NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 10/01/2010

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/01/2010

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201010-0648-002
AGENCY ICR TRACKING NUMBER:
TITLE: Rationalization of the Pacific Coast Groundfish Trawl Limited Entry Fishery
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0611
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 09/30/2013 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	542	1,859	98,786
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	542	1,859	98,786
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

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

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Quota Share Initial Issuance/QS Permit Application	NA	Quota Share Initial Issuance/QS Permit Application	
Mothership permit	NA	Mothership Permit Application	
Mothership Catcher Vessel Endorsement and Catch History Assignment Application	NA	Mothership Catcher Vessel Endorsement and Catch History Assignment Application	
Catcher/Processor Endorsement Application	NA	Catcher/Processor Endorsement Application	
Trawl Identification of Ownership Interest	NA	Identification of ownership interest	
Appeals			50 CFR 660.25(g)

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
DOC/NOAA/NMFS/

2. OMB control number
a. 0648 -
b. [ ] None

3. Type of information collection (*check one*)
a. [✔] New Collection
b. [ ] Revision of a currently approved collection
c. [ ] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by ____/____/____
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [ ] Three years from approval date b. [✔] Other Specify: 10 /2011

7. Title
Rationalization of the Pacific Coast Groundfish Trawl Limited Entry Fishery

8. Agency form number(s) (*if applicable*)

9. Keywords
"Fisheries," "Fishing" and "Fishing Vessels"

10. Abstract

The National Marine Fisheries Service (NMFS) proposes to implement Amendment 20 to the Pacific Coast Groundfish Fishery which would establish a trawl rationalization program that consists of: 1) an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and non-whiting); 2) cooperative (coop) based program for the mothership catcher vessel and catcher processor fleets. The trawl rationalization program is intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch.

The rule RIN 0648-AY68 would establish procedures for initial issuance of permits, endorsements, and quota shares under the IFQ and Coop programs.

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. ___ Individuals or households d. ___ Farms
b. p Business or other for-profit e. ___ Federal Government
c. x Not-for-profit institutions f. ___ State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [ ] Voluntary
b. [✔] Required to obtain or retain benefits
c. [ ] Mandatory

13. Annual recordkeeping and reporting burden
a. Number of respondents 120
b. Total annual responses 542
1. Percentage of these responses collected electronically 0 %
c. Total annual hours requested 1,859
d. Current OMB inventory 0
e. Difference 1,859
f. Explanation of difference
1. Program change 1,859
2. Adjustment

14. Annual reporting and recordkeeping cost burden (*in thousands of dollars*)
a. Total annualized capital/startup costs 0
b. Total annual costs (O&M) 99
c. Total annualized cost requested 99
d. Current OMB inventory 0
e. Difference 99
f. Explanation of difference
1. Program change 99
2. Adjustment

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. x Application for benefits e. x Program planning or management
b. ___ Program evaluation f. ___ Research
c. ___ General purpose statistics g. p Regulatory or compliance
d. ___ Audit

16. Frequency of recordkeeping or reporting (*check all that apply*)
a. [ ] Recordkeeping b. [ ] Third party disclosure
c. [✔] Reporting
1. [ ] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [ ] Annually
7. [ ] Biennially 8. [✔] Other (describe) one-time

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: Kevin Ford
Phone: (206) 526-6115

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 signed by Emily Menashes	Date 05/14/2010
Signature of NOAA Clearance Officer	
Signature signed by Sarah Brabson	Date 05/17/2010

SUPPORTING STATEMENT
RATIONALIZATION OF THE PACIFIC COAST GROUNDFISH
TRAWL LIMITED ENTRY FISHERY
OMB CONTROL NO. 0648-xxxx

A. JUSTIFICATION

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

This request is for a new information collection related to a pending proposed rule, Regulation Identifier Number (RIN) 0648-AY68.

Since 2003, the Pacific Fishery Management Council (Council) has been developing a trawl rationalization program for the Pacific Coast groundfish fishery that would affect the limited entry trawl fishery. The trawl rationalization program is intended to increase net economic benefits to the nation; and for participants, to: 1) provide economic stability in the fishery, 2) provide full utilization of the trawl sector allocation, 3) improve safety, product quality and value, and 4) increase accuracy, and for catch and bycatch; mitigate or decrease environmental impacts that occur under current fishing practices and regimes.

The Council has developed the trawl rationalization program through two amendments to the Pacific Coast Groundfish Fishery Management Plan (FMP): (1) Amendment 20, which addresses the trawl rationalization program, and (2) Amendment 21, addressing intersector allocation. Amendment 20 would create the structure and management details of the trawl rationalization program, while Amendment 21 would allocate the groundfish stocks between trawl and non-trawl fisheries and within trawl fisheries. The Council took final action on Amendment 20 at their November 2008 meeting, with subsequent related actions at their March 2009, April 2009, June 2009, November 2009, and April 2010 meetings. The Council took final action on Amendment 21 at its April 2009 meeting, with trailing actions at their March 2010 meeting.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) authorizes the Council to prepare and amend FMPs for any fishery in waters under its jurisdiction. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) manages the groundfish fishery in 3-200 mile zone off of the coasts of Washington, Oregon and California. In 1993, the Council, under Amendment 6, limited entry into the groundfish fishery through a limited entry permit program. Currently, there are a total of 399 Pacific Coast limited entry permits and or which 177 are endorsed for trawl gear.

The trawl rationalization program will be a limited access privilege program (LAPP) under the MSA as reauthorized in 2007. A LAPP is considered a grant of permission to the holder of the limited access privilege, or quota share, to participate in the program. It may be revoked, limited, or modified by the Secretary of Commerce (Secretary) at any time. In other words, it is a conditional privilege, conveyed through quota shares or catch shares, to harvest a specified amount of fish. Under the trawl rationalization program, NMFS will issue the permits, as described below, for this conditional privilege.

In 2009, NMFS implemented Amendment 15 (RIN 0648-AW08, published March 10, 2009 (74 FR 10189)) which required a Pacific Whiting Vessel License for any vessel participating in either the shorebased or at-sea whiting fisheries. These licenses were issued to limit the number of vessels in the whiting fishery based on participation history in these fisheries. Under the trawl rationalization program, the Pacific Whiting Vessel Licenses will lapse and will be replaced by a new Mothership (MS) permit, and new catcher/processor (C/P) and mothership catcher vessel (MS/CV) endorsements for existing Pacific Coast limited entry permits.

Trawl Rationalization Program Structure

The trawl rationalization program will consist of: (1) an individual fishing quota (IFQ) program for the shore-based trawl fleet and (2) co-operative (co-op) programs for the at-sea trawl fleet. The shore-based trawl fleet would include IFQ participants who land groundfish to shore-based processors or first receivers. The at-sea trawl fleet would include fishery participants harvesting whiting with midwater trawl gear (i.e., whiting catcher/processor vessels, whiting motherships, and whiting catcher vessels associated with motherships). The co-op programs for the at-sea trawl fleet are further divided as follows: (1) a single whiting catcher/processor co-op; and (2) one or more whiting mothership co-ops may form, or vessels may choose to fish in an open access or non-co-op fishery which would be unaffiliated with a co-op. For the co-op and non co-op fishery, vessel owners pool their harvest together.

The IFQ program for the shore-based fleet will require NMFS to make an initial allocation of harvest quota share (QS) (expressed as a percentage of the total sector amount) through a new QS permit to current owners of limited entry trawl permits and shore-based whiting first receivers who meet the qualifying criteria. Depending on a person's limited entry trawl permit history in qualifying years, the permit owner will receive an initial allocation for various target species/species groups (~20 species), some with area designations. In addition, NMFS will allocate QS for overfished species based on a proxy of the amount of target species allocated to the quota share holder. Shore-based whiting first receivers will receive an initial allocation of whiting only, based on their history of being the first receiver reported on state fish tickets (with an opportunity to reassign their history). Each year, based on the optimum yield amounts for each species and the amount of QS a holder has for a particular species/area, NMFS will allocate quota pounds to the QS account. The QS owner, in turn, must allocate quota pounds to vessel accounts. Vessels are required to have IFQ or quota pounds in an account to cover all IFQ landings and discards incurred while fishing under this program. In order to comply with the MSA, NMFS will track ownership interest in QS to determine if individuals are within set accumulation limits, both at the initial allocation stage and during the operation of the program. In Amendment 20, the Council has adopted limits (by species group and area) on the amount of QS an individual can control (i.e. control limits) and limits on the amount of quota pounds that may be registered to a vessel for use in a given year.

For the at-sea whiting component of the trawl rationalization program, the Council has adopted a program that provides for a C/P co-op and MS co-ops that differ from how the co-ops have operated in the past. The C/P co-op will not require an initial allocation of catch shares to individual vessels, provided that a co-op is established. However, whiting catch shares for the MS fleet (called catch history assignments) would initially be allocated to qualifying limited entry trawl permits that were registered to catcher vessels in qualifying years and which were used in the mothership whiting fishery. The catch history assignments would be non-severable

from the permit. Holders of qualifying permits that are allocated a whiting catch history assignment may choose to participate in either the MS co-op or non-co-op fishery. As with the shore-based IFQ program, NMFS would be required to track permit ownership interests in the MS sector to determine if individuals are in compliance with accumulation limits.

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

The trawl rationalization program includes a series of information collections from industry members who have participated or who intend to participate in the shorebased groundfish fishery and/or the at-sea whiting fishery. These information collections are required to support permit and endorsement applications and/or to receive an initial issuance of quota share of whiting and non whiting groundfish species. NMFS will use these applications to determine whether the applicant qualifies for the permit or endorsement and/or to determine the appropriate amount of QS or catch history assignment allocation. The discussion below describes specific information collections required to apply for the following: 1) an initial issuance of groundfish QS and associated QS permit for harvesters, and initial issuance whiting QS and QS permit for qualified shorebased first receivers; 2) MS/CV endorsement and associated whiting catch history assignment; 3) a C/P endorsement; and 4) a MS permit. Ownership interest forms will be required from applicants for QS initial issuance (both whiting and non whiting), MS permit, and MS/CV endorsement and catch history assignment. This information collection also includes information provided by applicants who appeal the disapproval of a permit or endorsement application or who wish to appeal the amount of QS or catch history assignment allocation.

SHORE BASED TRAWL SECTOR: INDIVIDUAL FISHING QUOTA/QUOTA SHARE PROGRAM

Initial Issuance of QS Allocation and QS Permit Application

Current owners of trawl endorsed limited entry permits that have qualifying permit landing history must apply for an initial issuance of QS for various groundfish species/species groups, including Pacific halibut. In addition, shorebased first receivers who received whiting during qualifying years must apply for an initial issuance of whiting QS. If NMFS approves an application for initial issuance of QS, it will issue a permit authorizing the entity or individual to hold QS. The application must be complete and postmarked or hand delivered to NMFS Northwest Region by a specified deadline date in order to be accepted for review by NMFS. This is a one-time information collection and the only opportunity to apply for an initial issuance of QS. Two years after the start of the trawl rationalization program, QS will be transferrable to other persons. At that time, new persons (who do not have an existing QS permit) receiving QS as a result of transfer will need to apply for and obtain a QS permit to receive QS.

For the initial issuance of QS, NMFS will extract a dataset from the Pacific Fisheries Information Network (PacFIN) database as of the publication date of the proposed regulations. NMFS will calculate QS for limited entry trawl permit owners using a combination of permit landing history, equal division of QS from permits retired through the buyback program, a formula based on target species and area fished, or pro-rata (certain species will be allocated in proportion to

the QS allocation amount allocated for another species). NMFS will calculate whiting QS for first receivers using permit landing history. NMFS will calculate Pacific halibut individual bycatch quota (IBQ) for limited entry trawl permit owners using a formula based on target species and area fished. Detailed descriptions of these calculations are provided in the proposed rule.

NMFS will identify permit owners or first receivers that appear to be qualified for QS and will send by certified mail a prefilled application form. On the prefilled form, NMFS will provide the permit owner, or first receiver name, TIN (if a business entity), limited entry permit number, business address, phone number, fax number and email address based on existing records in the NWR Permit's Office database. The applicant will be requested to update this information if it has changed or was not previously provided to NMFS. If the permit owner or first receiver is made up of individuals, they will be required to provide date of birth for each individual given as part of the ownership group.

Shorebased first receivers, to qualify for an initial allocation of whiting QS, must meet a "recent participation" requirement. Specifically, the first receiver must have taken deliveries of whiting in the amount of 1 metric ton or greater in any two years from 1998-2004. In a separate section in the form, NMFS will display the amount of whiting landings received by the first receiver in these qualifying years.

In another application section, NMFS will provide the applicant their preliminary QS for each species category (Group 1, 2, and 3 species) and halibut. The applicant will be required to either accept or not accept this information as given. If they do not accept data as given in part or whole, they must check the appropriate box and provide state landing records or other credible information with the application that would correct the information provided in the prefilled application.

Attached to the application form, NMFS will provide individual summary sheets for each species (Group 1, 2, and 3 species) and halibut IBQ that provides landing and logbook data for each qualifying year and applicable calculations. The purpose of providing the preliminary summary sheet data is to allow the applicant to understand the qualifying data at a finer level of detail that was used to support the aggregate figures displayed on the prefilled application form and to provide NMFS' calculations to derive QS allocations for various species. These individual summary sheets support relative history amounts for the various species given in Section C of the QS initial issuance/permit application. This also helps the applicant determine if they need to file a correction with NMFS to correct any errors. The applicant will also be required to either accept or not accept this information as given in each of the summary sheets. If the applicant accepts the landing data and calculations provided in the prefilled application, NMFS will use these data to calculate and make the initial issuance of QS using the calculation formula prescribed by the Council and NMFS.

If the applicant does not accept part or all of the preliminary qualifying data or calculations as given in the prefilled application or for the summary sheets, they will be required to submit a letter with the completed application that details which data they believe was incorrectly used by NMFS or which calculations were incorrectly applied by NMFS. In addition, the applicant must provide copies of state landing tickets or other credible information that supports a correction of

the qualifying data or calculation of QS. This documentation is required to support the need for a correction of the data or calculation. The applicant cannot challenge whether the data as given in PacFIN is correct, but may contest the accuracy of the qualifying data as extracted, aggregated or expanded by NMFS. The applicant may also challenge whether NMFS properly applied the calculation of QS. The applicant may request a correction of the lowest relative history years if they believe NMFS incorrectly calculated those years. NMFS will consider corrections requested by the applicant and will either accept or not accept these corrections based on its review.

NMFS may request other supplementary information it deems necessary to make a determination of eligibility and/or accuracy of the QS calculation. NMFS will review the applicant's information and determine whether a correction to the landing data or calculation is justified. Applicants have been given notice (75 FR 4684, 1/29/10) to review and, if necessary, correct their landing history data in PacFIN, but this must take place before the proposed rule associated with this PRA collection publishes.

Shorebased first receivers applying for an initial issuance of whiting QS, applicants may provide a letter and valid written agreement from a first receiver listed on the state landing tickets that reassigns whiting landing history to another person that was in fact the first processor of the fish. The purpose of this provision is to allow for reassignment of landing histories that have been sold by the entity listed on the landing ticket to another shorebased processor or for situations where the first receiver given on the landing ticket is a subsidiary of a parent company. The letter must be signed dated by the first receiver (or authorized representative) named on the state landing ticket and signed by an authorized representative of individual or entity receiving the landing history. The letter must detail the dates and amounts of the landing history that is being reassigned and provide the legal name, date of birth or tax identification number, business address, phone number, fax number and email address (optional) of the person receiving the reassignment of the whiting landing history. This documentation must be submitted with the application form by the application deadline.

