the applicant following the expiration of the 60-day evidentiary period if the Regional Administrator determines that the information or evidence provided by the applicant fails to support the applicant's claims and is insufficient to rebut the presumption that the official LLP record is correct, or if the additional information, evidence, or revised application is not provided within the time period specified in the letter that notifies the applicant of his or her 60-day evidentiary period. The IAD will indicate the deficiencies in the application, including any deficiencies with the information, the evidence submitted in support of the in-

formation, or the revised application. The IAD will also indicate which claims cannot be approved based on the available information or evidence. An applicant who receives an IAD may appeal pursuant to § 679.43. An applicant who avails himself or herself of the opportunity to appeal an IAD will not receive a transferable license until after the final resolution of that appeal in the applicant's favor.

(ix) *Issuance of a non-transferable license.* The Regional Administrator will issue a non-transferable license to the applicant at the same time notification is provided to the applicant of his or her 60-day evidentiary period if issuance is required by the license renewal provisions of 5 U.S.C. 558. A non-transferable license authorizes a person to catch and retain scallops as specified on the non-transferable license, and will have the specific endorsements and designations based on the claims in his or her application. A non-transferable license will expire upon final agency action.

(5) *Transfer of a Scallop License—(i) General.* The Regional Administrator will approve the transfer of a scallop license if a complete transfer application is submitted to Restricted Access Management, Alaska Region, NMFS, and if the transfer meets all the eligibility criteria as specified in paragraph (g)(5)(ii) of this section. An application form may be requested from the Regional Administrator.

(ii) *Eligibility criteria for transfers.* A scallop license can be transferred if:

(A) The designated transferee is eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C.;

(B) The parties to the transfer do not have any fines, civil penalties, other payments due and outstanding, or outstanding permit sanctions resulting from Federal fishing violations;

(C) The transfer will not cause the designated transferee to exceed the license limit in § 679.7(i); and

(D) The transfer does not violate any other provision specified in this part.

(iii) *Contents of transfer application.* To be complete, an application for a scallop license transfer must be signed by the license holder and the designated transferee, or the individuals

representing them, and contain the following information, as applicable:

(A) Name, business address, telephone number, and FAX number of the license holder and of the designated transferee;

(B) License number and total price being paid for the license;

(C) Certification that the designated transferee is a U.S. citizen, or a U.S. corporation, partnership, or other association;

(D) A legible copy of a contract or sales agreement that specifies the license to be transferred, the license holder, the designated transferee, the monetary value or the terms of the license transfer; and

(E) Other information the Regional Administrator deems necessary for measuring program performance.

(iv) *Incomplete applications.* The Regional Administrator will return an incomplete transfer application to the applicant and identify any deficiencies if the Regional Administrator determines that the application does not meet all the criteria identified in paragraph (g)(5) of this section.

(v) *Transfer by court order, operation of law, or as part of a security agreement.* The Regional Administrator will transfer a scallop license based on a court order, operation of law, or a security agreement if the Regional Administrator determines that the transfer application is complete and the transfer will not violate any of the provisions of this section.

(h) *High Seas Salmon permits*—(1) *Operators of commercial fishing vessels using power troll gear.* The operator of a fishing vessel using power troll gear may engage in commercial fishing for salmon in the High Seas Salmon Management Area if the operator:

(i) Held a valid State of Alaska power troll permanent entry permit on May 15, 1979, or is a transferee under paragraph (h)(13) of this section from an operator who held such a permit on that date;

(ii) Held a valid State of Alaska power troll interim use permit on May 15, 1979; or

(iii) Holds a High Seas Salmon Fishery permit issued by the Regional Administrator under paragraph (h)(7) of this section.

(2) *Crew members and other persons not the operator of a commercial fishing vessel using power troll gear.* Crew members or other persons aboard but not the operator of a fishing vessel may assist in the vessel's commercial salmon fishing operations in the High Seas Management Area without a permit if a person described in paragraph (h)(1)(i) through (iii) of this section is also aboard the vessel and is engaged in the vessel's commercial fishing operations.

(3) *Personal use fishing.* Any person who holds a valid State of Alaska sport fishing license may engage in personal use fishing in the High Seas Salmon Management Area.

(4) *Duration.* Authorization under this paragraph (h) to engage in fishing for salmon in the High Seas Salmon Management Area constitutes a use privilege which may be revoked or modified without compensation.

(5) *Eligibility criteria for permits issued by the Regional Administrator.* (i) Any person is eligible to be issued a High Seas Salmon Fishery permit under paragraph (h)(7) of this section if that person, during any one of the calendar years 1975, 1976, or 1977:

(A) Operated a fishing vessel in the High Seas Salmon Management Area.

(B) Engaged in commercial fishing for salmon in the High Seas Salmon Management Area.

(C) Caught salmon in the High Seas Salmon Management Area using power troll gear.

(D) Landed such salmon.

(ii) The following persons are not eligible to be issued a High Seas Salmon Fishery permit under paragraph (h)(7) of this section:

(A) Persons described in paragraph (h)(1)(i) or (h)(1)(ii) of this section.

(B) Persons who once held but no longer hold a State of Alaska power troll permanent entry or interim-use permit.

(6) *Application.* Applications for a High Seas Salmon Fishery permit must be in writing, signed by the applicant, and submitted to the Regional Administrator, at least 30 days prior to the date the person wishes to commence fishing, and must include:

(i) The applicant's name, mailing address, and telephone number.

## Fishery Conservation and Management

## § 679.4

(16) *Appeals and hearings.* (i) A decision by the Regional Administrator to deny a permit under paragraph (h)(7) of this section or to deny transfer of authority to engage in commercial fishing for salmon in the High Seas Salmon Management Area under paragraphs (h)(13) and (h)(14) of this section will:

(A) Be in writing.