NMFS will review the agreement for authenticity and make a determination whether or not to make a reassignment of the landing history. When NMFS issues an initial administrative determination, the Agency will indicate whether it accepted the request to reassign the landing history or if not accepted, the reasons it did not reassign the landing history.

NMFS will not mail prefilled applications to current trawl limited entry permit owners or shorebased first receivers that do not appear in the extracted PacFIN dataset as having qualified for an initial issuance of QS. Persons who do not receive a prefilled application and believe they may qualify for QS may submit an application by the deadline. The applicant will be required to provide all of the information required of and provided to those persons receiving a prefilled application and necessary to determine all QS allocations, and all the pre-filled data (state landing data and logbook data) provided to prequalified applicant. In addition, the applicant must provide NMFS with copies of state landing tickets, logbook data and/or other credible information for an initial issuance of QS. First receivers will be required to show how they met the recent participation requirement. NMFS will provide blank application forms on the NOAA/NMFS/NWR Permits Office website or by request for applicants that did not receive a prefilled application.

All applicants will be required to certify that the application is true, correct and complete to the best of their knowledge and ability by signing and dating the form. The form must be notarized to authenticate the identity of the individual signing the form. A corporate resolution may be required of a non-individual entity to establish that the individual signing the application is authorized to do so on behalf of the entity.

As part of the application for QS initial issuance/QS permit, the applicant will be required to provide a completed ownership interest form which provides information on all shareholders or members -- to the individual level of ownership -- who have a 2% or greater interest in the ownership group, and provides the specific amount of that ownership interest. Each individual who has a 2% interest or greater in the ownership group must provide TIN or date of birth and business address. Entities that own multiple qualifying permits and shareholders that have ownership interest in multiple permits must comply with accumulation limits on control of quota share. This ownership information will be used to determine if the permit owner and/or the shareholders in an entity that receives an initial allocation of QS exceeds the individual accumulation limits for each species. An application for QS will not be considered completed unless and until an ownership interest form is provided. NMFS will provide a prefilled ownership interest form for all permit owners and first receivers who provided an ownership interest form as part of information collection authorized by 0642-0599. Persons receiving the prefilled form need only update the form by adding and deleting shareholders as necessary or updating business addresses and shareholder amount of ownership interest. Individuals who do not receive a prefilled QS initial issuance/QS permit application form will be required to fill out a blank ownership interest form available from the NOAA/NMFS/NWR Permits Office website. For more information on this collection, see the discussion description provided later in this document.

Any applicant who is qualified for an initial allocation of QS will be issued a QS permit. All QS permit owners will be registered with NMFS. NMFS will establish an electronic QS account in which QS amounts for groundfish IFQ species will be registered and tracked. The QS permit owner will be recognized as eligible to own/control QS and the permit will give the terms and conditions associated with the use of QS. Quota share amounts (%) issued to the QS owner will be transferrable two years after the start of the program to persons eligible to own a QS permit. The QS permit itself is not transferrable and must be renewed each year. Any person who was not initially issued QS and seeks to obtain QS through a transfer (after two years) will be required to obtain a QS permit.

NMFS will submit another rulemaking later this year that will include a series of information collections required to renew a QS permit, to transfer QS allocations, assign associated quota pounds to a vessel account, and to obtain a QS permit (after the start of the program).

AT SEA WHITING SECTOR

Mothership Processor Permit Application

NMFS will limit the number of mothership processor vessels authorized to participate in the at-sea whiting fishery by issuing permits to those vessels that meet the qualifying criteria prescribed by the Council and implemented by NMFS. To qualify for the MS permit, a vessel must have processed at least 1,000 metric tons (mt) of whiting in each of any of 2 years from1997-2003. NMFS will calculate the amount of whiting processed during the qualifying years based on

NMFS observer data in the North Pacific (NORPAC) database as of the publication date of the proposed rule and determine which vessels qualify for a MS permit. An application for a MS processor permit is a one-time collection of this information and the only opportunity to obtain this new type of limited entry permit.

For those vessel owners and bareboat charterer that appear to be qualified for a MS permit, NMFS will send by certified mail a prefilled application form. In one section, NMFS will provide the vessel owner name, vessel name, vessel number, TIN (for business entities), date of birth (for individuals given as owners), business address, phone number, fax number (optional) and email address (optional) based on existing records. NMFS will request applicants to update this information if it has changed or has been omitted previously. In a separate section, NMFS will provide the amount of whiting processed by the vessel from 1997-2003, which will show if the qualifying criteria is met by the vessel.

If the applicant accepts the preliminary qualifying data as given, they need only sign, date and notarize the application: he applicant will be required to certify the application is true, correct and complete to the best of their knowledge and ability by signing and dating the form. The form must be notarized to authenticate the individual signing document. A corporate resolution may be required of a non-individual entity applicant to establish that the individual signing the application is authorized to do so on behalf of the entity.

NMFS will not mail pre-filled applications to owners of mothership vessels that appear to not qualify for the permit based on NMFS observer data in the NORPAC database. Vessel owners who feel they may qualify for a MS permit must submit a complete application to NMFS by the deadline date. Specifically, they will need to provide the applicant identifier information (vessel name, vessel registration number, vessel owner name, business address, etc) and list the amount of whiting processed for the qualifying years in which the vessel met the qualifying criteria (> 1,000 mt of whiting processed in each of any of 2 years from1997-2003). The vessel owner must provide with the application copies of NMFS Whiting Observer records and/or other credible information that demonstrates the vessel meets the qualifying criteria. NMFS may request any other documentation it deems necessary to make a determination on whether to approve or disapprove the application. NMFS will provide blank application forms on the NOAA/NMFS/NWR Permits Office website or by request for applicants that did not receive a prefilled application.

All applicants will be required to submit a complete ownership interest form as part of the MS permit application. The proposed regulations includes a limit provision that provides that no individual or entity owning a MS permit may process more than 45% of the total MS sector whiting allocation. The ownership interest will identify the amounts of ownership any individual or entity has in a particular MS permit and allow NMFS to monitor compliance with the limit. A more detailed discussion of the ownership interest information collection follows at the end of this section.

The MS permit is a limited entry permit, will be transferrable, and must be renewed each year. NMFS will submit another rulemaking later this year that describes the information collections required to transfer and renew MS permits.

Catcher Vessel Delivering to Mothership (MS/CV) Endorsement Application

NMFS will limit the number of MS/CV harvesting vessels authorized to participate in the mothership fishery by issuing endorsements to owners of trawl endorsed limited entry permits. Permits that qualify for the MS/CV endorsement will also receive a catch history assignment of whiting (expressed as a percentage of the total sector amount) based on the permit's whiting delivery history. The catch history assignment will represent an amount of whiting (expressed as a percentage of the total sector allocation) that is available for use by a mothership co-op or in the non-co-op fishery. The MS/CV endorsement and the catch history assignment are not severable from the limited entry permit. Only owners of current trawl limited entry permits may apply for the MS/CV endorsement and catch history assignment. This is a one-time information collection and will be the only opportunity to apply for this MS/CV endorsement and whiting catch history assignment.

In order to qualify for the a MS/CV endorsement, the vessels registered to a trawl endorsed permit must have delivered a total of more than 500 metric tons of whiting to a mothership during the qualifying years of 1994 through 2003. The criteria to qualify for a catch history assignment of whiting to the permit will be based on the relative catch history of whiting for the years 1994 through 2003, after dropping the two worst years.

For those permit owners that appear to be qualified for a MS/CV endorsement and catch history assignment, NMFS will send by certified mail a prefilled application form to the current limited entry trawl permit owner. In one section, NMFS will provide the permit owner name, limited entry permit number, TIN (for business entities), business address, phone number, fax number (optional) and email address (optional) based on existing permit records. If the permit ownership is made up of individuals, they will be required to provide their date of birth. NMFS will request the applicant to update this information if it has changed or was previously omitted.

NMFS Whiting Observer data in the NORPAC database will be used to determine if a limited entry trawl permit qualifies for both the MS/CV endorsement and an amount of whiting catch history assignment. In another section, NMFS will provide preliminary qualifying data to receive an MS/CV endorsement. Specifically, NMFS will provide the total amount of whiting delivered in the MS sector by vessels registered to the permit during qualifying years.

In a third section in the form, NMFS will provide preliminary data that includes: the amount of pounds of whiting delivered by vessels registered to the permit in each of the qualifying years; the total amount of whiting delivered for the mothership sector for each of the qualifying years, the relative permit history amount given as a percentage; and NMFS' designation of the worst two years (lowest relative history percent amount given for a year). These data will be used by NMFS to calculate the preliminary catch history assignment amount (given as percentage). NMFS will designate the two worst years in the application (lowest relative history percent amount given for a year). The applicant may request a change in the worst years as part of their application. NMFS will also show the whiting delivery history for any permits that were combined to generate the current permit.

The applicant will be required to either accept or not accept qualifying data as given. If the applicant does not accept the qualifying data or the designation of the worst years, the applicant must provide a letter to NMFS with the application specifying which data are not correct,

providing the corrected data amount, and providing copies of whiting observer records or other credible information that would support a correction of the preliminary qualifying data. Also, if the applicant does not agree with NMFS designation of the worst 2 years, they must indicate which years should be given as the worst years.

The applicant cannot correct the NMFS observer data as given in NORPAC after the publication date the proposed rule associated with this PRA collection. The applicant can challenge only whether NMFS properly extracted, aggregated or expanded the observer data from NORPAC or if NMFS properly calculated the catch history assignment amount from the NORPAC data. As part of the Initial Agency Determination (IAD) denying any claim, NMFS will make a determination of whether it properly extracted, aggregated or expanded the preliminary qualifying data and/or applied the calculation properly and either make a correction to the data provided in the application or not accept the changes requested by the applicant.

NMFS will provide with each MS/CV endorsement application withan ownership interest form. An ownership interest form must be completed and submitted with the application. The information provided in this form will enable NMFS to determine whether an entity or individual owns permits for which the cumulative catch history assignment is greater than 20%. NMFS will not issue the MS/CV endorsement and catch history assignment if the permit owner exceeds the MS/CV permit ownership and control limit. The ownership interest form is discussed in greater detail at the end of this section.

NMFS will not mail pre-filled applications to current trawl permit owners that do not appear to qualify for the MS/CV endorsement or catch history assignment based on NMFS observer data in the NORPAC database. If a current owner of a trawl limited entry permit did not receive an application, and they believe their permit history would qualify for the MS/CV endorsement and catch history assignment, they must submit a complete application and copies of NMFS Whiting Observer records and/or other credible information that would demonstrate that the permit met the qualifying criteria for the endorsement and data that supports the allocation of a catch history assignment. The applicant will be required to fill in all sections of the application. NMFS will provide blank application forms on the NOAA/NMFS/NWR Permits Office website or by request for applicants that did not receive a prefilled application.

The applicant will be required to certify that the application is true, correct and complete to the best of the applicant's knowledge and ability by signing and dating the form. The form must be notarized to verify that the individual signing the form is properly identified. A corporate resolution may be required of the applicant if it is an entity and will verify that the individual signing is authorized to sign the application by the officers of the entity.

Because these endorsements would be added to an existing limited entry permits, they will be subject to the current annual renewal requirements and requirements for any change in vessel registration, permit owner or vessel owner. These requirements are currently authorized under the information collection OMB Control Number 0648-0203.

Catcher Processor (C/P) Endorsement Application

NMFS will limit the number of permits in the C/P sector by qualifying certain trawl limited entry permits for a C/P endorsement based on the permit's catch and processing history. In the future,

only vessels registered to a C/P endorsed permit can participate in the C/P fishery. The C/P endorsement will not be severable from the qualifying limited entry permit. In order to qualify for a C/P endorsement, vessels registered to the permit must have harvested and processed whiting in the catcher processor sector any time during the primary whiting season from 1997 through 2003.

For those permits that appear to be qualified for C/P endorsement, NMFS will send by certified mail a prefilled application form to the current limited entry trawl permit owner. NMFS will provide the permit owner name, limited entry permit number, TIN (for business entities), date of birth (for individuals), business address, phone number, fax number and email address based on existing records. The applicant will be asked to update this information if it has changed or was previously absent from the permit data base.

NMFS Whiting Observer data in the NORPAC database extracted as of publication date of the proposed rule associated with this PRA collection will be used determine if a permit qualifies for the C/P endorsement. NMFS will send a prefilled application form to those permit owners who are found to qualify for the endorsement. Applicants will be required to certify that they accept the determination made for the endorsement and that the information provided is correct and true. This is a one-time information collection and the only opportunity to obtain the C/P endorsement.

NMFS will not mail prefilled applications to permit owners that do not appear to qualify for the endorsement based on NMFS observer data in the NORPAC database. If a current trawl limited entry permit owner believes they qualify for the endorsement, they must submit a complete application by the deadline date. The applicant must provide copies of NMFS observer records and/or other credible information that would demonstrate that the permit met the qualifying criteria. The applicant must complete all sections of the application. NMFS will provide blank application forms on the NOAA/NMFS/NWR Permits Office website) or by request for applicants that did not receive a prefilled application.

Because the C/P endorsement is on an existing limited entry permit, it will be subject to the current requirements to renew on an annual basis and requirements for any change in vessel registration, permit owner or vessel owner. These requirements are currently covered under the information collection given in OMB Control Number 0648-0203.

Ownership Interest Form

The trawl rationalization program includes a series of accumulation limits on the amount of permits, QS, or catch history assignments an individual or entity my own, control, or use. These accumulation limits apply to selective parts of the shorebased IFQ program and the MS Co-op program. Specifically, these accumulation limits include the following: 1) a limit on the amount of QS any entity or individual may control for each species; 2) a limit on the amount of quota pounds a vessel may use or have in their account; 3) a limit on the MS/CV permits any individual or entity may own; and 4) a limit on the amount an individual or entity who owns a MS permit may process of the total mothership sector whiting allocation in a given year. As part of the initial allocation of QS to current limited entry trawl permit owners, NMFS will determine if any of the QS holders would exceed the accumulation limits at initial issuance. Those who acquired permits registered to the limited entry trawl permit owner by November 30, 2008, will

be allowed to receive a QS allocation in an amount in excess of the QS control limits. However, these QS owners must divest the excess amount QS by the start of the fifth year of the program. QS owners that acquired trawl permits after November 30, 2008 that result in an QS allocation of QS in amounts exceeding the control limits will be restricted to the stated QS control limits for each specie/species group.

NMFS will require any owner of MS/CV endorsed limited entry permit, MS permit, or QS permit to submit an ownership interest form as part of the application for a MS/CV endorsement, a MS permit, or QS initial allocation (both current trawl permit owners and whiting first receiver associated with initial issuance). The form will be prefilled with current permit owner name(s), business address, phone number, fax number and email address, if this information is available. In addition, the form will provide the names of the individuals with ownership interest and their ownership interest amounts in excess of 2% as previously obtained under the information collection authorized in OMB Control 0648-0599. If the previously reported shareholders and amounts of ownership interest in the permit or vessel remain the same, the respondent need only certify the application as being correct. If the shareholders or ownership interest amounts have changed, the respondent will need to provide those revisions on the form. If the permit owner did not file an ownership interest form as required in the information collection, OMB Control 0648-0599, the permit owner will be required to provide all of the information described above. NMFS will implement another rulemaking later this year which will require an information collection for ownership interest as part of the renewal or transfer of QS and MS permits and MS/CV endorsed permits.

Appeal of an Initial Administrative Determination (IAD)

NMFS will issue an IAD that either approves or disapproves an application received by the deadline date for the following: QS initial issuance/QS Permit, MS/CV endorsement, C/P endorsement or a MS Permit. If NMFS disapproves any part of the application in an IAD, the applicant named in the IAD may submit an appeal in writing consistent with regulations. The applicant will be required to provide documents and information that support the applicant's claim that the qualifying criteria was met or that NMFS incorrectly extracted, aggregated or expanded the data or erroneously calculated the QS allocation or catch history assignment as provided by regulation. Once the associated proposed rule has published, the applicant may not appeal the accuracy of the state landing ticket data or the whiting observer data logbook data as existed in the PacFIN or NORPAC databases at the time of extraction for use in determining eligibility for these permits. NMFS issued previous regulations (75 FR 4684, 1/29/10) that gave notice to potential applicants that they must revise the accuracy the landing ticket and whiting observer data prior to the publication of the proposed rule associated with this PRA collection. An appeal must be made in writing to NMFS within 30 calendar days of the date on the IAD. NMFS may request additional information from the appellant as necessary to adjudicate the appeal.

NMFS anticipates that the information collected will be disseminated to the public or used to support publicly disseminated information, except for PII data. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See the response to Question 10 in this section for more information on confidentiality and privacy. The information

collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

Applications will not be submitted to NMFS electronically, but applicants that are not prequalified, and thus do not receive pre-filled forms, may obtain application forms from the NOAA/NMFS/NWR Permits Office website. Prequalified applications will receive pre-filled forms as described in Question 5.

4. Describe efforts to identify duplication.

This is a unique information collection and does not duplicate other collections. The trawl rationalization program has been developed by the Pacific Fishery Management Council and is unique to the Pacific Coast trawl based fisheries. This program has been reviewed in many public meetings and subject to public comment. No issues have been raised in the Council process identifying duplication of this program. This program and the associated information collection are targeted at a specific part of the fishing industry and authorize specific information required to implement and administer this program.

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

NMFS estimates that approximately 75% of all permit, endorsement and quota share applicants are small business. In addition to blank applications that will be available, NMFS will provide prefilled applications targeted to those individuals and entities that NMFS determines qualify for the program. Qualification will be based on existing data that resides in various state and Federal databases and NMFS will provide potentially qualified applicants with the basis of the qualification for an endorsement or permit and/or preliminary qualifying data that will be used in the calculation of QS or catch history assignments. The applicant may accept or not accept the preliminary data and calculations as given by NMFS and provide information for NMFS to determine if a correction is warranted.

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

The applications for MS/CV and C/P endorsements, the MS permit and the application for QS initial issuance are one-time information collections. It is necessary that qualified applicants apply to NMFS for such privileges to confirm that existing data that qualifies the applicant for the privilege and/or the basis of calculation for an amount of QS or catch history assignment are correct. If these information collections are not conducted, NMFS would not have a basis for making a determination and the trawl rationalization program could not be implemented.

Ownership interest forms must be submitted as part the collection referenced above. The ownership interest is required to determine initially if any applicant (including individuals who

have interest in entities who are applicant) will own and control QS, MS permits, or MS/CV permits in excess of the accumulation limits. If NMFS does not collect this ownership interest, NMFS would not be able to meet its legal mandate under MSA which requires that individuals and/or entities should not receive access to a disproportionate amount of the resource.

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

N/A.

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

A proposed rule, RIN 0648-AY68, will be published coincident with the submission of this information collection request to the Office of Management and Budget.

NMFS provided the Pacific Fishery Management Council with a preliminary draft of the initial issuance and program regulations. These regulations were available for review and comment at the March, 2010 and April 2010 meetings. In addition, at the April meeting NMFS provided to the Groundfish Advisory Panel copies of the preliminary draft application forms for review and comment.

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

N/A.

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

All data submitted under the proposed collection will be handled as confidential in accordance with Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1881a, Section 402b, and NOAA Administrative Order 216-100, Protection of Confidential Statistics. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. The names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and not releasable to the public. The phone number, fax, email, TIN, and date of birth are confidential. Any records/data (state landing tickets, logbook data, business records) provided by the applicant in support of a correction or their application is confidential.

A Privacy Act System of Records Notice, COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries, was published in the Federal Register on 4/17/2008 and became effective on June 11, 2008 (73 FR 33065).

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.

N/A.

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

One-time respondents and burden	No. of Respondents	Frequency of Responses per year	Total Annual Responses	Average Time	Total Hours
QS Initial Issuance/QS Permit	180	1	180	6 Hours	1080 Hours
MS Permit	6	1	6	1 Hour	6 Hours
MS/CV Endorsement & catch history assignment	30	1	30	2 Hours	60 Hours
C/P Endorsement	10	1	10	30 minutes	5 Hours
Ownership Interest Form	216*	1	216	30 minutes	108 Hours
Appeals	100	1	100	6 Hours	600 Hours
Total	**120** (unduplicated)**		**542**		**1,859 Hours**

*Ownership interest forms are not required from permit owners applying for a C/P endorsement.

** Several respondents are applying for more than one permit.

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

Mailings of application forms and appeals (ownership forms are enclosed with applications): 326 x $0.44 = $143
Notarize forms: (form not required for appeals) 442 x $10 per = $4,420
Copy of forms/documents = ~10,250 pages x .05 per page = $513
Estimated Application Fees: QS application: $480 per application x 180 =$86,400
MS/CV Endorsement application: $175 per application x 30 = $5,250
MS Permit application: $110 per application x 6 = $660.
C/P endorsement application: $140 per application x 10 = $1,400.

Total one-time costs: $98,786.

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

NMFS will charge application processing fees for this one-time initial issuance process to recapture administrative costs. The costs to NMFS will include staff time to: prepare the application packages; review and process (enter data) incoming applications; prepare agency decision documents and permit documents; and respond to applicant's questions about the application process. The total administrative cost accruing to the Federal government is approximately $87,000.

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

Not applicable.

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

There are no plans to tabulate and publish applicant specific application data. However, the names and business addresses of MS permit owners and owners of vessels registered to the permit and QS Permit owners and their business address will be posted on the NMFS, Northwest Region website. As an endorsement on an existing limited entry permit and consistent with current practice for limited entry permits, MS/CV and C/P endorsed permits owners and their business addresses will be posted on the NMFS, Northwest Region website.

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.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Halibut IBQ Summary Sheet

Area of Effort Distribution - Pounds of Target Species Catch By Area From Logbook Data 2003-06 [Step 4]

Year	Area		Species ATF	Species PS
2003	N of 47.30'	Shoreward	325	200
		Seaward	450	280
	40.10' to 47.30'	Shoreward	50	390
		Seaward	0	0
2004	N of 47.30'	Shoreward	200	325
		Seaward	250	310
	40.10' to 47.30'	Shoreward	220	300
		Seaward	0	0
2005	N of 47.30'	Shoreward	120	105
		Seaward	130	125
	40.10' to 47.30'	Shoreward	110	120
		Seaward	0	0
2006	N of 47.30'	Shoreward	0	0
		Seaward	0	0
	40.10' to 47.30'	Shoreward	0	0
		Seaward	0	0

Permit Arrowtooth and Petrale Sole Catch per Area in Aggregate and Calculated Area Ratios (Total Catch Per Area / Sum of All Catch in All Areas)

Arrowtooth			Lbs.	Ratio
	N of 47.30'	Shoreward	645	0.3477089
		Seaward	830	0.4474394
	40.10' to 47.30'	Shoreward	380	0.2048518
		Seaward	0	0
Note: Sum of all ratios equals 1			1855	1

Petrale			Lbs.	Ratio
	N of 47.30'	Shoreward	630	0.29
		Seaward	715	0.33
	40.10' to 47.30'	Shoreward	810	0.38
		Seaward	0	0
			2155	1

Estimated 2011 Target Species QP = Permit QS * Projected 2011 Trawl Harvest Specification (disclaimer: subject to change pending final specs)

Step 6 find the trawl Harvest Guidelines for Arrowtooth and for Petrale

Assume Arrowtooth HG 4000 Assume Petrale Sole HG 16000

Step 7 Find the Permits QS allocations for the two target species

	Assume Permit QS Arrowtooth	1.20000000%	Permit QS Petrale	0.00800000%

Step 8 Calculate catch weight of each target species that is associated with each permits QS

Step 7 x Step 6	Arrowtooth	1.20000000%	4000.00000000	48
	Petrale Sole	0.00800000%	16000.00000000	1.28

Step 9 Distribute the QS-based catch weight for each target species from step 8 to the four bycatch areas using logbook based percents

Permit Totals			ATF	PS
Total estimated 2011 QP			48	1.28
Area Distribution of QP (QP * Area Ratios)	N of 47.40'	Shoreward	16.690027	0.3741995
		Seaward	21.477089	0.4246868
	43.55' to 47.40'	Shoreward	9.8328841	0
		Seaward	0	0

Step 2 obtain and adjust West Coast Observer Bycatch Rates Note that west coast observer ratios are the same for each species

West Coast Observer Bycatch Rates

		ATF	PS
N of 47.40'	Shoreward	0.117	0.117
	Seaward	0.061	0.061
43.55' to 47.40'	Shoreward	0.07	0.07
	Seaward	0.03	0.03

Adjust the Bycatch Rates to dressed weights--conversion factor is????

		ATF	PS
N of 47.40'	Shoreward	0.06457	0.06457
	Seaward	0.0336647	0.0336647
43.55' to 47.40'	Shoreward	0.038632	0.038632
	Seaward	0.0165564	0.0165564

Adjust the dressed weight bycatch rates to reflect bycatch mortality of less than 100 percent

Assume 80 percent dead

		ATF	PS
N of 47.40'	Shoreward	0.051656	0.051656
	Seaward	0.0269318	0.0269318
43.55' to 47.40'	Shoreward	0.0309056	0.0309056
	Seaward	0.0132451	0.0132451

Step 11 Multiply catch weights of step 9 by adjusted bycatch rate of step 10 to get halibut needs by target species

Step 9 Catch Weights

		ATF	PS
N of 47.40'	Shoreward	16.690027	0.3741995
	Seaward	21.477089	0.4246868
43.55' to 47.40'	Shoreward	9.8328841	0
	Seaward	0	0

Step 11 Results

Halibut amounts by target species

		ATF	PS
N of 47.40'	Shoreward	0.86214	0.019329651
	Seaward	0.5784158	0.011437562
43.55' to 47.40'	Shoreward	0.3038912	0
	Seaward	0	0

Step 12 Sum the Halibut amounts to get total halibut catch

Halibut amounts by target species

		ATF	PS	Total
N of 47.40'	Shoreward	0.86214	0.019329651	0.881469684
	Seaward	0.5784158	0.011437562	0.589853367
43.55' to 47.40'	Shoreward	0.3038912	0	0.303891183
	Seaward	0	0	0
	Total Catch	1.744447	0.030767214	1.775214234

Step 13 Sum for all permits

Assume that when we sum for all permits we get 3750.6667 lbs

Step 14 Calculate the permit shares

Total Catch permit x 1.775214234

Total Catch all permits	y	3750.6667	
Permit share=	x/y	0.04733063%	QED

OMB Control No. XXXX-XXXX, Expires on: XX/XX/XXXX

QUOTA SHARE GROUP 1 SPECIES CATCH HISTORY SUMMARY

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

Date Generated: XX/XX/XXXX **Group 1 Species Category**:_____
Permit Owner/First Receiver Name:_____ **Limited Entry Permit Number**: GF0XX
Estimated QS Initial Issuance (given as %)*: _____ [calculation: Total relative history divided by sum of total relative histories multiplied by amount of permit history quota history

Year	Preliminary Permit Landing History Amount (lbs)(1)	Total Shoreside Sector Landed Amount (lbs) (2)	Permit Relative History (%) (3)	Total Relative History (%) (4)	Permit History Amount Due to Combination (lbs)(5)	Vessel Registered to Permit during year (6)
1994						
1995						
1996						
1997						
1998						
1999						
2000						
2001						
2002						
2003						
~~**Total**~~						

(The lowest relative history amounts are denoted with an asterisk)

Equal Division of Buyback Landing History (lbs): _____

NOTE: This dataset was extracted from the PacFIN data base. This data is preliminary and is the best available at this time. This data is subject to change following review by NMFS of applications from all eligible persons. FOR WHITING SHOREBASED FIRST RECEIVER APPLICANT – will receive one summary sheet for whiting and will not include Buyback column or combined permit column

SEE FOOTNOTES ON REVERSE SIDE

(1) – This column presents the total permit landing history amount by qualifying year inclusive of the buyback landing history and combined permit history.
(2) – This column presents the total landing amount for all qualifying permits.
(3) – This column provides permit relative history as percentage. Does not include lowest 3 years but include equal division of buyback landing history.
(4) – This column provides the amount of catch history attributed to the applicant permit resulting from permits that were combined for purposes of increasing the applicant permit size endorsement
(5) – This column provides the vessel numbers for any vessels registered during the given year.

Note:

Group 2 Species Summary Sheet

Area of Effort Distribution - Pounds of Target Species Catch By Area From Logbook Data 2003-06 [Step (v)]

Year	Area		Species ATF	SF	DF	DS	ES	PS	MSR	St	LT	SF	PC
2003	N of 47.40'	Shoreward	325	200	250								
		Seaward	450	280	200								
	43.55' to 47.40'	Shoreward	50	390	150								
		Seaward	0	0	0								
	40.10' to 43.55'	Shoreward	0	0	0								
		Seaward	0	0	0								
	S of 40.10'	Shoreward	0	0	0								
		Seaward	0	0	0								
2004	N of 47.40'	Shoreward	200	325	195								
		Seaward	250	310	145								
	43.55' to 47.40'	Shoreward	220	300	120								
		Seaward	0	0	0								
	40.10' to 43.55'	Shoreward	0	0	0								
		Seaward	0	0	0								
	S of 40.10'	Shoreward	0	0	0								
		Seaward	0	0	0								
2005	N of 47.40'	Shoreward	120	105	95								
		Seaward	130	125	90								
	43.55' to 47.40'	Shoreward	110	120	85								
		Seaward	0	0	0								
	40.10' to 43.55'	Shoreward	0	0	0								
		Seaward	0	0	0								
	S of 40.10'	Shoreward	0	0	0								
		Seaward	0	0	0								
2006	N of 47.40'	Shoreward	0	0	0								
		Seaward	0	0	0								
	43.55' to 47.40'	Shoreward	0	0	0								
		Seaward	0	0	0								
	40.10' to 43.55'	Shoreward	0	0	0								
		Seaward	0	0	0								

	S of 40.10'	Shoreward	0	0	0								
		Seaward	0	0	0								

Permit Total Target Species Catch per Area in Aggregate and Calculated Area Ratios (Total Catch Per Area / Sum of All Catch in All Areas)
[Steps (v), (vi) and (vii). Note: Follow Step (viii) for permits without 2003-2006 logbook data]

			Lbs.	Ratio
	N of 47.40'	Shoreward	1815	0.3398876
		Seaward	1980	0.3707865
	43.55' to 47.40'	Shoreward	1545	0.2893258
		Seaward	0	0
	40.10' to 43.55'	Shoreward	0	0
		Seaward	0	0
	S of 40.10'	Shoreward	0	0
		Seaward	0	0
Note: Sum of all ratios equals 1				1

Sum of catch by area in "Lbs." column (Step (v));

Sum all catch coastwide in formula denominator in "Ratio" column (Step (vi));

.