(B) State the facts and reasons therefor.

(C) Advise the applicant of the rights provided in this paragraph (h)(16).

(ii) Any such decision of the Regional Administrator shall be final 30 days after receipt by the applicant, unless an appeal is filed with the NOAA/NMFS Assistant Administrator within that time.

(iii) Failure to file a timely appeal shall constitute waiver of the appeal.

(iv) Appeals under this paragraph (h)(16) must:

(A) Be in writing.

(B) Set forth the reasons why the appellant believes the Regional Administrator's decision was in error.

(C) Include any supporting facts or documentation.

(v) At the time the appeal is filed with the Assistant Administrator, the appellant may request a hearing with respect to any disputed issue of material fact. Failure to request a hearing at this time will constitute a waiver of the right to request a hearing.

(vi) If a hearing is requested, the Assistant Administrator may order an informal fact-finding hearing if it is determined that a hearing is necessary to resolve material issues of fact and shall so notify the appellant.

(vii) If the Assistant Administrator orders a hearing, the order will appoint a hearing examiner to conduct the hearing.

(viii) Following the hearing, the hearing examiner shall promptly furnish the Assistant Administrator with a report and appropriate recommendations.

(ix) As soon as practicable after considering the matters raised in the appeal, and any report or recommendation of the hearing examiner in the event a hearing is held under this paragraph (h)(16), the Assistant Administrator shall decide the appeal.

(x) The Assistant Administrator shall promptly notify the appellant of the final decision. Such notice shall set forth the findings of the Assistant Administrator and set forth the basis of the decision. The decision of the Assistant Administrator shall be the final administrative action of the Department of Commerce.

(i) *Experimental fisheries permits.* (See § 679.6.)

(j) *Salmon donation program permits.* (See § 679.26(a)(3).)

(k) *Licenses for license limitation groundfish or crab species—(1) General requirements.* (i) In addition to the permit and licensing requirements prescribed in this part, and except as provided in paragraph (k)(2) of this section, each vessel within the GOA or the BSAI must have a groundfish license on board at all times it is engaged in fishing activities defined in § 679.2 as directed fishing for license limitation groundfish. This groundfish license, issued by NMFS to a qualified person, authorizes a license holder to deploy a vessel to conduct directed fishing for license limitation groundfish only in the specific area(s) designated on the license and may only be used on a vessel that complies with the vessel designation and MLOA specified on the license.

(ii) In addition to the permit and licensing requirements prescribed in this part, and except as provided in paragraph (k)(2) of this section, each vessel within the Bering Sea and Aleutian Islands Area must have a crab species license on board at all times it is engaged in fishing activities defined in § 679.2 as directed fishing for crab species. This crab species license, issued by NMFS to a qualified person, authorizes a license holder to deploy a vessel to conduct directed fishing for crab species only for the specific species and in the specific area(s) designated on the license, and may be used only on a vessel that complies with the vessel designation and MLOA specified on the license.

(2) *Exempt vessels.* Notwithstanding the requirements of paragraph (k)(1) of this section,

(i) A catcher vessel or catcher/processor vessel that does not exceed 26 ft

(7.9 m) LOA may conduct directed fishing for license limitation groundfish in the GOA without a groundfish license;

(ii) A catcher vessel or catcher/processor vessel that does not exceed 32 ft (9.8 m) LOA may conduct directed fishing for license limitation groundfish in the BSAI without a groundfish license and may conduct directed fishing for crab species in the Bering Sea and Aleutian Islands Area without a crab species license;

(iii) A catcher vessel or catcher/processor vessel that does not exceed 60 ft (18.3 m) LOA may use a maximum of 5 jig machines, one line per jig machine, and a maximum of 15 hooks per line, to conduct directed fishing for license limitation groundfish in the BSAI without a groundfish license; or

(iv) A catcher vessel or catcher/processor vessel that does not exceed 125 ft (38.1 m) LOA, and that was, after November 18, 1992, specifically constructed for and used exclusively in accordance with a CDP approved by NMFS under Subpart C of this part, and is designed and equipped to meet specific needs that are described in the CDP may conduct directed fishing for license limitation groundfish in the GOA and in the BSAI area without a groundfish license and for crab species in the Bering Sea and Aleutian Islands Area without a crab species license.

(3) *Vessel designations and vessel length categories*—(i) *General*. A license can be used only on a vessel that complies with the vessel designation specified on the license and that has an LOA less than or equal to the MLOA specified on the license.

(ii) *Vessel designations*—(A) *Catcher/processor vessel*. A license will be assigned a catcher/processor vessel designation if:

(1) For license limitation groundfish, license limitation groundfish were processed on the vessel that qualified for the groundfish license under paragraph (k)(4) of this section during the period January 1, 1994, through June 17, 1995, or in the most recent calendar year of participation during the area endorsement qualifying period specified in paragraph (k)(4)(ii) of this section; or

(2) For crab species, crab species were processed on the vessel that qualified

for the crab species license under paragraph (k)(5) of this section during the period January 1, 1994, through December 31, 1994, or in the most recent calendar year of participation during the area endorsement qualifying period specified in paragraph (k)(5)(i) of this section.

(3) For purposes of paragraphs (k)(3)(ii)(A)(1) and (k)(3)(ii)(A)(2) of this section, evidence of processing must be demonstrated by Weekly Production Reports or other valid documentation demonstrating that processing occurred on the vessel during the relevant period.

(B) *Catcher vessel*. A license will be assigned a catcher vessel designation if it does not meet the criteria in paragraph (k)(3)(ii)(A)(1) or (k)(3)(ii)(A)(2) of this section to be assigned a catcher/processor vessel designation.