Calculation to obtain ratio (Step (vii)).

Estimated 2011 Target Species QP = Permit QS * Projected 2011 Trawl Harvest Specification (disclaimer: subject to change pending final specs)
[Steps (ix), (x) and (xi)]

Permit Totals			ATF	SF	DF	DS	ES	PS	MSR	St	LT	SF	PC
Total estimated 2011 QP			48652	39824	25478	780	2598						
Area Distribution of QP (QP * Area Ratios)	N of 47.40'	Shoreward	16536.213	13535.685	8659.657303	265.11236	883.02809	0	0	0	0	0	0
		Seaward	18039.506	14766.202	9446.898876	289.21348	963.30337	0	0	0	0	0	0
	43.55' to 47.40'	Shoreward	14076.281	11522.112	7371.44382	225.67416	751.66854	0	0	0	0	0	0
		Seaward	0	0	0	0	0	0	0	0	0	0	0
	40.10' to 43.55'	Shoreward	0	0	0	0	0	0	0	0	0	0	0
		Seaward	0	0	0	0	0	0	0	0	0	0	0
	S of 40.10'	Shoreward	0	0	0	0	0	0	0	0	0	0	0
		Seaward	0	0	0	0	0	0	0	0	0	0	0

Estimated 2011 Target Species Per Area in Aggregate[Steps (xii) and (xiii)]

			Lbs.
	N of 47.40'	Shoreward	39879.697
		Seaward	43505.124
	43.55' to 47.40'	Shoreward	33947.18
		Seaward	0
	40.10' to	Shoreward	0

	43.55'	Seaward	0
	S of 40.10'	Shoreward	0
		Seaward	0

Bycatch Rates By Area from West Coast Observer Observer Program Data, 2003-06 [Step(xiv)]

ESTIMATED

			Bocaccio	Cowcod	Darkblotched	P.O.P.	Widow	Yelloweye	Canary
	N of 47.40'	Shoreward	--	--	0.00122003	0.00088011	0.00001142	0.00017625	0.00613838
		Seaward	--	--	0.00860467	0.01766360	0.00005472	0.00000160	0.00001714
	43.55' to 47.40'	Shoreward	--	--	0.00185020	0.00015827	0.00033788	0.00004802	0.00186217
		Seaward	--	--	0.01836550	0.01529318	0.00049695	0.00000893	0.00006486
	40.10' to 43.55'	Shoreward	--	--	0.00253201	0.00014424	0.00015165	0.00005309	0.00485013
		Seaward	--	--	0.01476165	0.00114965	0.00000766	0.00000556	0.00001435
	S of 40.10'	Shoreward	0.01114773	0.0008889	0.00000255	--	0.00003513	0.00007739	0.00050248
		Seaward	0.00120015	0.00001074	0.00480063	0.00021813	0.00009855	--	0.00000245

Projected 2011 Group 2 and Group 3 Species Amounts in Pounds for Permit [Step (xv) and (xvi), paragraph 4 for canary]

			Bocaccio	Cowcod	Darkblotched	P.O.P.	Widow	Yelloweye	Canary
	N of 47.40'	Shoreward	--	--	48.6544	35.0984	0.4554	7.0288	244.7966
		Seaward	--	--	374.3472	768.4569	2.3807	0.0698	0.7455
	43.55' to 47.40'	Shoreward	--	--	62.8091	5.3730	11.4700	1.6301	63.2155
		Seaward	--	--	0.0000	0.0000	0.0000	0.0000	0.0000
	40.10' to 43.55'	Shoreward	--	--	0.0000	0.0000	0.0000	0.0000	0.0000
		Seaward	--	--	0.0000	0.0000	0.0000	0.0000	0.0000
	S of 40.10'	Shoreward	0.00000000	0.00000000	0.0000	--	0.0000	0.0000	0.0000
		Seaward	0.00000000	0.00000000	0.0000	0.0000	0.0000	--	0.0000
Totals [Step (xvi)]			0.0000	0.0000	485.8107	808.9282	14.3060	8.7286	308.7576

Compute QS for Group 2 Species (and non-buyback portion of canary) by calculation:

Group 2 QS = Total Projected 2011 Group 2 Species Pounds for Permit / Sum of All Projected 2011 Group 2 Species Pounds for All Permits in Pool

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

QUOTA SHARE INITIAL ISSUANCE/QS PERMIT APPLICATION

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

TRAWL RATIONALIZATION PROGRAM APPLICATION DEADLINE: XX/XX/2010

Quota Share (QS) and QS Permits will be issued under the Shorebased Individual Fishing Quota (IFQ) part of the Trawl Rationalization Program. This form must be completed and submitted to the National Marine Fisheries Service (NMFS) at the address above in order to apply for an initial issuance of groundfish quota share (QS) and a QS Permit. This application, including any required supplemental documentation must be postmarked or hand delivered no later than XX/XX/.2010 [insert date 60 days after publication of the final rule]. An application postmarked or hand delivered after that date will not be considered or reviewed by NMFS. This is a one-time opportunity to apply for these permits.

Prequalified Applicant: For prequalified applicants, some of the sections in this application form have fields that have been prefilled by NMFS. The intent of pre-filling some sections is to make the application process more efficient and provide the information NMFS already has on record. The data presented in the sections below are presumed to be correct as of the date provided. However, this information is preliminary and may be amended by NMFS as more information becomes available. Publication of this preliminary data in this application does not represent a guarantee that the applicant will qualify for an initial issuance of QS, for a specified amount of QS, or a QS permit. **The applicant must still complete and submit the prequalified application in a timely manner to NMFS in order to be considered for initial issuance of QS or a QS permit.**

Request for an Application: If a current limited entry trawl permit owner or shorebased first receiver does not receive a prequalified application for initial issuance of QS and QS permit yet believes they are eligible, they must submit a completed application, including any supplemental documentation, to NMFS by the deadline shown above.

Section A - Applicant (Permit Owner or Shorebased Whiting First Receiver) Information

Only an owner of a valid trawl endorsed Pacific Coast groundfish limited entry permit or a shorebased whiting first receiver is eligible for initial issuance of QS. NMFS will pre-fill Section A if it determines that the permit owner or shorebased first receiver may qualify for an initial issuance of QS. If the permit owner or first receiver is a business entity, please provide the tax identification number (TIN) for the entity. If the permit owner or first receiver is an individual (or has an individual given as part of the ownership group), please provide the date of birth for the individual(s). If any of the information provided by NMFS in Section A is not correct, please cross out the erroneous information and make the necessary changes on the form. If a business entity is listed in Section A, list the state where that entity was established and is currently recognized as active If an applicant did not receive a pre-filled application, they must complete this section.

Section B - Shorebased First Receiver Recent Participation Qualifying Data

This section pertains only to whiting first receivers that are applying for initial issuance of whiting QS. In order to qualify for an initial issuance of whiting QS, a first receiver must have received one (1) metric ton or more of whiting from whiting trips in each of any two years from 1998-2004.

Prequalified Applicant: If an applicant is prequalified for whiting QS, NMFS will pre-fill Section B and provide the amount of whiting from whiting trips received by the first receiver for each of the qualifying years**.** PacFIN data extracted on July 1, 2010 will provide the basis for NMFS' determination of years in which the first receiver met the qualifying criteria.

Request for an Application:: If the applicant did not receive a pre-filled application, the applicant must provide in Section B the amount of whiting from whiting trips received by the first receiver for each qualifying year (including years with no landings received). The person must provide copies of PacFIN landing records and/or other credible information to demonstrate that they meet qualifying criteria.

Section C – Preliminary Quota Share Allocation

The column Permit Landing History Amount provides the total permit landing history amount in pounds for all qualifying year. The column Total Sector Amount is the total qualifying landings of the species for each qualifying year for all qualifying permits. The relative landing history amount for a species is calculated by dividing the total permit landing history for a qualifying year by the total sector amount for the year. The data provided in Section C represent the best available data for determining quota share allocations and is subject to change based on other information received by NMFS during the application process. PacFIN data extracted on July 1, 2010 is source of the data provided in this section. Such data is provided on preliminary basis and is subject to change.

For a Prequalified Applicant - Current Permit Owner: NMFS will pre-fill Section C with the preliminary amount of QS associated with the permit for each species category. Different initial issuance formulas are used for various IFQ species and depend on whether data are derived from a non-whiting trip (where less than 50% of the landings on the fish ticket are whiting) or a whiting trip and this is further explained in the small entity compliance guide.

Attached to the application will be a series of summary sheets that present the preliminary data for each of the qualifying years for each IFQ species, the total sector landed amount for each qualifying years for that species and the relative landing history (%) for each qualifying year. The worst years are considered those years with the lowest relative landing history (given as a percent) and will be shown on each species' summary sheet attached to the application and described below. Also, these summary sheets will provide a preliminary QS amount expressed as a percentage for each species.

An applicant is required to indicate whether they accept, or do not accept, the data as provided by NMFS for each IFQ species. Check the appropriate box to indicate your acceptance choice. If you do not accept the preliminary data for any of the qualifying years, please check the appropriate box and provide a letter by the application deadline detailing which data are not correct and/or if NMFS did not properly calculate the QS allocation as prescribed by regulation, and include with the letter copies of state landing records or other credible information that demonstrates NMFS did not properly extract, aggregate, and/or expand the PacFIN data or did not properly calculate the QS allocation for a particular species.

For a Prequalified Applicant - Shorebased Whiting First Receiver: For shorebased whiting first receivers who met the recent participation qualifying criteria in Section B, NMFS will pre-fill Section C with the preliminary whiting QS for the first receiver. The preliminary QS is based on the relative landing history amount calculated from PacFIN fish ticket data for the qualifying years of 1998-2004, as extracted by NMFS on July 1, 2010, dropping the two years with the worst relative history. This calculation will be based on the 20% of whiting QS available to shorebased whiting first receivers. For purposes of making an initial issuance of whiting QS to a shorebased first receiver, NMFS will attribute landing history to the first receiver reported on the landing receipt (the entity responsible for filling out the state landing receipt). History may be reassigned to a shoreside first receiver or processor not on the state landings receipt as follows:

Reassignment of whiting history for first receivers: For shorebased whiting first receivers, the landing history may be reassigned to another person that was in fact the first processor of the fish. In order for the applicant to request that landing history be reassigned to another person, an authorized representative for the shoreside first receiver displayed on the state landing receipt must submit to NMFS, by the application deadline, a written request that the whiting landings history from the qualifying years be conveyed to another named person. The letter must be signed and dated by both the authorized representative of the first receiver named on the state landing receipt and the authorized representative of the person to which the whiting landing history will be

reassigned. The letter must contain the dates of the landings history that is being reassigned and include the legal name of the person, their date of birth or tax identification number, business address, and business phone number, fax number, and email address of the person receiving the Pacific whiting landing history. If a valid agreement exists that demonstrates that the entity being reassigned the landing history was in fact the first processor of the fish, that document must be provided to NMFS.

Attached to the application will be a summary sheet for whiting that presents the preliminary catch history data for each of the qualifying years, the total sector landed amount for each qualifying years and relative history amount. The worst year is considered those years with the lowest relative history amount (given as a percent). Also, the summary sheet will provide a preliminary whiting QS amount expressed as a percentage.

A prequalified applicant is required to either accept or not accept the data as given. Check the appropriate box to indicate your acceptance/non-acceptance of NMFS' data If you do not accept the preliminary data for any of the qualifying years, please check the appropriate box and provide a letter by the application deadline detailing which data are not correct and/or if NMFS did not properly calculate the QS allocation as prescribed by regulation, and include with the letter copies of state landing records or other credible information that demonstrates NMFS did not properly extract, aggregate, and/or expand the PacFIN data or did not properly calculate the QS allocation for a particular species.

Request for an Application: If the applicant did not receive a prefilled application, the applicant must provide in Section C permit landing history amount for each species for all qualifying years combined. In addition, the person must provide copies of PacFIN landing records and/or other credible documentation that support the landing history claimed during the qualifying years.

SECTION D - Certification of Applicant and Notary

The authorized representative must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the authorized agent certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized representative's signature. If a single individual is listed in above, then that individual must sign. If two individuals are listed in then both individuals must sign. If an individual and a business entity are listed then the individual and the authorized representative for the business entity must both sign. The notary must sign and date this section, and affix notary stamp or seal.

The authorized representative must include a copy of the corporate resolution or other authorizing document allowing the authorized representative to sign and certify on behalf of the business entity.

Supplemental Documentation

The applicant must provide a completed Trawl Ownership Interest form.

NMFS may require other documentation as it deems necessary to make a determination to approve or disapprove the application

Quota Share Species Summary Sheets: (SEE ATTACHED)

The summary sheets will provide data and calculations made for Group 1, 2, and 3 species and halibut IBQ in determining the preliminary QS allocation. These summary sheets further detail how NMFS calculated the data provided in Section C for each of the species. PacFIN data extracted on July 1, 2010 is the source of the data provided in these summary sheets. Such data is provided on preliminary basis and is subject to change. The Small Entity Compliance Guide included with this application package will further explain data and calculations used for the QS species summary sheets.

PLEASE NOTE ACTION REQUIRED: In order for the application to be considered complete, the applicant must certify that they either accept all of the data and calculations provided on the attached species summary sheets or

they do not accept part or all of the data and/or calculation. Please check the appropriate box on the attached sheet entitled “Applicant Certification of Acceptance/Non-Acceptance of Quota Share, Overfished Species and Halibut IBQ Summary Sheets”

If the applicant does not accept the data or calculations in part or whole, the applicant must check the appropriate box. In addition, the applicant must provide with the application a letter that details which data was incorrectly extracted from PacFIN and/or which calculations are not correct and provide PacFIN landing records, PacFIN logbook data records and/or other credible information to correct the data and/or calculation of QS allocation. For Group 1 species, NMFS has denoted which years are considered to have the lowest relative landing history by use of an asterisk.

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Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

SECTION A – APPLICANT INFORMATION

1.Permit Number GF			
4. Name (Permit Owner or Shorebased Whiting First Receiver)			5. TIN or DOB
			6. If a Business, State of Registration
7. Business Mailing Address (also list physical address for first receiver, if different) *Street **or** PO Box*			8. Business Phone ( )
			9. Business Fax (*optional*) ( )
City	*State*	*Zip Code*	10. Business Email (*optional*)

SECTION B – SHOREBASED WHITING FIRST RECEIVER RECENT PARTICIPATION QUALIFYING DATA

NOTE: **This section pertains <u>only</u> to whiting Shorebased first receivers** applying for whiting quota share.

<u>Qualifying Criteria</u>: In order to qualify for whiting QS, a first receiver must have received one (1) metric ton or more of deliveries of whiting from whiting trips in each of two years from 1998 – 2004.

<u>For a Prequalified Applicant</u>: Based on data extracted from PacFIN, NMFS has determined that the first receiver named in Section A meets the above qualifying criteria by having received one (1) metric ton of whiting from whiting trips in the following years:

YEARS:	**Amount of Whiting Received from Whiting Trips**
1998	
1999	
2000	
2001	
2002	
2003	
2004	

Note: If you did not receive a prequalified application, please provide the amount of whiting received from whiting trips for each year.

SECTION C – PRELIMINARY QS ALLOCATION

The landing history data below were extracted from PacFIN. **For Non-Whiting and Overfished Species**: The preliminary data provided below are the total amount of non whiting trip landing history for all qualifying years (1993-2004) after dropping the **three** worst years. **For whiting**: The preliminary data provided below is the total amount of whiting delivered in whiting trips for all qualifying years (1998-2004) after dropping the **two** worst years. See the attached landing history summaries providing yearly permit landing history amounts for each species category and which show which years were dropped from the calculation. This preliminary data may be used to calculate the QS allocation for the applicant.