(C) *Changing a vessel designation*. A person who holds a groundfish license or a crab species license with a catcher/processor vessel designation may, upon request to the Regional Administrator, have the license reissued with a catcher vessel designation. The vessel designation change to a catcher vessel will be permanent, and that license will be valid for only those activities specified in the definition of catcher vessel designation at § 679.2.

(iii) *Vessel length categories*. A vessel's eligibility will be determined using the following three vessel length categories, which are based on the vessel's LOA on June 17, 1995, or, if the vessel was under reconstruction on June 17, 1995, the vessel's length on the date that reconstruction was completed.

(A) Vessel length category "A" if the LOA of the qualifying vessel on the relevant date was equal to or greater than 125 ft (38.1 m) LOA.

(B) Vessel length category "B" if the LOA of the qualifying vessel on the relevant date was equal to or greater than 60 ft (18.3 m) but less than 125 ft (38.1 m) LOA.

(C) Vessel length category "C" if the LOA of the qualifying vessel on the relevant date was less than 60 ft (18.3 m) LOA.

(4) *Qualifications for a groundfish license*. A groundfish license will be issued to an eligible applicant that meets the criteria in paragraphs

(k)(4)(i) and (k)(4)(ii) of this section. For purposes of the license limitation program, evidence of a documented harvest must be demonstrated by a state catch report, a Federal catch report, or other valid documentation that indicates the amount of license limitation groundfish harvested, the groundfish reporting area in which the license limitation groundfish was harvested, the vessel and gear type used to harvest the license limitation groundfish, and the date of harvesting, landing, or reporting. State catch reports are Alaska, California, Oregon, or Washington fish tickets. Federal catch reports are Weekly Production Reports required under § 679.5.

(i) *General qualification periods (GQP).*

(A) At least one documented harvest of any amount of license limitation groundfish species must have been made from a vessel to qualify for one or more of the area endorsements in paragraphs (k)(4)(ii)(A) and (k)(4)(ii)(B) of this section. This documented harvest must have been of license limitation groundfish species caught and retained in the BSAI or in the State waters shoreward of the BSAI and must have occurred during the following periods:

(1) January 1, 1988, through June 27, 1992;

(2) January 1, 1988, through December 31, 1994, provided that the harvest was of license limitation groundfish using pot or jig gear from a vessel that was less than 60 ft (18.3 m) LOA; or

(3) January 1, 1988, through June 17, 1995, provided that, during the period January 1, 1988, through February 9, 1992, the vessel made a legal landing of any king or Tanner crab species harvested in the Bering Sea and Aleutian Islands Area, and, during the period February 10, 1992, through December 11, 1994, made a legal landing of any groundfish species harvested in the GOA or BSAI using trawl gear or a legal landing harvested in the GOA or BSAI of any groundfish species using longline gear, except sablefish landed using fixed gear.

(B) At least one documented harvest of any amount of license limitation groundfish species must have been made from a vessel to qualify for one or more of the area endorsements in

paragraphs (k)(4)(ii)(C) through (k)(4)(ii)(E) of this section. This documented harvest must have been of fish caught and retained in the GOA or in the State waters shoreward of the GOA and must have occurred during the following periods:

(1) January 1, 1988, through June 27, 1992;

(2) January 1, 1988, through December 31, 1994, provided that the harvest was of license limitation groundfish using pot or jig gear from a vessel that was less than 60 ft (18.3 m) LOA; or

(3) January 1, 1988, through June 17, 1995, provided that, during the period January 1, 1988, through February 9, 1992, the vessel made a legal landing of any king or Tanner crab species harvested in the Bering Sea and Aleutian Islands Area, and during the period February 10, 1992, through December 11, 1994, made a legal landing of any groundfish species harvested in the GOA or BSAI using trawl gear or a legal landing of any groundfish species harvested in the GOA or BSAI using longline gear, except sablefish landed using fixed gear.

(ii) *Endorsement qualification periods (EQP).* A groundfish license will be assigned one or more area endorsements based on the criteria in paragraphs (k)(4)(ii)(A) through (k)(4)(ii)(E) of this section.

(A) *Aleutian Islands area endorsement.* For a license to be assigned an Aleutian Islands endorsement, at least one documented harvest of any amount of license limitation groundfish must have been made from a vessel in any vessel length category (vessel categories "A" through "C") between January 1, 1992, and June 17, 1995, and in the Aleutian Islands Subarea or in State waters shoreward of that subarea.

(B) *Bering Sea area endorsement.* For a license to be assigned a Bering Sea area endorsement, at least one documented harvest of any amount of license limitation groundfish must have been made from a vessel in any vessel length category (vessel categories "A" through "C") between January 1, 1992, and June 17, 1995, and in the Bering Sea Subarea or in State waters shoreward of that subarea.

(C) *Western Gulf Area Endorsement.* (1) *Vessel length category "A."* For a license to be assigned a Western Gulf area endorsement based on the participation from a vessel in vessel length category "A," at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel in each of any 2 calendar years from January 1, 1992, through June 17, 1995, in the Western Area of the Gulf of Alaska or in State waters shoreward of that area.

(2) *Vessel length category "B" and catcher vessel designation.* For a license to be assigned a Western Gulf area endorsement based on the participation from a vessel in vessel length category "B" and that would qualify for a catcher vessel designation under this section, at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel from January 1, 1992, through June 17, 1995, in the Western Area of the Gulf of Alaska or in State waters shoreward of that area.

(3) *Vessel length category "B" and catcher/processor vessel designation.* For a license to be assigned a Western Gulf area endorsement based on the participation from a vessel in vessel length category "B" and that would qualify for a catcher/processor vessel designation under this section, at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel in each of any 2 calendar years from January 1, 1992, through June 17, 1995, in the Western Area of the Gulf of Alaska or in State waters shoreward of that area, or at least four documented harvests of any amount of license limitation groundfish harvested from January 1, 1995, through June 17, 1995, in the Western Area of the Gulf of Alaska or in State waters shoreward of that area.