Species Category	Permit Landing History Amt (lbs)	Total Sector Amt.(lbs)	Relative History(%)
Lingcod			
Pacific Cod			
Pacific Whiting			
Sablefish N. of 36°			
Sablefish S. of 36°			
Shortspine Thornyhead - N. of 34°27'			
Shortspine Thornyhead - S. of 34°27'			
Longspine Thornyhead - N. of 34°27			
Chilipepper Rockfish			
Splitnose Rockfish			
Yellowtail Rockfish			
Minor Rockfish North - Shelf Species			
Minor Rockfish South - Shelf Species			
Minor Rockfish North - Slope Species			
Minor Rockfish South - Slope Species			
Dover Sole			
English Sole			
Petrale Sole			
Arrowtooth Flounder			
Starry Flounder			
Other Flatfish complex			
Bocaccio			
Cowcod			
Darkblotched Rockfish			
Pacific Ocean Perch (POP)			
Widow Rockfish			
Yelloweye Rockfish			
Canary Rockfish			
Pacific Halibut IBQ N. of 40°10'			

[ ] **I ACCEPT ALL** of the preliminary landing history data as provided above. I understand that these data are subject to change

[ ] **I DO NOT accept** part or all of the preliminary landing history data provided above. I will provide to NMFS a letter specifying which data amounts are not accepted. Further, I am providing copies of state landing tickets and other credible information to NMFS to consider with this application. I understand that this is my only opportunity to provide such documentation to support my application.

> **Note**: If you did not receive a prequalified application, please provide the total permit landing history amount for all years exclusive of the worst years, the total sector landed amount, and the relative history (as a percent) for each species. If you do not have any landings history for a species please show “0 lbs” for those species.

SECTION D - CERTIFICATION OF APPLICANT AND NOTARY

This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves.

Under penalties of perjury, I hereby declare that I, the undersigned, am authorized to sign this form on behalf of the applicant and I completed this form, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

Signature of Authorized Representative

Date

Notary Public Signature ❑ ATTEST	Affix Notary Stamp or Seal Here
Date Commission Expires	

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to $140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

PRIVACY ACT STATEMENT: Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 6 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 NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. The names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and are not released to the public.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

QUOTA SHARE INITIAL ISSUANCE/QS PERMIT APPLICATION

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ACTION REQUIRED

APPLICANT CERTIFICATION OF ACCEPTANCE/NON-ACCEPTANCE OF QUOTA SHARE, OVERFISHED SPECIES AND HALIBUT IBQ SUMMARY SHEETS

Attached are a series of species summary sheets that provide individual summary sheets for the Group 1, 2, Group 3 species and Halibut IBQ. Please review the data and calculations provided in each individual summary sheet. You must indicate whether you accept or do not accept part or all of the data or calculations given in these summaries. Your application will not be considered complete without this page.

Please check one box given below:

[ ] **I ACCEPT ALL** of the preliminary landing history data, relative history amount, the designation of lowest relative history and calculations as provided. I understand that this data is subject to change.

[ ] **I DO NOT ACCEPT** part or all of the preliminary landing history data, relative history amount, the designation of lowest relative history and calculations as provided. I will provide to NMFS a letter with the application that details which:

1. Species (Group 1,2,3, or Halibut) data or calculations are not accepted
2. Specific landing history amounts are not correct
3. NMFS computations are not correct
4. NMFS computation of the designated lowest relative history are not correct

Further, I am providing copies of state landing tickets, log book data and other credible information to NMFS that support each requested correction. I understand that this is my only opportunity to provide such documentation to support my application.

NMFS may change landing amounts based on the requested corrections which may result in revisions to the preliminary QS allocations.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

MOTHERSHIP PERMIT APPLICATION

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
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Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

APPLICATION DEADLINE: XX/XX/2010

This form must be completed and submitted to the National Marine Fisheries Service (NMFS) at the address and deadline above to apply for a Mothership (MS) permit. This application, including any required supplemental documentation must be postmarked or hand delivered to the address given above no later than XX/XX/2010 [insert date 60 days after publication of the final rule]. An application postmarked or hand delivered after that date will not be considered or reviewed by NMFS. This is a one-time opportunity to apply for this permit.

For prequalified applicants, the data presented by NMFS in the sections below are presumed to be correct as of the date provided. However, this information is preliminary and may be amended by NMFS as more information becomes available. For prequalified applicants, the publication of the preliminary data in this application does not represent a guarantee that the applicant will qualify for a MS permit. **The applicant must still complete and submit the prequalified application to NMFS in order to be considered for a MS permit.**

Request for an Application: If a current vessel owner or a bareboat charterer did not receive a pre-filled application, and believes he/she may qualify for MS permit, they must submit a complete application including any supplemental documentation required to NMFS by the deadline date given above.

Section A – Applicant (Vessel Owner/Bareboat Charterer) Information:

Only current vessel owners or a bareboat charterer of a mothership processor vessel that processed whiting is eligible for the MS permit. NMFS will pre-fill Section A if it determines that the vessel may qualify for the permit. If the vessel owner is a business entity, please provide the tax identification number (TIN) for the entity. If the vessel owner is an individual (or has an individual given as part of the ownership group), please provide the date of birth for the individual(s). If a business entity is listed in Section A, list the state where that entity was established and is currently recognized as active. If any of the information provided by NMFS in Section A is not correct, please make the necessary changes on the form. Please designate if you are applying as a vessel owner or bareboat charterer of the vessel listed in Section A. **If you are applying as a bareboat charterer**, the applicant must provide a letter from the vessel owner that identifies both the vessel that has been chartered, the name of the bareboat charterer, and the years that vessel was chartered. Please provide date of birth or TIN, if not provided. If an applicant did not receive a pre-filled application, they must complete this section. Please review any of the prefilled information and make any changes as necessary.

Section B – Preliminary Qualifying Data:

Qualifying Criteria: In order to qualify for the MS permit, the mothership processor vessel given in Section A must have processed at least 1,000 metric tons of whiting in the mothership sector in each of any 2 years from 1997 – 2003.

For a Prequalified Applicant: If an applicant is prequalified for a MS permit, NMFS will pre-fill Section B. NMFS will provide the preliminary amounts of whiting processed by the vessel for each of the qualifying years in Section

B. The preliminary qualifying data provided in Section B is based on NMFS whiting observer data in the NORPAC database as extracted by NMFS on July 1, 2010. If the applicant signs and dates Section C, they will have accepted the preliminary qualifying data in Section B as true and correct.

Request for an Application: If a vessel owner/bareboat charterer did not receive a prequalified application, he applicant must fill out Section B and provide the amount of whiting processed for each of the qualifying years (if the vessel did not process any whiting in a given year insert a zero). The vessel owner or bareboat charterer must provide copies of NMFS whiting observer records or other credible information with the application that demonstrates that the qualifying criteria were met by the vessel.

Section C - Certification of Applicant and Notary:

The applicant or authorized representative must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the applicant or authorized representative certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized representative's signature. The notary must sign and date this section, and affix notary stamp or seal

If the applicant is business entity, the authorized representative must include a copy of the corporate resolution or other document authorizing the individual to sign and certify on behalf of the business entity.
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Supplemental Documentation

If you are applying as a bareboat charterer of the vessel listed in Section A, the applicant must provide a letter from the vessel owner that identifies both the vessel that has been chartered, the name of the bareboat charterer and the years that vessel was chartered.

All applicants must provide a completed trawl ownership interest form.

NMFS may require other documentation as it deems necessary to make a determination to approve or disapprove the application.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

MOTHERSHIP PERMIT APPLICATION

PACIFIC COAST GROUNDFISH

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SECTION A – Applicant/Vessel Owner Information

1. Vessel Name	2. Vessel Owner □ Bareboat Charterer □ [check one]		3. USCG Doc or State Registration Number
4. Name			5. TIN or DOB
			6. State Registered in, if business entity
7. Business Mailing Address (also list physical address for first receiver, if different) *Street **or** PO Box*			8. Business Phone ( )
			9. Business Fax (*optional*) ( )
City	*State*	*Zip Code*	10. Business Email (*optional*)

SECTION B – Preliminary Qualifying Data

Qualifying Criteria: In order to qualify for the MS permit, the mothership processor vessel given in Section A must have processed at least 1,000 metric ton of whiting in the mothership sector in each of any 2 years from 1997 – 2003.

Prequalified Applicant: Based on the extraction of Pacific whiting data from the NORPAC database, NMFS has determined that the mothership processor vessel named in Section A processed whiting in the mothership sector in the qualifying years listed below:

Year	**Amount of Whiting Processed (in Metric Tons)**
1997	
1998	
1999	
2000	
2001	
2002	
2003	

Note: If you did not receive this form as a prequalified applicant, and you believe you qualify for a MS permit, you must submit a complete application to NMFS by the deadline date. Please provide the amount of whiting processed by the vessel given in Section A for each of the qualifying years (if the vessel did not process any whiting in a given year insert a zero). You must provide with the application copies of NMFS whiting observer records or other credible information that establishes that the vessel meets the qualifying criteria.

SECTION C - CERTIFICATION OF APPLICANT AND NOTARY

This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves.

Under penalties of perjury, I hereby declare that I, the undersigned, am authorized to certify this application on behalf of the applicant and completed this form, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.	
Signature of Authorized Representative	Date
Printed Name of Authorized Representative (*NOTE: attach authorization, if needed*)	
Notary Public Signature ❑ ATTEST	Affix Notary Stamp or Seal Here
Date Commission Expires	

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to $140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

PRIVACY ACT STATEMENT: Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA 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 NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. The names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and are not released to the public.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

MOTHERSHIP CATCHER VESSEL ENDORSEMENT & CATCH HISTORY ASSIGNMENT APPLICATION

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

APPLICATION DEADLINE: XX/XX/2010

This form must be completed and submitted to the National Marine Fisheries Service (NMFS) at the address and by the deadline above to apply for a mothership catcher vessel (MS/CV) endorsement and its associated whiting catch history assignment. This application, including any required supplemental documentation must be postmarked or hand delivered to the address given above no later than XX/XX/2010 [insert date 60 days after publication of the final rule]. An application postmarked or hand delivered after that date will not be considered or reviewed by NMFS. This is a one-time opportunity to apply for this endorsement and a whiting catch history assignment.

For prequalified applicants, the data presented by NMFS in the sections below is presumed to be correct as of the date provided. However, this information is preliminary and may be amended by NMFS as more information becomes available. Publication of the preliminary data in this application does not represent a guarantee that the applicant will qualify for the endorsement or qualify for a whiting catch history assignment. **The applicant must still complete and submit the prequalified application to NMFS in order to be considered for a MS/CV endorsement and associated catch history assignment.**

Request for an Application: If a current limited entry trawl permit owner does not receive a pre-filled application, and believes he/she may qualify for MS/CV endorsement and whiting catch history assignment, they must submit a complete application to NMFS by the deadline above including any required supplemental documentation.

Section A – Applicant (Permit Owner) Information

Only a current owner of trawl limited entry permit that was registered to a vessel(s) participating in the mothership sector of the Pacific whiting fishery during the qualifying years is eligible for the MS/CV endorsement and catch history assignment. NMFS will pre-fill Section A if it determines that the vessels registered to the permit meet the qualifying criteria. If the permit owner is an individual (or has an individual given as part of the ownership group), please provide the date of birth for the individual(s). If the owner is a business entity, please provide the Tax Identification Number (TIN), if not prefilled. If any of the information provided in Section A is not correct, please make the necessary changes on the form. If a business entity is listed in Section A, list the state where that entity was established and is currently recognized as active. If an applicant did not receive a pre-filled application, they must complete Section A. If any information is prefilled, review the information and make any changes as necessary.

Section B – Preliminary Endorsement Qualifying Data

Qualifying Criteria: In order to qualify for a MS/CV endorsement, a catcher vessel registered to a trawl limited entry permit must have caught and delivered a total of more than 500 metric tons (mt) of whiting to a mothership from 1994 – 2003.

For a Prequalified Applicant: If the applicant is prequalified, NMFS will pre-fill Section B. NMFS will provide the preliminary amounts of whiting caught and delivered for each of the qualifying years in Section B. The preliminary qualifying data provided in Section B are based on the extraction of NMFS whiting observer data from the NORPAC database on July 1, 2010. If the applicant signs and dates Section D, they will have accepted the preliminary qualifying data in Section B as true and correct.

Request for an Application: If a current trawl endorsed limited entry permit owner did not receive a prequalified application, the applicant must complete Section B and provide the total amount of whiting that was delivered by the catcher vessel(s) registered to the permit given in Section A for each of the above qualifying years. In addition, the permit owner must provide copies of NMFS whiting observer records or other credible information that demonstrates that permit had catch history that met the qualifying criteria**.**

Section C – Preliminary Whiting Catch History Assignment Qualifying Data

Catch History Assignment: A catch history assignment will be specified as a percent on the MS/CV endorsed permit. The catch history assignment calculation will be based on the relative catch history of Pacific whiting from the vessel at the time the vessel was registered to the permit in each year from 1994 through 2003, after dropping the two years with the lowest relative percent of whiting. The applicant may specify years to drop other than those years selected by NMFS.

For a Prequalified Applicant: If an applicant is prequalified, NMFS will pre-fill Section C if it finds that whiting catch history data associated with the permit may qualify the applicant for a whiting catch history assignment. This Section will provide a preliminary amount of permit catch history for each of the qualifying years and the total amount of whiting caught and delivered for the MS sector for each qualifying year. The preliminary data given in Section C was extracted from the Pacific whiting observer in NORPAC database on July 1, 2010. If you accept the preliminary data as given in Section C, please check the appropriate box. If you do not accept the preliminary data for any of the qualifying years, please check the appropriate box and provide a letter with the application detailing which data are not correct, provide the correct amount(s), and provide copies of observer records or other credible information that supports a correction of the data. Also, if you do not accept the lowest relative catch history for the two years designated by NMFS, please indicate which years you would prefer to drop in the letter and on the form.

Request for an Application: If a current trawl endorsed limited entry permit owner did not receive a prequalified application, the applicant must complete Section C and provide the amount of whiting catch history for vessels registered to the permit listed in Section A, for each of the qualifying years (if there was no catch of whiting in a given year, insert a zero). The applicant must provide copies of NMFS whiting observer records and any other credible information to establish the amount of whiting catch by the catcher vessels registered to the permit for each the qualifying years. The applicant must designate which two years to be dropped from the calculation.

Section D - Certification of Applicant and Notary

The applicant or authorized representative must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the authorized agent certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized agent's signature. The notary must sign and date this section, and affix notary stamp or seal.

If the applicant is a business entity, the authorized representative must include a copy of the corporate resolution or other authorizing document allowing the authorized agent to sign and certify on behalf of the business entity.

Supplemental Documentation

All applicants must provide a completed trawl ownership interest form.

NMFS may require other documentation as it deems necessary to make a determination to approve or disapprove the application.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

MOTHERSHIP CATCHER VESSEL ENDORSEMENT & CATCH HISTORY ASSIGNMENT APPLICATION

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

SECTION A –APPLICANT (PERMIT OWNER) INFORMATION

1. Permit Number GF		
2.. Name		3. TIN or DOB
		4. State Registered, if business entity
5. Business Mailing Address (also list physical address for first receiver, if different) *Street **or** PO Box*		6. Business Phone ( )
		7. Business Fax (*optional*) ( )
City	*State*	*Zip Code*	8. Business Email (*optional*)

SECTION B – PRELIMINARY ENDORSEMENT QUALIFYING DATA

Qualifying Criteria: In order to qualify for a MS/CV endorsement, vessels registered to the permit given in Section A must have caught and delivered a total of more than 500 metric tons (mt) of whiting to motherships from 1994 - 2003.