(4) *Vessel length category "C."* For a license to be assigned a Western Gulf area endorsement based on the participation from a vessel in vessel length category "C", at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel from January 1, 1992, through June 17, 1995. This documented harvest must have recorded a harvest occurring in the Western Area of the

Gulf of Alaska or in State waters shoreward of that area for a Western Gulf area endorsement.

(D) *Central Gulf area endorsement—(1) Vessel length category "A."* For a license to be assigned a Central Gulf area endorsement based on the participation of a vessel in vessel length category "A", at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel in each of any 2 calendar years from January 1, 1992, through June 17, 1995. These documented harvests must have recorded harvests occurring in the Central Area of the Gulf of Alaska or in State waters shoreward of that area, or in the West Yakutat District or in state waters shoreward of that district.

(2) *Vessel length category "B."* For a license to be assigned a Central Gulf area endorsement based on the participation from a vessel in vessel length category "B", at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel in each of any 2 calendar years from January 1, 1992, through June 17, 1995, or at least four documented harvests from January 1, 1995, through June 17, 1995. These documented harvests must have recorded harvests occurring in the Central Area of the Gulf of Alaska or in State waters shoreward of that area, or in the West Yakutat District or in state waters shoreward of that district.

(3) *Vessel length category "C."* For a license to be assigned a Central Gulf area endorsement based on the participation from a vessel in vessel length category "C", at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel from January 1, 1992, through June 17, 1995. This documented harvest must have recorded a harvest occurring in the Central Area of the Gulf of Alaska or in State waters shoreward of that area, or in the West Yakutat District or in state waters shoreward of that district.

(E) *Southeast Outside area endorsement—(1) Vessel length category "A."* For a license to be assigned a Southeast Outside area endorsement based on the participation from a vessel in vessel length category "A", at least

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one documented harvest of any amount of license limitation groundfish must have been made from that vessel in each of any 2 calendar years from January 1, 1992, through June 17, 1995. These documented harvests must have recorded harvests occurring in the Southeast Outside District or in State waters shoreward of that district.

(2) *Vessel length category "B"*. For a license to be assigned a Southeast Outside area endorsement based on the participation from a vessel in vessel length category "B", at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel in each of any 2 calendar years from January 1, 1992, through June 17, 1995, or at least four documented harvests from January 1, 1995, through June 17, 1995. These documented harvests must have recorded harvests occurring in the Southeast Outside District or in State waters shoreward of that district.

(3) *Vessel length category "C"*. For a license to be assigned a Southeast outside area endorsement based on the participation from a vessel in vessel length category "C", at least one documented harvest of any amount of license limitation groundfish must have been made from that vessel from January 1, 1992, through June 17, 1995. This documented harvest must have recorded a harvest occurring in the Southeast Outside District or in State waters shoreward of that district.

(iii) An eligible applicant that is issued a groundfish license based on a vessel's qualifications under paragraph (k)(4)(i)(A)(2) or (k)(4)(i)(B)(2) of this section must choose only one area endorsement for that groundfish license even if the vessel qualifies for more than one area endorsement.

(iv) Notwithstanding the provisions in paragraph (k)(4) of this section, a license with the appropriate area endorsements will be issued to an eligible applicant whose vessel meets the requirements of paragraph (k)(4)(i)(A), and the requirements of paragraph (k)(4)(ii)(C), (k)(4)(ii)(D), or (k)(4)(ii)(E) of this section, but

(A) From whose vessel no documented harvests were made in the GOA or state waters shoreward of the GOA

between January 1, 1988, and June 27, 1992, and

(B) From whose vessel no documented harvests were made in the BSAI or state waters shoreward of the BSAI between January 1, 1992, and June 17, 1995.

(v) Notwithstanding the provisions of paragraph (k)(4) of this section, a license with the appropriate area endorsements will be issued to an eligible applicant whose vessel meets the requirements of paragraph (k)(4)(i)(B) of this section, and the requirements of paragraph (k)(4)(ii)(A) or (k)(4)(ii)(B) of this section, but

(A) From whose vessel no documented harvests were made in the BSAI or state waters shoreward of the BSAI between January 1, 1988, and June 27, 1992, and

(B) From whose vessel no documented harvests were made in the GOA or state waters shoreward of the GOA between January 1, 1992, and June 17, 1995.

(5) *Qualifications for a crab species license*. A crab species license will be issued to an eligible applicant who owned a vessel that meets the criteria in paragraphs (k)(5)(i) and (k)(5)(ii) of this section, except that vessels are exempt from the requirements in paragraph (k)(5)(i) of this section for the area/species endorsements in paragraph (k)(5)(ii)(A) and (k)(5)(ii)(G) of this section.

(i) *General qualification period (GQP)*. To qualify for one or more of the area/species endorsements in paragraph (k)(5)(ii) of this section:

(A) At least one documented harvest of any amount of crab species must have been made from a vessel between January 1, 1988, and June 27, 1992; or

(B) At least one documented harvest of any amount of crab species must have been made from a vessel between January 1, 1988, and December 31, 1994, providing that, during the period January 1, 1988, through February 9, 1992, the vessel for which the documented harvest was made also made a legal landing of any groundfish species harvested in the GOA or BSAI with any authorized gear, except sablefish caught with fixed gear, and, during the period February 10, 1992, through December 11, 1994, made a legal landing of

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any king or Tanner crab species harvested in the Bering Sea and Aleutian Islands Area.

(ii) *Area/Species Endorsements.* A crab species license will be assigned one or more area/species endorsements specified at § 679.2 based on the criteria in paragraphs (k)(5)(ii)(A) through (G) of this section.

(A) *Pribilof red king and Pribilof blue king.* At least one documented harvest of any amount of red king or blue king crab harvested in the area described in the definition for the Pribilof red king and Pribilof blue king area/species endorsement in § 679.2 must have been made from a vessel between January 1, 1993, and December 31, 1994, to qualify for a Pribilof red king and Pribilof blue king area/species endorsement.

(B) *Bering Sea and Aleutian Islands Area C. opilio and C. bairdi.* At least three documented harvests of any amount of *C. opilio* or *C. bairdi* crab harvested in the area described in the definition for the Bering Sea and Aleutian Islands Area *C. opilio* or *C. bairdi* area/species endorsement in § 679.2 must have been made from a vessel between January 1, 1992, and December 31, 1994, to qualify for a *C. opilio* and *C. bairdi* area/species endorsement.

(C) *St. Matthew blue king.* At least one documented harvest of any amount of blue king crab harvested in the area described in the definition for the St. Matthews blue king area/species endorsement in § 679.2 must have been made from a vessel between January 1, 1992, and December 31, 1994, to qualify for a St. Matthew blue king area/species endorsement.

(D) *Aleutian Islands brown king.* At least three documented harvests of any amount of brown king crab harvested in the area described in the definition for the Aleutian Islands brown king area/species endorsement in § 679.2 must have been made from a vessel between January 1, 1992, and December 31, 1994, to qualify for a Aleutian Islands brown king area/species endorsement.

(E) *Aleutian Islands red king.* At least one documented harvest of any amount of red king crab harvested in the area described in the definition for the Aleutian Islands red king area/species endorsement in § 679.2 must have been

made from a vessel between January 1, 1992, and December 31, 1994, to qualify for a Aleutian Islands red king area/species endorsement.

(F) *Bristol Bay red king.* At least one documented harvest of any amount of red king crab harvested in the area described in the definition for the Bristol Bay red king area/species endorsement in § 679.2 must have been made from a vessel between January 1, 1991, and December 31, 1994, to qualify for a Bristol Bay red king area/species endorsement.

(G) *Norton Sound red king and Norton Sound blue king.* At least one documented harvest of any amount of red king or blue king crab harvested in the area described in the definition for the Norton Sound red king and Norton Sound blue king area/species endorsement in § 679.2 must have been made from a vessel between January 1, 1993, and December 31, 1994, to qualify for a Norton Sound red king and Norton Sound blue king area/species endorsement.

(6) *Application for a groundfish license or a crab species license.* (i) *General.* The Regional Administrator will issue a groundfish license or a crab species license to an applicant if a complete application is submitted by or on behalf of the applicant during the specified application period, and if that applicant meets all the criteria for eligibility in paragraph (k) of this section. An application that is postmarked or delivered after the ending date for the application period for the License Limitation Program specified in the *Federal Register* will be denied. An application form will be sent to the last known address of a person identified as an eligible applicant by the official LLP record. An application form may be requested from the Regional Administrator.

(ii) *Application period.* An application period of no less than 90 days will be specified by notification in the *Federal Register* and other information sources deemed appropriate by the Regional Administrator.

(iii) *Contents of application.* To be complete, an application for a groundfish license or a crab species license must be signed by the applicant, or the individual representing the applicant,

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and contain the following, as applicable:

(A) Name, business address, telephone number, and FAX number of the applicant;

(B) Name, state registration number (e.g., ADF&G number), and, if applicable, the USCG documentation number of the vessel being used as the basis for eligibility for a license; and name, state registration number (e.g., ADF&G number), and, if applicable, the USCG documentation number of the vessel to be deployed with the license if different than the vessel used as the basis of eligibility for a license;

(C) Name of the managing company, if any;

(D) Valid evidence of the documented harvests that are the basis of eligibility for a license, including harvest area, gear used, date of landing, and, if applying for a crab species license, species;

(E) Valid evidence of LOA on June 24, 1992, of the vessel used as the basis of eligibility for a license, except if that vessel was under reconstruction on that date, valid evidence of LOA on the date reconstruction was completed and valid evidence of when reconstruction began and ended;

(F) Valid evidence of LOA on June 17, 1995, of the vessel used as the basis of eligibility for a license, except if that vessel was under reconstruction on that date, valid evidence of LOA on the date reconstruction was completed, and valid evidence of when reconstruction began and ended;

(G) Valid evidence to support the applicant's claim for a vessel designation of catcher vessel or catcher/processor vessel;

(H) Valid evidence of ownership of the vessel being used as the basis for eligibility for a license (for USCG documented vessels, valid evidence must be the USCG Abstract of Title), or if eligibility is based on a fishing history that has been separated from a vessel, valid evidence of ownership of the fishing history being used as the basis of eligibility for a license; and

(I) Valid evidence of the LOA of the vessel to be deployed by the license if different than the vessel used as the basis for eligibility for a license.

(iv) *Other information required for special circumstances.*

(A) *Successor-in-interest.* If an applicant is applying as the successor-in-interest to an eligible applicant, an application, to be complete, also must contain valid evidence proving the applicant's status as a successor-in-interest to that eligible applicant and:

(1) Valid evidence of the death of that eligible applicant at the time of application, if the eligible applicant was or is an individual; or

(2) Valid evidence that the eligible applicant is no longer in existence at the time of application, if the eligible applicant is not an individual.