Prequalified Applicant: Based on the extraction of Pacific whiting observer data from the NORPAC database, NMFS has determined the total amount of whiting caught and delivered in MS sector by vessels registered to the permit given in Section A during the qualifying years was:

Total amount of whiting delivered to MS from 1994 - 2003: _____(mt)

Note: If a current trawl endorsed permit owner does not receive a prequalified application, and believes that they may qualify for a MS/CV endorsement, they must submit a complete application to NMFS by the deadline date. The applicant must provide the information requested in this Section and provide copies of NMFS whiting observer records and any other credible information to establish that the permit meets the qualifying criteria.

SECTION C – Preliminary Whiting Catch History Assignment Qualifying Data

Catch History Assignment Computation: The catch history assignment calculation will be based on the relative catch history of Pacific whiting from the vessel at the time the vessel was registered to the permit in each year from 1994 through 2003, dropping the two years with the lowest relative percent of whiting, unless the applicant specifies different years they would prefer to drop.

Prequalified Applicant: Based on the extraction of Pacific whiting data from the NORPAC database, NMFS has determined the preliminary whiting catch history assignment for the permit given in Section A. NMFS has designated the two worst years as those marked with an asterisk. If you agree with all of the permit catch history data and the designated dropped years as given below, please check the appropriate box below. If you do not agree with part or all of the catch history data or the designated years with the lowest relative catch history as given below, please check the appropriate box below.

Year	Permit Catch History (MT)	Total Amt. of MS Sector Whiting Catch	Relative Catch History %
1994			
1995			
1996			
1997			
1998			
1999			
2000			
2001			
2002			
2003			
Total			

Preliminary Catch History Assignment Percent: _____

Note: If a current trawl endorsed permit owner does not receive a prequalified application, and believes that they may qualify, they must submit a complete application to NMFS by the deadline date. The applicant must provide the amount of whiting catch accruing to the permit given in Section A for each of the qualifying years (if there was no catch of whiting in a given year, insert a zero). The applicant does not need to provide the total amount of whiting catch for MS Sector or preliminary catch history assignment or the relative history percent. The applicant must provide copies of NMFS whiting observer records and any other credible information to support the amount of whiting catch claimed for the qualifying years.

[ ] **I accept ALL** of the preliminary catch history data and the designated dropped years as provided above. I understand that this data is subject to change.

[ ] **I DO NOT accept** part or all of the preliminary catch history data or dropped years as provided above. I will provide to NMFS a letter specifying which data amounts and/or dropped year designations are not accepted and provide the correct data amounts and designate the dropped years. Further, I will provide copies of NMFS observer data and other credible information to NMFS to support the requested data changes with this application. I understand that this is my only opportunity to provide such documentation to support my application.

SECTION D - CERTIFICATION OF APPLICANT AND NOTARY

This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves.

Under penalties of perjury, I hereby declare that I, the undersigned, is authorized to sign this form on behalf of the applicant and completed this form, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.	
Signature of Authorized Representative Date	
Printed Name of Authorized Representative (*NOTE: attach authorization, if needed*)	
Notary Public Signature ❑ ATTEST	Affix Notary Stamp or Seal Here
Date Commission Expires	

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to $140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

PRIVACY ACT STATEMENT: Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 2.0 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 NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. The names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and released to the public.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

CATCHER/PROCESSOR ENDORSEMENT APPLICATION

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

APPLICATION DEADLINE: XX/XX/2010

This form must be completed and submitted to the National Marine Fisheries Service (NMFS) at the address and by the deadline above to apply for a Catcher/Processor (C/P) endorsement on a trawl endorsed limited entry permit. This application, including any required supplemental documentation must be postmarked or hand delivered to the address given above no later than XX/XX/2010 [insert date 60 days after publication of the final rule]. An application postmarked or hand delivered after that date will not be considered or reviewed by NMFS. This is a one-time opportunity to apply for this endorsement.

For prequalified applicants, the data presented by NMFS in the sections below are presumed to be correct as of the date provided. However, this information is preliminary and may be amended by NMFS as more information becomes available. Publication of this preliminary data in this application does not represent a guarantee that the applicant will qualify for the endorsement. **The applicant must still complete and submit the prequalified application to NMFS in order to be considered for a C/P endorsement.**

Request for an Application: If a current limited entry trawl permit owner did not receive a pre-filled application, and believes he/she may qualify for C/P endorsement, they must submit a complete application including any supplemental documentation required to NMFS by the deadline date given above.

Section A – Applicant (Permit Owner) Information:

Only the current owner of a trawl limited entry permit registered to vessels participating in the C/P sector of the Pacific whiting fishery during qualifying years is eligible for a C/P endorsement. NMFS will pre-fill this section if it determines from NMFS whiting observer data in the NORPAC database that the vessels registered to the permit participated in the C/P sector of the Pacific whiting fishery. If any of the information provided by NMFS in Section A is not correct, please make the necessary changes to the specific item on the form. For business entities, if a Tax Identification Number (TIN) is not provided, please provide this information. If the permit owner is an individual (or has an individual given as part of the ownership group), please provide the date of birth for the individual(s). If an applicant did not receive a pre-filled application, they must complete this section. If any of the information is pre-filled, review the information and make any changes as necessary.

Section B – Preliminary Qualifying Data:

Qualifying Criteria: In order to qualify for a C/P endorsement, catcher/processor vessels registered to valid trawl limited entry permit must have harvested and processed whiting in the catcher/processor sector of the Pacific whiting fishery at any time from 1997 – 2003.

For a Prequalified Applicant: If an applicant is prequalified for a C/P endorsement, NMFS will pre-fill Section B based on permit history from the extraction of NMFS whiting observer data from the NORPAC database on July 1, 2010.

Request for an Application: If a current owner of a trawl limited entry permit did not receive a prequalified application, the applicant must complete Section B and provide the amount of whiting that was harvested and processed in the catcher processor sector by a vessel(s) registered to the permit given in Section A in at least one year from 1997-2003. In addition, the permit owner must provide copies of NMFS whiting observer records and/or other credible information that demonstrates the vessel registered to the permit harvested and processed whiting as a catcher processor for the qualifying year(s). If the applicant signs and dates Section C, they will have accepted the preliminary qualifying data in Section B as true and correct.

Section C - Certification of Applicant and Notary:

The applicant or authorized representative must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the authorized agent certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized representative's signature. The notary must sign and date this section, and affix notary stamp or seal.

If the applicant is a business entity, the authorized representative must include a copy of the corporate resolution or other authorizing document allowing the authorized representative to sign and certify on behalf of the business entity.

Supplemental Documentation
NMFS may require other documentation as it deems necessary to make a determination to approve or disapprove the application.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

CATCHER/PROCESSOR ENDORSEMENT APPLICATION

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

SECTION A –APPLICANT (PERMIT OWNER) INFORMATION

1. Permit Number GF			
2.. Name			3. TIN or DOB
			4. State Registered in, if business entity
5. Business Mailing Address (also list physical address for first receiver, if different) *Street **or** PO Box*			6. Business Phone ( )
			7. Business Fax (*optional*) ( )
City	*State*	*Zip Code*	8. Business Email (*optional*)

SECTION B – PRELIMINARY ENDORSEMENT QUALIFYING DATA

Qualifying Criteria: In order to qualify for a C/P endorsement, vessels registered to the permit given in Section A must have harvested and processed whiting in the catcher processor fishery at any time during 1997-2003.

Prequalified Applicant: Based on the extraction of Pacific whiting data from the NORPAC database, NMFS has determined that vessels registered to the permit given in Section A harvested and processed whiting in the catcher processor sector in the qualifying years listed below:

Years:	**Amount of Whiting Caught/Processed**
1997	
1998	
1999	
2000	
2001	
2002	
2003	

Request for an Application: If a current trawl endorsed permit owner does not receive a prequalified application, and believes that they may qualify for a C/P endorsement, they must submit a complete application to NMFS by the deadline date. Please provide the amount of whiting caught and processed by catcher processors registered to the permit given in Section A for at least one of the qualifying years given above. The applicant must provide copies of NMFS whiting observer records and any other credible information to verify the amount of whiting caught and processed by the catcher vessel registered to the permit in the qualifying year(s).

SECTION C - CERTIFICATION OF APPLICANT AND NOTARY

This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves.

Under penalties of perjury, I hereby declare that I, the undersigned, am authorized to certify this application on behalf of the applicant, and I completed this form, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

Signature of Authorized Representative	Date
Printed Name of Authorized Representative and Title (*NOTE: attach authorization, if needed*)	
Notary Public Signature ❑ ATTEST	Affix Notary Stamp or Seal Here
Date Commission Expires	

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to $140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

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OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

TRAWL IDENTIFICATION OF OWNERSHIP INTEREST

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

The purpose of this form is to provide NOAA Fisheries with information to calculate the ownership interest of individuals and enforce compliance with the accumulation limits.

IMPORTANT! This form must be submitted by the following:

1) Current owners of each trawl-endorsed limited entry permit that are applying for an initial issuance of QS/QS permit;
2) Pacific Whiting shoreside first receivers applying for a initial issuance of whiting QS/QS permit*;
3) Current owners of trawl-endorsed limited entry trawl permits that are applying for a Mothership/Catcher Vessel endorsement and catch history assignment; and
4) Current owners of a vessel applying for a MS permit.

**Pacific whiting shoreside first receivers means persons who receive, purchase, or take custody, control, or possession of Pacific whiting onshore directly from a Pacific whiting shoreside harvesting vessel.*

If an applicant does not provide an ownership interest form as required above, NMFS will not issue the permit or endorsement. Please type or print legibly in ink. Attach additional sheets as necessary. Sign in ink, have your signature notarized, keep a copy for your records, and mail the completed form to the address listed above.

SECTION A - PERMIT/VESSEL/FIRST RECEIVER OWNER IDENTIFICATION
Please verify that the information you enter or that was pre-filled by NOAA Fisheries is accurate; make any necessary corrections by crossing out and filling in correct data on the form.

- **Field 1. Check one box only**: Please check which permit or endorsement you applying for. the permit owner and vessel owner are identical, check both boxes. If there are any differences among the permit or vessel owners, then a new form needs to be completed for each. If you are a Pacific whiting shoreside first receiver, check that box.

- **Fields 2-4. Permit Number/Vessel Name/Vessel Registration Number**: If a vessel owner applying for a MS permit, please provide the vessel name and U.S. Coast Guard documentation or state vessel registration number. If applying as a current permit owner, list the Federal groundfish limited entry permit number.

- **Fields 5-6. Name/TIN/DOB**: Enter the names of all owners of the permit, vessel, or first receiver. . If a business entity, list their tax identification number (TIN). If an individual, list their date of birth (DOB) using the format of mm/dd/yyyy.

- **Field 7. State Registered**: If a business entity is listed in Field 5, list the state in which that entity was established and is currently recognized as active.

- **Field 8. Business Mailing Address**: Enter the business mailing address, including street or PO Box number, state, and zip code, where the item(s) should be sent. Also list a physical address for first receivers, if different from mailing address.

- **Fields 9-11. Business Phone, Fax and Email**: List the business telephone and fax numbers including the area codes; the fax number and email are optional.

SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS

Complete this section using the business entity name(s) from Section A, which may be pre-filled for you. The intent of Section B (Parts 1 and 2) is to identify ownership of persons named in Section A down to the individual person level. To achieve this, you may have to enter data for several ownership levels. [Note: Only ownership interest greater than or equal to 2% ownership interest in the business entity must be reported.]

Part 1 – first level ownership

Part 1 should be completed (or may be pre-filled) for the business entities or individuals listed in Section A. List the TIN for business entities and the DOB for individuals. List the mailing address (if different than in Section A), and the % ownership interest in the permit, vessel, or processor as listed in Section A. If there is only one individual or entity owner listed, then the percent ownership interest held should equal 100%. If one business entity is listed, then the percent ownership interest held should equal 100%. If an individual and a business entity are listed, then list the percent of the individual and the percent of the business entity (see examples below). Total ownership interest cannot exceed 100%, but due to the 2% disclosure exemption the total may not sum to 100%. If necessary, attach an additional sheet of paper.

Part 2 – second level ownership

If after completing Part 1 you have not disclosed all owners down to the individual person level for all owners , you must complete this Part 2.. Part 2 should be completed, or may be pre-filled, with any non-individual business entity names listed in Part 1. List the names of all shareholders/partners of each business entity that hold greater than or equal to 2% ownership interest in the Part 1 entity. The TIN for entities and DOB for each individual are required as an additional means of identification. List each owner's business mailing address and the percent ownership interest they hold in the business entity. The individual(s) listed under each business should equal 100%, except for cases in which some shareholders/partners in the business entity own less than 2% and are, therefore, not listed on this form. Information should be provided down to the individual level. If information you completed for Part 2 is not sufficient to disclose all owners who have a 2% or greater ownership in then you must continue this process to further levels of ownership until all individual owners who have meet that ownership criteria have been disclosed. Total ownership interest cannot exceed 100%, but due to the 2% disclosure exemption the total may not sum to 100%, If necessary, attach an additional sheet of paper.

A business entity established under the laws of the United States or any State must submit proof that it is so established and verify that it is an active corporation. NOAA Fisheries may request further documentation as proof of ownership, including percentage of ownership. Note the Privacy Act Statement at the end of this form.

Example A: jointly named owners on permit , two individuals

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	75
Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	25
		TOTAL OWNERSHIP =	100%

Part 2

NAME		DOB	BUSINESS MAILING ADDRESS	% HELD
business name from Part 1				
List individual names				
			TOTAL OWNERSHIP =	100%

Not Required

Example B: jointly named owners on permit , an individual and a business

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Dragger, Joe A	05/15/1959	3 Dover Lane Astoria, OR 54321	50%
Trawlers, Inc.	91-1234567	PO Box 70, Newport, OR 54123	50%
		TOTAL OWNERSHIP =	**100%**

Part 2

	NAME	DOB	BUSINESS MAILING ADDRESS	% HELD
	business name from Part 1 Trawlers, Inc.			
List individual names	Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	55%
List individual names	Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	30%
List individual names	Ishmael, Mark S	03/07/1965	8 White Whale Dr. Newport, OR 54123	10%
List individual names	Queequeg, Warren G	07/23/1968	13 Wildside Blvd. Astoria, OR 54321	5%
			TOTAL OWNERSHIP of Business 1 =	**100%**

Example C: jointly named owners on permit, two businesses

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Trawlers, Inc.	91-1234567	PO Box 70, Newport, OR 54123	30%
Big Boat, LLC	71-7654321	4 Ever Whiting Astoria, OR 54321	70%
		TOTAL OWNERSHIP =	**100%**

Part 2

	NAME	DOB	BUSINESS MAILING ADDRESS	% HELD
	business name from Part 1 Trawlers, Inc.			
List individual names	Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	55%
List individual names	Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	30%
List individual names	Ishmael, Mark S	03/07/1965	8 White Whale Dr. Newport, OR 54123	10%
List individual names	Queequeg, Warren G	07/23/1968	13 Wildside Blvd. Astoria, OR 54321	5%
			TOTAL OWNERSHIP of Business 1 =	**100%**
	business name from Part 1 Big Boat, LLC			
List individual names	Hake, Fred C	06/03/1950	4 Ever Whiting Astoria, OR 54321	$33^{1/3}$%
List individual names	Hake, Brenda K	08/30/1954	4 Ever Whiting Astoria, OR 54321	$33^{1/3}$%
List individual names	Hake, Jr., Fred J	11/23/1975	12 Ever Whiting Astoria, OR 54321	32%
List individual names				
			TOTAL OWNERSHIP of Business 2 =	**98.667 %**

SECTION C- CERTIFICATION OF APPLICANT AND NOTARY

The authorized agent must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the authorized agent certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized representative's signature. If a single individual is listed in Field 5 above, then that individual must sign. If two individuals are listed in Field 5 above, then both individuals must sign. If an individual and a business entity are listed in Field 5 above, then the individual and the authorized representative for the business entity must both sign.