(B) *Norton Sound crab species license endorsement.* If an applicant is applying for a crab species license endorsement for Norton Sound and if the applicant is a person, an application, to be complete, must contain valid evidence that the applicant was a State of Alaska permit holder for the Norton Sound king crab summer fishery in 1993 or 1994. If the applicant is a corporation, an application, to be complete, must contain valid evidence that the corporation owned or had a lease for a vessel on June 17, 1995, that participated in the Norton Sound king crab summer fishery in 1993 or 1994.

(C) *Extended general qualification period.* If an applicant is applying for a license based on meeting the general qualification period requirements of paragraph (k)(4)(i)(A)(2) or (k)(4)(i)(B)(2) of this section, the application, to be complete, must indicate which single endorsement area the applicant has selected for license. A license cannot be endorsed for more than one area, notwithstanding the fact that the applicant may have the documented harvests to qualify for more than one endorsement area.

(D) *Unavoidable circumstances.* If an applicant is applying for a license based on an unavoidable circumstance pursuant to paragraph (k)(8)(iv) of this section, an application, to be complete, must contain the information required by that paragraph and valid evidence of the date the vessel on which the application is based was lost, damaged, or otherwise unable to participate in the fishery, and the date a documented

harvest was made from the replacement vessel.

(v) *Application evaluation.* The Regional Administrator will evaluate an application submitted during the specified application period and compare all claims in the application with the information in the official LLP record. Claims in the application that are consistent with information in the official LLP record will be accepted by the Regional Administrator. Inconsistent claims in the application, unless verified by evidence, will not be accepted. Pursuant to paragraph (k)(6)(vii) of this section, an applicant who submits inconsistent claims, or an applicant who fails to submit the information specified in paragraphs (k)(6)(iii) and (k)(6)(iv) of this section, will be provided a 60-day evidentiary period pursuant to paragraph (k)(6)(vii) of this section to submit the specified information, submit evidence to verify his or her inconsistent claims, or submit a revised application with claims consistent with information in the official LLP record. An applicant who submits claims that are inconsistent with information in the official LLP record has the burden of proving that the submitted claims are correct.

(vi) *Additional information or evidence.* The Regional Administrator will evaluate additional information or evidence to support an applicant's inconsistent claims submitted within the 60-day evidentiary period pursuant to paragraph (k)(6)(vii) of this section. If the Regional Administrator determines that the additional information or evidence meets the applicant's burden of proving that the inconsistent claims in his or her application is correct, the official LLP record will be amended and the information will be used in determining whether the applicant is eligible for a license. However, if the Regional Administrator determines that the additional information or evidence does not meet the applicant's burden of proving that the inconsistent claims in his or her application is correct, the applicant will be notified by an initial administrative determination, pursuant to paragraph (k)(6)(viii) of this section, that the applicant did not meet the burden of proof to change the information in the official LLP record.

(vii) *60-day evidentiary period.* The Regional Administrator will specify by letter a 60-day evidentiary period during which an applicant may provide additional information or evidence to support the claims made in his or her application, or to submit a revised application with claims consistent with information in the official LLP record, if the Regional Administrator determines that the applicant did not meet the burden of proving that the information on the application is correct through evidence provided with the application. Also, an applicant who fails to submit information as specified in paragraphs (k)(6)(iii) and (k)(6)(iv) of this section will have 60 days to provide that information. An applicant will be limited to one 60-day evidentiary period. Additional information or evidence, or a revised application, received after the 60-day evidentiary period specified in the letter has expired will not be considered for purposes of the initial administrative determination.

(viii) *Initial administrative determinations (IAD).* The Regional will prepare and send an IAD to the applicant following the expiration of the 60-day evidentiary period if the Regional Administrator determines that the information or evidence provided by the applicant fails to support the applicant's claims and is insufficient to rebut the presumption that the official LLP record is correct, or if the additional information, evidence, or revised application is not provided within the time period specified in the letter that notifies the applicant of his or her 60-day evidentiary period. The IAD will indicate the deficiencies in the application, including any deficiencies with the information, the evidence submitted in support of the information, or the revised application. The IAD will also indicate which claims cannot be approved based on the available information or evidence. An applicant who receives an IAD may appeal pursuant to § 679.43. An applicant who avails himself or herself of the opportunity to appeal an IAD will not receive a transferable license until after the final resolution of that appeal, notwithstanding the eligibility of that applicant for

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some claims based on consistent information in the application.

(ix) *Issuance of a non-transferable license.* The Regional Administrator will issue a non-transferable license to the applicant on issuance of an IAD if required by the license renewal provisions of 5 U.S.C. 558. A non-transferable license authorizes a person to deploy a vessel to conduct directed fishing for license limitation groundfish or crab species as specified on the non-transferable license, and will have the specific endorsements and designations based on the claims in his or her application. A non-transferable license will expire upon final agency action.

(7) *Transfer of a groundfish license or a crab species license—(i) General.* The Regional Administrator will transfer a groundfish license or a crab species license if a complete transfer application is submitted to Restricted Access Management, Alaska Region, NMFS, and if the transfer meets the eligibility criteria as specified in paragraph (k)(7)(ii) of this section. An application form may be requested from the Regional Administrator.

(ii) *Eligibility criteria for transfers.* A groundfish license or crab species license can be transferred if:

(A) The designated transferee is eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C.;

(B) The parties to the transfer do not have any fines, civil penalties, other payments due and outstanding, or outstanding permit sanctions resulting from Federal fishing violations;

(C) The transfer will not cause the designated transferee to exceed the license caps in § 679.7(i); and

(D) The transfer does not violate any other provision specified in this part.

(iii) *Contents of application.* To be complete, an application for a groundfish license transfer or a crab species license transfer must be signed by the license holder and the designated transferee, or the individuals representing them, and contain the following, as applicable:

(A) Name, business address, telephone number, and FAX number of the license holder and the designated transferee;

(B) Name, state registration number (e.g., ADF&G number), and, if applica-

ble, the USCG documentation number of the vessel to be deployed with the license (i.e., the designated vessel) after the transfer is approved;

(C) Valid evidence that the designated transferee is a person eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C.;

(D) A legible copy of a contract or sales agreement that specifies the license to be transferred, the license holder, the designated transferee, the monetary value or the terms of the license transfer, and the signature of the license holder and the designated transferee; and

(E) Information regarding whether a broker was used for the transaction, whether the license was collateralized, and other information the Regional Administrator deems necessary for measuring program performance.

(iv) *Incomplete applications.* The Regional Administrator will return an incomplete transfer application to the applicant and identify any deficiencies if the Regional Administrator determines that the application does not meet all the criteria identified in paragraph (k)(7) of this section.

(v) *Transfer by court order, operation of law, or as part of a security agreement.* The Regional Administrator will transfer a groundfish license or a crab species license based on a court order, operation of law, or a security agreement if the Regional Administrator determines that the transfer application is complete and the transfer will not violate any of the provisions of this section.

(vi) *Voluntary transfer limitation.* A groundfish license or a crab species license may be voluntarily transferred only once in any calendar year. A voluntary transfer is a transfer other than one pursuant to a court order, operation of law, or a security agreement. An application for transfer that would cause a person to exceed the transfer limit of this provision will not be approved.

(vii) *Request to change the designated vessel.* A request to change the vessel designated on an LLP groundfish or crab species license must be made on a transfer application. If this request is approved and made separately from a license transfer, it will count towards

## § 679.4

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the annual limit on voluntary transfers specified in paragraph (k)(7)(vi) of this section.

(viii) *Severability of licenses.* (A) Area endorsements or area/species endorsements specified on a license are not severable from the license and must be transferred together.

(B) A groundfish license and a crab species license issued based on the legal landings of the same vessel and initially issued to the same qualified person are not severable and must be transferred together.

(8) *Other provisions.* (i) Any person committing, or a fishing vessel used in the commission of, a violation of the Magnuson-Stevens Fishery Conservation and Management Act or any regulations issued pursuant thereto, is subject to the civil and criminal penalty provisions and the civil forfeiture provisions of the Magnuson-Stevens Fishery Conservation and Management Act, part 621 of this chapter, 15 CFR part 904 (Civil Procedure), and other applicable law. Penalties include, but are not limited to, permanent or temporary sanctions to licenses.

(ii) Notwithstanding the provisions of the license limitation program in this part, vessels fishing for species other than license limitation groundfish as defined in § 679.2 that were authorized under Federal regulations to incidentally catch license limitation groundfish without a Federal fisheries permit described at § 679.4(b) will continue to be authorized to catch the maximum retainable bycatch amounts of license limitation groundfish as provided in this part without a groundfish license.

(iii) An eligible applicant, who qualifies for a groundfish license or crab species license but whose vessel on which the eligible applicant's qualification was based was lost or destroyed, will be issued a license. This license:

(A) Will have the vessel designation of the lost or destroyed vessel.

(B) Cannot be used to conduct directed fishing for license limitation groundfish or to conduct directed fishing for crab species on a vessel that has an LOA greater than the MLOA designated on the license.

(iv) A qualified person who owned a vessel on June 17, 1995, that made a documented harvest of license limita-

tion groundfish, or crab species if applicable, between January 1, 1988, and February 9, 1992, but whose vessel was unable to meet all the criteria in paragraph (k)(4) of this section for a groundfish license or paragraph (k)(5) of this section for a crab species license because of an unavoidable circumstance (i.e., the vessel was lost, damaged, or otherwise unable to participate in the license limitation groundfish or crab fisheries) may receive a license if the qualified person is able to demonstrate that:

(A) The owner of the vessel at the time of the unavoidable circumstance held a specific intent to conduct directed fishing for license limitation groundfish or crab species with that vessel during a specific time period in a specific area.

(B) The specific intent to conduct directed fishing for license limitation groundfish or crab species with that vessel was thwarted by a circumstance that was:

(1) Unavoidable.

(2) Unique to the owner of that vessel, or unique to that vessel.

(3) Unforeseen and reasonably unforeseeable to the owner of the vessel.

(C) The circumstance that prevented the owner from conducting directed fishing for license limitation groundfish or crab species actually occurred.

(D) Under the circumstances, the owner of the vessel took all reasonable steps to overcome the circumstance that prevented the owner from conducting directed fishing for license limitation groundfish or crab species.

(E) Any amount of license limitation groundfish or appropriate crab species was harvested on the vessel in the specific area that corresponds to the area endorsement or area/species endorsement for which the qualified person who owned a vessel on June 17, 1995, is applying and that the license limitation groundfish or crab species was harvested after the vessel was prevented from participating by the unavoidable circumstance but before June 17, 1995.

(v) A groundfish license or a crab species license may be used on a vessel that complies with the vessel designation on the license and that does not exceed the MLOA on the license.

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

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(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

**SUPPLEMENTARY INFORMATION:****I. Abstract**

Regulations at 50 CFR 660.24 and 660.47 require that certain fishing gear must be marked. In the western Pacific pelagic longline fisheries, the vessel operator must ensure that the official number of the vessel is affixed to every longline buoy and float. In the western Pacific crustacean fisheries (Permit Area 1, Northwestern Hawaiian Islands) each trap and float must be marked with the vessel's identification number. The marking of gear links fishing or other activity to the vessel, aids law enforcement, and is valuable in actions concerning the damage, loss of gear, and civil proceedings.

**II. Methods of Collection**

No information is collected (Third party disclosure).

**III. Data**

*OMB Number:* 0648-0360.

*Form Number:* None.

*Type of Review:* Regular Submission.