The notary must sign and date this section, and affix notary stamp or seal.

The authorized representative is required to include a copy of the corporate resolution or other authorizing document allowing the authorized agent to sign and certify on behalf of the business entity.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

TRAWL IDENTIFICATION OF OWNERSHIP INTEREST

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

SECTION A – PERMIT/VESSEL/FIRST RECEIVER OWNER IDENTIFICATION

1. Are you a: □ Permit Owner Applying for QS Permit □ Permit Owner Applying for MS/CV Endorsement
□ Vessel Owner Applying MS Permit □ Shoreside First Receiver Applying for Whiting QS Permit

2. Permit Number GF	3. Vessel Name	4. USCG Doc or State Registration Number
5. Name		6. TIN or DOB
		7. State in Which Registered, if business entity
8. Business Mailing Address (also list physical address for first receiver, if different) *Street **or** PO Box*		9. Business Phone ( )
		10. Business Fax (*optional*) ( )
City	*State*	*Zip Code*	11. Business Email (*optional*)

SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS
PART 1 – first level ownership

NAME *(Last, First, Middle Initial)*	TIN or DOB	BUSINESS MAILING ADDRESS (*Street or PO Box, City, State, Zip Code*)	% INTEREST HELD
		TOTAL OWNERSHIP =	

SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS
PART 2 – second level ownership

NOTE: Owners of a business entity from Part 1 above must be listed down to the level of individual persons that make up that business. If more than one business is listed, be clear which individuals belong to which business.

If necessary, attach an additional sheet of paper with the information required below for each level of ownership.

	NAME *(Last, First, Middle Initial)*	**DOB** (*mm/dd/yyyy*)	**BUSINESS MAILING ADDRESS** (*Street or PO Box, City, State, Zip Code*)	**% INTEREST HELD (IN Part 1 BUSINESS)**
business name from Part 1				
list iowner names				
			TOTAL OWNERSHIP of Business 1 =	
business name from Part 1				
list owner names				
			TOTAL OWNERSHIP of Business 2 =	
business name from Part 1				
list owner names				
			TOTAL OWNERSHIP of Business 3 =	

SECTION C- CERTIFICATION OF APPLICANT AND NOTARY

Under penalties of perjury, I hereby declare that I, the undersigned, completed this form, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

Signature of Authorized Representative	Date

Printed Name of Authorized Representative (*NOTE: attach authorization, if needed*)

Notary Public Signature ❑ ATTEST	Affix Notary Stamp or Seal Here
Date Commission Expires	

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to $140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

PRIVACY ACT STATEMENT: Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.5 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 NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. The names of individuals and other persons who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and are not released to the public.

OMB Control No. 0648-xxxx
Expiration Date: xx/xx/xxxx

Rev: 04/23/2010

QUOTA SHARE GROUP 1 SPECIES CATCH HISTORY SUMMARY

PACIFIC COAST GROUNDFISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 *Fax* (206) 526-4461 www.nwr.noaa.gov

Date Generated: XX/XX/XXXX **Group 1 Species Category**:_____
Permit Owner/First Receiver Name:_____ **Limited Entry Permit Number**: GF0XX
Estimated QS Initial Issuance (given as %)*: _____ [calculation: Total relative history divided by sum of total relative histories multiplied by amount of permit history quota history

Year	Preliminary Permit Landing History Amount (lbs)(1)	Total Shoreside Sector Landed Amount (lbs) (2)	Permit Relative History (%) (3)	Total Relative History (%) (4)	Permit History Amount Due to Combination (lbs)(5)	Vessel Registered to Permit during year (6)
1994						
1995						
1996						
1997						
1998						
1999						
2000						
2001						
2002						
2003						
~~**Total**~~						

(The lowest relative history amounts are denoted with an asterisk)

Equal Division of Buyback Landing History (lbs): _____

NOTE: This dataset was extracted from the PacFIN data base. This data is preliminary and is the best available at this time. This data is subject to change following review by NMFS of applications from all eligible persons. FOR WHITING SHOREBASED FIRST RECEIVER APPLICANT – will receive one summary sheet for whiting and will not include Buyback column or combined permit column

SEE FOOTNOTES ON REVERSE SIDE

(1) – This column presents the total permit landing history amount by qualifying year inclusive of the buyback landing history and combined permit history.
(2) – This column presents the total landing amount for all qualifying permits.
(3) – This column provides permit relative history as percentage. Does not include lowest 3 years but include equal division of buyback landing history.
(4) – This column provides the amount of catch history attributed to the applicant permit resulting from permits that were combined for purposes of increasing the applicant permit size endorsement
(5) – This column provides the vessel numbers for any vessels registered during the given year.

Note:

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 660

[Docket No. 0907281183–91427–02]

RIN 0648–AX98

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Data Collection for the Trawl Rationalization Program

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

ACTION: Final rule.

SUMMARY: NMFS is collecting data to support implementation of a future trawl rationalization program under the Pacific Coast Groundfish Fishery Management Plan (FMP). NMFS will collect ownership information from all potential participants in the trawl rationalization program. In addition, NMFS is notifying potential participants that the agency intends to use the Pacific States Marine Fisheries Commission's Pacific Fisheries Information Network (PacFIN) database, NMFS' Northwest Fisheries Science Center's Pacific whiting observer data from NORPAC (a database of North Pacific fisheries and Pacific whiting information), and the NMFS, Northwest Region, Sustainable Fisheries Division trawl-endorsed groundfish limited entry permit database to determine initial allocation of quota share (QS) for the trawl rationalization program, if it is approved and implemented.

DATES: Effective March 1, 2010.

ADDRESSES: NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is contained in the Classification section of this final rule. Copies of the FRFA and the Small Entity Compliance Guide are available from Barry A. Thom, Acting Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115 0070; or by phone at 206–526–6150.

Written comments regarding the burden hour estimates or other aspects of the collection of information requirements contained in this final rule may be submitted to Barry A. Thom, Acting Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115 0070, or by e-mail to *DavidRostker@omb.eop.gov*, or by fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Jamie Goen, phone: 206–526–4656, fax: 206–526–6736, and e-mail *jamie.goen@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the Internet at the Office of the **Federal Register**'s Website at *http://www.gpoaccess.gov/fr/index.html*. Background information and documents are available at the Pacific Fishery Management Council's website at *http://www.pcouncil.org/* and at NMFS Northwest Region's website at *http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/index.cfm.*

Background

On September 16, 2009, NMFS published a proposed rule (74 FR 47545) announcing our intent to collect ownership information from potential participants in the Pacific Coast groundfish trawl rationalization program and announcing the databases NMFS intends to use to determine initial allocations for the program. Since 2003, the Pacific Fishery Management Council (Council) has been developing a trawl rationalization program, which would affect the limited entry trawl fishery of the Pacific Coast groundfish fishery. The trawl rationalization program is intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability for catch and bycatch.

The Council has developed the trawl rationalization program through two amendments to the Groundfish FMP: (1) Amendment 20, the trawl rationalization program; and (2) Amendment 21, intersector allocation. Amendment 20 would create the structure and management details of the trawl rationalization program, while Amendment 21 would allocate the groundfish stocks between trawl and non-trawl fisheries. The Groundfish FMP amendment approval process and implementation, if appropriate, are expected to occur in 2010.

The trawl rationalization program would be a limited access privilege program (LAPP) under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. §§ 1851–1891d, as reauthorized in 2007. It would consist of: (1) An individual fishing quota (IFQ) program for the shore-based trawl fleet; and (2) cooperative (co-op) programs for the at-sea trawl fleet. The MSA requires the Council or the Secretary of Commerce to ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program, and to establish a maximum share, expressed as a percentage, that each limited access privilege holder may hold, acquire, or use. For the trawl rationalization program, the Council has adopted limits on the amount of harvest privileges that can be held, acquired, or used by individuals and vessels (i.e., accumulation limits).

Collection of Ownership Information

Pursuant to section 402(a)(2) of the MSA, if the Secretary of Commerce determines that additional information is necessary for developing or implementing an FMP, the Secretary may, by regulation, implement an information collection program requiring submission of such additional information for the fishery. This rule provides for the collection of ownership information from the potential participants in the trawl rationalization program, including the at-sea fleet (whiting motherships, whiting mothership catcher vessels, and whiting catcher/processors), the shore-based fleet (whiting and non-whiting permit owners and holders) and the shore-based whiting processors. Ownership information would be collected through the Trawl Identification of Ownership Interest Form, and would support and facilitate the timely implementation of the potential future trawl rationalization program under the Groundfish FMP. Trawl Identification of Ownership Interest Forms will be mailed to potential participants and will be made available on NMFS website (see SUPPLEMENTARY INFORMATION, Electronic Access). All forms must be completed and returned to NMFS with a postmark no later than the deadline date of May 1, 2010.

Databases to be Used for Initial Allocation of Quota Share

Potential participants in the trawl rationalization program should be aware that the agency intends to use data from the Pacific States Marine Fisheries Commission's PacFIN database and NMFS' Northwest Fisheries Science Center's Pacific whiting observer data from NORPAC to determine initial allocations of QS for the trawl rationalization program. Landings data from state fish tickets, as provided by the states to the PacFIN database, will be used to determine initial allocation of IFQ QS for the shore-based whiting and nonwhiting harvesters and for the shore-based whiting processors. The first

receiver listed on the state fish ticket, as recorded in PacFIN, will be used to determine to whom whiting processing history should be attributed for whiting QS. Through NMFS' initial issuance and appeals process for QS, there will be an opportunity to reassign the whiting processing history. In addition, state logbook information from 2003 through 2006, as recorded in PacFIN, will be used to determine the area fished associated with individual permits (depth and latitudinal strata associated with permits). This information will be used in a formula to determine a permit's initial allocation of overfished species. Landings data from the NORPAC database will be used to determine initial allocation of at-sea QS for the whiting mothership catcher vessels. Information on trawl-endorsed groundfish limited entry permits or permit combinations will come from limited entry permit records at NMFS, Northwest Region, Sustainable Fisheries Division.

NMFS intends to "freeze" the databases for the purposes of initial allocation on the date the proposed rule for implementing Amendment 20 to the FMP is published in the **Federal Register**. "Freezing" the databases means that NMFS will extract a snapshot of the databases as of the proposed rule publication date, and it will use the "frozen" data for initial allocation of QS. Thus, it is important that participants ensure, as soon as possible and before NMFS "freezes" the databases, that their data are accurate.

If potential participants in the trawl rationalization program, including harvesters and shore-based whiting processors, have concerns over the accuracy of their data in the PacFIN database, it is important that they contact the state in which they landed those fish as soon as possible to correct any errors. Any revisions to an entity's fish tickets or logbooks will have to be approved by the state in order to be accepted. For logbooks, only existing logbook information in PacFIN may be corrected (i.e., only transcription errors); no new logbooks dating back to 2003 through 2006 will be accepted. State contacts are as follows: (1) Washington - Carol Turcotte (360–902–2253, *Carol.Turcotte@dfw.wa.gov*); (2) Oregon - Nadine Hurtado (503–947–6247, *Nadine.Hurtado@state.or.us*); and (3) California - Gerry Kobylinski (916–323–1456, *Gkobylin@dfg.ca.gov*). For concerns over the accuracy of NORPAC data, contact Janell Majewski (206–860–3293, *janell.majewski@noaa.gov*). Potential QS owners should go directly to the source where fisheries data is entered in the database to get it corrected before NMFS extracts the data for initial issuance of QS. For concerns over the accuracy of limited entry permit or permit combination data, check NMFS' website at *http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Permits/index.cfm* or contact Kevin Ford (206–526–6115, *kevin.ford@noaa.gov*).

Comments and Responses

NMFS received comments on the proposed rule from five members of the public, including three from fishing industry organizations and two from individuals. Comments relevant to this rulemaking are addressed here:

Comment 1: Four of the commenters suggested alternative requirements for reporting ownership accumulation limits. These comments focused on the practicality of collecting ownership information at the individual level for large companies, such as publicly-owned corporations (domestic or foreign), non-governmental organizations, and Community Development Quota (CDQ) groups. These groups may consist of thousands of individuals that could be considered shareholders. Suggestions from commenters included: (1)exempting these groups from listing individual shareholders; (2) requiring a signed affidavit provided to NMFS or the Maritime Administration (MARAD) stating that shareholders within the group are within accumulation limits, and that failure to report amounts exceeding accumulation limits would subject the company or its shareholders to enforcement action; and (3) setting a minimum threshold level where percent ownership for only those individual shareholders above that level need to be reported.

Response: NMFS considered the comments received on the proposed rule and input from the Groundfish Advisory Subpanel (GAP) at the November 2009 Pacific Fishery Management Council meeting. As stated in the proposed rule, the MSA requires NMFS to ensure that no one in the program acquires an excessive share of the resource, in this case, through accumulation limits. NMFS agrees with the commenters that collecting ownership information for all individual owners of large organizations with large numbers of small individual owners may be unduly burdensome. Further, collecting such information from individuals with a small ownership interest does not significantly contribute to achieving the statutory requirement that no shareholder be permitted to acquire an excessive share of the allocated quota. Therefore, after considering the options for limiting the burden while furthering the goals of the MSA, NMFS concluded that modifying the Trawl Identification of Ownership Interest Form to set a threshold limit of 2 percent ownership interest, below which individual owners need not be listed, is the most effective way to relieve the potential burden described above while implementing the requirements of the MSA. The rationale for this approach is described below.

NMFS considered and rejected the suggestion that it should exempt large corporations and other organizations from reporting individual ownership levels. A broad exemption is not necessary to alleviate the possible burden described above. Additionally, NMFS believes that in the context of the potential trawl rationalization program, in which accumulation limits are likely to be relatively small for some species, an ownership threshold for reporting would best further the intent of the MSA while reducing the reporting burden on entities with large numbers of small owners.

NMFS also considered and rejected the suggestion that business entities could comply with the data collection requirement by signing an affidavit stating that the business entity owning the permit, vessel, or processing plant, and any individuals with ownership interest in that business entity, are within the ownership interest accumulation limits. Requiring an affidavit would reduce NMFS' burden of monitoring accumulation limits. However, this option would not be as effective at achieving the goal of ensuring that the ownership of quota share is not inappropriately concentrated, particularly during the initial implementation of the trawl rationalization program. By requiring the reporting of ownership information prior to the issuance of quota shares, NMFS can ensure that accumulation limits are not exceeded before fishing under the program occurs, rather than after a violation has been identified and corrected.