*Affected Public:* Business or other for-profit organizations, and Individuals or households.

*Estimated Number of Respondents:* 232.

*Estimated Time Per Response:* 2 minutes per marking.

*Estimated Total Annual Burden Hours:* 1,420.

*Estimated Total Annual Cost to Public:* \$23,200.

**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: June 30, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-15399 Filed 7-6-04; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 070104J]

**Proposed Information Collection; Comment Request; Alaska License Limitation Program for Groundfish, Crab, and Scallops**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before September 7, 2004.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, 907-586-7008 or patsy.bearden@noaa.gov

**SUPPLEMENTARY INFORMATION:****I. Abstract**

Any person who wishes to deploy a harvesting vessel in the license limitation program (LLP) king and Tanner crab fisheries in the Bering Sea/Aleutian Islands (BSAI), in the LLP groundfish fisheries in the Gulf of Alaska (GOA) or the BSAI, or in the Scallop LLP scallop fisheries off the coast of Alaska must hold a valid LLP groundfish, LLP crab license, or LLP scallop license, respectively. Further, an original license must name a vessel and be on board that vessel when it is engaged in such fishing. Applications for permits were a one-time process. An

LLP application originally was used to determine owners of vessels who were qualified to obtain an LLP license, and no new LLP permits may be issued except under very specific conditions. The permits have no expiration date, but are transferable. This collection now supports LLP transfer activities for crab, scallops, and groundfish, and any appeals resulting from denied actions.

By providing stability in the industry and identifying the field of participants in the groundfish, crab, and scallops fisheries, LLP is an interim step toward a more comprehensive solution to the conservation and management problems of an open access fishery. The LLP restricts access to the commercial groundfish fisheries in the EEZ off Alaska except for certain areas where alternative programs exist. The LLP also restricts access to the commercial crab fisheries for the BSAI and access to the commercial scallop fisheries off Alaska.

**II. Method of Collection**

Transfer requests may be submitted by FAX or as paper submissions. Appeals may be submitted by mail as paper submissions.

**III. Data**

*OMB Number:* 0648-0334.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations, individuals or households.

*Estimated Number of Respondents:* 244.

*Estimated Time Per Response:* License transfer application, 1 hour; appeals process, 4 hours.

*Estimated Total Annual Burden Hours:* 144.

*Estimated Total Annual Cost to Public:* \$1,056.

**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: June 30, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-15401 Filed 7-6-04; 8:45 am]

BILLING CODE 3510-22-S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 070104I]

**Proposed Information Collection; Comment Request; Coastal Zone Management Program Administration**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before September 7, 2004.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Masi Okasaki, 301-713-3155, extension 185 or e-mail at [masi.okasaki@noaa.gov](mailto:masi.okasaki@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The coastal zone management grants provide funds to states and territories to implement federally-approved coastal management plans; revise assessment document and multi-year strategy; submit Section 306A documentation on the approved coastal zone management plans; submit requests to approve amendments or program changes; and complete the state's coastal nonpoint source pollution program.

**II. Method of Collection**

Information for Performance Reports is collected according to the Performance Report Guideline; Assessment and Strategy documents is collected according to the Assessment and Strategy Guidelines; Section 306A documentation is collected according to the Section 306A Guidance; Amendment or program changes is collected according to the Final Program Change Guidance; and Coastal Nonpoint Source Pollution Program document is collected according to guidance specifying management measures for sources of nonpoint pollution in coastal waters and coastal nonpoint pollution control program, program development and approval guidance.

**III. Data**

*OMB Number:* 0648-0119.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* State, Local and Tribal Government.

*Estimated Number of Respondents:* 34.

*Estimated Time Per Response:* Performance Reports 27 hours; Assessment and Strategy 240 hours; 306A documentation - 5 hours; Amendments and Routine Program Changes 8 hours; and 6,217 Nonpoint Pollution Control Program 150 hours.

*Estimated Total Annual Burden Hours:* 6,598 hours.

*Estimated Total Annual Cost to Public:* \$450.

**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: June 30, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-15402 Filed 7-6-04; 8:45 am]

BILLING CODE 3510-08-S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 062904E]

**Pacific Fishery Management Council; Public Hearings**

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

**ACTION:** Notice of public hearings.

**SUMMARY:** The Pacific Fishery Management Council (Council) and NMFS will hold two public scoping hearings on alternatives and impacts to be included in an environmental impact statement (EIS) on dedicated access privileges for the Pacific Coast groundfish trawl fishery.

**DATES:** The hearings will be held Tuesday, July 20, 2004, at 3 p.m. and Tuesday, July 27, 2004, at 3:30 p.m.

**ADDRESSES:** The hearings will be held respectively at the Jim Traynor Conference Room, Building 4, 7600 Sand Point Way, Seattle, WA 98115; telephone: (206) 526-4490 and in the Auditorium of the Mark O. Hatfield Marine Science Center, 2030 S. Marine Science Drive, Newport, OR 97365; telephone: (541) 867-0212.

**FOR FURTHER INFORMATION CONTACT:** Jim Seger, Staff Officer (Economist); Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384; telephone (503) 820-2280.

**SUPPLEMENTARY INFORMATION:** The Council and NMFS announced their intent to hold public scoping meetings on May 24, 2004, (69 FR 29482-29485) when the Council and NMFS issued their notice of intent to prepare an EIS on dedicated access privileges for the Pacific Coast groundfish trawl fishery. The first scoping meeting was held June 13, 2004, in conjunction with a Council meeting in Foster City, CA. The purpose of these hearings is to identify alternatives to be considered and the notable impacts that should be evaluated. These scoping hearings are not intended as a forum for comments in favor of or opposed to the alternatives. A scoping information pamphlet and detailed public scoping