Commenters proposed two alternative approaches to setting a minimum reporting threshold level. The minimum threshold could be set at levels appropriate to each fishery (at-sea mothership, at-sea mothership catcher vessels, and shoreside fleet), or it could be one number applicable to all fisheries (e.g., all individuals with greater than or equal to 10 percent ownership interest in a company must report). Public comments described an example of a fishery-specific minimum threshold for the mothership fishery: if there are only

six potential participants in the mothership fishery, and the accumulation limit for individuals is 45 percent, then it may be appropriate to set the reporting threshold level at greater than or equal to 10 percent ownership for individuals. While this approach makes sense, NMFS decided that the variable minimum threshold among sectors would add unnecessary complexity to an already complex program. One minimum threshold that is the same for participants in all fisheries would be easier for participants to understand, and for NMFS to implement.

NMFS next considered the level at which a minimum threshold should be set. Public comment suggested a 10 percent threshold, similar to the threshold for Alaska's crab rationalization program. NMFS decided the 10 percent minimum threshold may be too high for some sectors with accumulation limits of less than 10 percent, such as the IFQ fishery. At the November Council meeting, the GAP responded to NMFS' report (Agenda Item G.8.b, NMFS Report, November 2009), which outlined the public comments made on the proposed rule. The GAP report (Agenda Item G.8.c, Supplemental GAP Report, November 2009) suggested that ownership information from large companies (publicly-held corporations, environmental organizations, and CDQ groups, etc.) should be collected for individuals holding an ownership interest in those entities at a threshold that is slightly below the lowest accumulation limits (e.g., at 2 percent if the lowest accumulation limit is 2.5 percent). The GAP's rationale was that this formula will fulfill the requirement to monitor control of the resource without creating an undue administrative burden by collecting ownership information from every shareholder with any interest in the entity, no matter how small.

After reviewing the comments, NMFS decided the GAP recommended 2 percent minimum threshold for reporting ownership interest was reasonable, given the rationale that it is just below the lowest accumulation limit for the trawl rationalization program, and that it would reduce the reporting burden on potential participants with large numbers of individuals that have ownership interest in a permit or vessel. In order to be equitable, NMFS will apply the 2 percent minimum threshold to everyone owning a permit or vessel, not just large companies. Therefore, this final rule changes the proposed rule from requiring that ownership information for all individual owners be reported, even if the individual's ownership in the permit, vessel, or processor/first receiver is very small (e.g., 0.1 percent), to requiring that ownership interest on the individual level be reported for all individuals with greater than or equal to 2 percent ownership interest in a permit, vessel, or processor/first receiver. In addition, the Trawl Identification of Ownership Interest Form will be revised to reflect that the percentage of ownership of all shareholders reported may not equal 100 percent for entities with shareholders that own amounts smaller than 2 percent.

Comment 2: Some commenters were concerned about the confidentiality of the ownership information collected.

Response: NMFS addressed confidentiality in the supporting statement for the Paperwork Reduction Act (PRA) submission that accompanied the proposed rule. That submission stated that some of the information collected is considered or protected as confidential under section 402(b) of the MSA and NOAA Administrative Order 216–100, Protection of Confidential Fisheries Statistics. Accordingly, the names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and are not released to the public. The phone number, fax, email, TIN, and date of birth are also confidential. While the names and percent ownership of the individuals behind the entity are confidential, the name of the entity listed as owning the permit, vessel, or processing plant is public information, even if the owning entity is an individual. In addition, the business address for that entity is public information, even if the owning entity is an individual.

Comment 3: One commenter believes NMFS does not need to collect the following information, "tax identification number (TIN) for each entity; date of birth (DOB) for each individual; state in which each business entity is registered; business mailing address; physical address for processing plants; business phone number, fax number and email." In the event of confusion between entities or individuals, NMFS could request that information on a case-by-case basis.

Response: NMFS has determined that the TIN, DOB, state in which each business entity is registered; business mailing address; physical address for processing plants; business phone number are necessary for this information collection. The business mailing address and business phone numbers are necessary to ensure NMFS has accurate contact information on file for the potential participant in the trawl rationalization program. In addition, as described in the proposed rule, NMFS intends to mail pre-filled applications for the future trawl rationalization program. To do so, NMFS will need the contact information for potential participants. For established owner entities that have responded to this collection of information, they will only need to provide information for new shareholders or indicate if there are changes in ownership interest amounts for various shareholders.

Business entities are required to report the TIN for corporations or other business entities or the DOB for individuals in order to provide a unique identifier for Federal agencies to identify individuals and/or entities doing business with the government and, for the TIN, to verify that the business entity does not owe a delinquent debt to the government. The TIN is required to comply with Debt Collection Act of 1996. Specifically, 31 U.S.C. § 7701 (c)(1) states that, "the head of each Federal agency shall require each person doing business with that agency to furnish that agency such person's taxpayer identification number." Further, at 31 U.S.C. § 7701 (c)(2)(B), the Act provides that, "[f]or purposes of the subsection, a person shall be considered doing business with a Federal agency if the person is - an applicant for, or recipient of, a Federal license, permit, right away, grant or benefit payment administered by the agency ."

Moreover, the scope of information requested in this collection supports a number of important purposes for the Agency. This information will establish an initial baseline of contact information and unique identifiers for potential participants in the trawl rationalization program. First, NMFS must uniquely identify individuals to determine whether individuals or entities would exceed accumulation limits specified for the trawl rationalization program, if implemented. Unique identification of individuals and entities is important to ensuring that NMFS data is accurate and will reliably identify the proper recipient of harvest privileges. Second, it will help NMFS understand where ownership groups may have crossover into other parts of the groundfish fishery.

To reiterate for clarification purposes, NMFS intends to mail pre-filled applications for the future trawl rationalization program to potential

LAPP participants based on the information collected from the forms as part of the rulemaking. For permit owners, vessel owners, or processors/first receivers that have completed the Trawl Identification of Ownership Interest Forms as part of this rulemaking, subsequent forms will be mailed out if the future trawl rationalization program is implemented. These subsequent forms will be pre-filled, but would say "on file" in the TIN/DOB field of the forms. This is intended to protect the privacy of that information. The TIN/DOB field is only required to be filled out the first time the business entity or individual's information is collected by the NMFS, Northwest Region.

As explained in the preamble to the proposed rule, each business entity must be registered in a state before the initial allocation of harvest privileges, such as QS, to ensure compliance with the MSA. Business entities established under the laws of the United States or of any state would be required to provide proof of the establishment of their business and to verify that they are an active corporation. If an entity was not established under the laws of the United States or of any other state, this rule would not require the entity to become so established. However, an entity must be established under the laws of the United States or of any state in order to qualify for an initial allocation of QS, pursuant to section 303A(c)(1)(D) of the MSA. Providing the information at this stage will expedite the initial issuance process.

For processors or first receivers, the physical address for processing plants is necessary to distinguish multiple processing facilities that may be part of a larger parent company with the same name and same business mailing address. Those multiple processing facilities may have unique ownership interests and would be required to report their ownership interest.

Respondents are not required to complete the business fax number and business email fields on the form; they are optional.

Comment 4: One commenter noted that NMFS incorrectly referred to the mothership catcher vessel co-op shares as being allocated to the vessel, and that these quota shares are non-transferable amounts associated with the vessel.

Response: NMFS agrees the description in the proposed rule was not clear. The proposed rule stated, "QS for the at-sea mothership fleet (called "catch history assignments" in Council documents) would initially be allocated to the individual whiting catcher vessels associated with the mothership fishery, and would be non-transferable amounts associated with the vessel." What is not clear in this sentence is that the QS would be issued to individual catcher vessels in the mothership fishery as part of the limited entry permit. Once the QS is assigned to a specific limited entry permit based on the catch history of the vessel registered to that permit at the time of initial issuance, that QS is non-severable from the limited entry permit. While the QS cannot be split from the limited entry permit, the permit itself is transferable to another vessel or permit owner either permanently through a sale or temporarily through a lease arrangement.

Changes From the Proposed Rule

The proposed rule listed who potential participants in the trawl rationalization program should contact if they have concerns over the accuracy of their data in the PacFIN database or NORPAC databases. The Oregon contact has changed. The correct contact for Oregon is: Oregon - Nadine Hurtado (503–947–6247, *Nadine.Hurtado@state.or.us*). The contacts listed earlier in the preamble to this final rule have been updated with this change.

For reasons explained above in the response to comment 1, this final rule changes the reporting requirements listed in the proposed rule from requiring that all individuals report their level of ownership interest even if the ownership interest in the permit, vessel, or processor/first receiver is very small (e.g., 0.1 percent), to requiring that all individuals with greater than or equal to 2 percent ownership interest in a permit, vessel, or processor/first receiver must report their ownership interest to the individual level. The Trawl Identification of Ownership Interest Form will be revised to reflect this change. In addition, the Trawl Identification of Ownership Interest Form will be revised to reflect that the percentage of ownership of all shareholders reported may not equal 100 percent for entities with shareholders that own amounts smaller than 2 percent.

Non-substantive changes were made to paragraphs § 660.337 (a)(2)(i)(A) and (B), and to paragraph (a)(2)(ii)(C) to make them more clear.

An update was made to the chart at 15 CFR Part 902 tracking OMB control numbers assigned pursuant to the PRA.

Classification

Pursuant to section 402(a)(2) of the MSA, the NMFS Assistant Administrator, acting on behalf of the Secretary of Commerce, has determined that information collected under this final rule is necessary for developing and implementing the trawl rationalization program. The NMFS Assistant Administrator has also determined that this final rule is consistent with other provisions of the MSA and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. §§ 601–612, a FRFA was prepared. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, and NMFS' responses to those comments, along with a summary of the analyses completed to support the action. A copy of the FRFA is available from NMFS (see ADDRESSES). A summary of the analysis follows:

This final rule allows NMFS to collect data to support implementation of a future trawl rationalization program, Amendment 20, to the Groundfish FMP. A separate Regulatory Impact Review/IRFA will be prepared for the full trawl rationalization program as part of the rulemaking for Amendment 20. This rule also announces that NMFS intends to use landings data from the PacFIN and NORPAC databases to determine initial allocations of QS for the trawl rationalization program. Section 402(a)(2) of the MSA gives the legal authority for the action. If the Secretary determines that additional information is necessary for developing or implementing an FMP, the Secretary may, by regulation, implement an information collection requiring submission of such additional information for the fishery.

The trawl rationalization program would be a LAPP under the MSA. The MSA requires the Council or the Secretary of Commerce to ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program and to establish a maximum share, expressed as a percentage that each limited access privilege holder may hold, acquire, or use. For the trawl rationalization program, the Council has adopted limits on the amount of pounds a vessel can hold, acquire, or use (i.e., vessel limits), and limits on the amount of quota share that can be held, acquired, or used (i.e., control limits). In order to prepare for implementation of the accumulation limits in the trawl rationalization program, this rule will allow NMFS to begin collecting ownership information from potential participants in the program, including the at-sea fleet (whiting motherships,

whiting mothership catcher vessels, and whiting catcher/processors), the shore-based fleet (whiting and non-whiting permit owners and holders) and the whiting shore-based processors.

NMFS received no comments on the IRFA. However, there were comments recommending simplification of the reporting requirements. It is not clear how many of these comments were from "small" entities. Four of the commenters suggested alternative requirements for reporting ownership accumulation limits. These comments focused on the practicality of collecting ownership information at the individual level for large companies, such as publicly-owned corporations (domestic or foreign), non-governmental organization, and Community Development Quota (CDQ) groups. These groups may consist of thousands of individuals that could be considered shareholders and possibly small businesses.

The final rule changes the requirements listed in the proposed rule from requiring that all individuals report even if the ownership interest in the permit, vessel, or processor/first receiver is very small (e.g., 0.1 percent), to requiring that all individuals with greater than or equal to 2 percent ownership interest in a permit, vessel, or processor/first receiver must report their ownership interest to the individual level. The Trawl Identification of Ownership Interest Form will be revised to reflect this change. In addition, the Trawl Identification of Ownership Interest Form will be revised to reflect that the percentage of ownership of all shareholders reported may not equal 100 percent for entities with shareholders that own amounts smaller than 2 percent.

This final rule will collect ownership information from approximately 250 potential participants in the trawl rationalization program. Using Small Business Administration (SBA) standards (described in the IRFA), most of the estimated 250 entities are considered small businesses, except for some catcher vessels that also fish off Alaska, some shoreside processors and all catcher-processors and motherships (fewer than 30) that are affiliated with larger processing companies or large international seafood companies.

NMFS will send an ownership interest form to all potential participants in the trawl rationalization program, requiring the following information: type of entity; qualifying permit number; name of company or name of individuals owning the limited entry permit, vessel or processing plant; tax identification number (TIN) for each entity; date of birth (DOB) for each individual; state registered in for each business entity; business mailing address; physical address for processing plants, business phone number, fax number and email; authorized representative's name; name of each individual having ownership interest in the limited entry permit, vessel or processing plant; the individual's business addresses; percentage of ownership by each entity (if there are multiple entities given as an owner of the permit, vessel, or processing plant) and each individual shareholder in each entity; printed name of authorized representative, signature, and date. The total ownership interest of all shareholders in an entity or partnership must equal 100 percent, except for cases where some shareholders/partners in the business entity own less than 2% and are, therefore, not required to be reported. Only shareholders with greater than or equal to 2% ownership interest in the business entity are required to report their ownership interest. The form will require all owners to certify whether or not they are a small business according to SBA and Regulatory Flexibility Act standards. Typically, NMFS has assumed that shoreside harvest vessels are small entities while assuming that catch processors, mothership processors and several shoreside processors are large entities. However, NMFS does not currently have information to confirm this assumption is true. The information requested in Section C of the form will assist NMFS in better understanding the nature of these entities. The individual signing the form will certify under penalty of perjury that the information provided is true and correct, and the form will be required to be notarized by a notary public.

In addition to completing the mandatory ownership interest form, potential trawl rationalization program participants may be required to submit additional documentation. If the ownership interest in the permit, vessel, or potential quota share involves a business entity, then additional documentation will be required. If an authorized representative signs this form for a business entity, then a corporate resolution is required that authorizes the person signing to do so on behalf of the entity. Business entities established under the laws of the United States or any state will be required to provide proof that they had done so and to verify that they are an active corporation. If an entity was (is) not established under the laws of the United States or of any other State, they will not be required to do so by this rule. However, being an established entity under the laws of the United States or under the laws of any state is a requirement to qualify for an initial allocation of quota share, pursuant to section 304(c)(1)(D) of the MSA. Providing the information at this stage will expedite the initial issuance process.

Additional documentation that NMFS may request after review of the completed Trawl Ownership Interest Form include articles of incorporation, a contract, or any other credible documentation that substantiates those with ownership interest in the entity and the their percent ownership. NMFS may require a certified copy of the current vessel document (U.S. Coast Guard or state) as evidence of vessel ownership. NMFS may also request or consider any other relevant, credible evidence.

The ownership interest form will be mailed to respondents in early 2010, and respondents will have at least 60 days from the effective date of the **Federal Register** final rule to return the completed form. The form must be completed and returned to NMFS no later than May 1, 2010. This form does NOT prequalify these persons for QS nor guarantee that they will qualify for QS under the future trawl rationalization program.

The professional skills required to complete the Trawl Ownership Interest Form are no different than those currently employed by fishermen and businessmen to register their vessels and companies under U.S. and state laws.

NMFS does not believe that this one time reporting will have a significant economic impact on small entities, as the estimated reported burden is approximately 30 minutes per response, and cost approximately $19.15 per response (including the respondent's time ($8.51), mailing, photocopying, and notary fee), are amounts that even small businesses can bear without financial hardship. There is no fee for this form.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a

letter to permit holders that also serves as small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the Northwest Regional Office, and the guide, i.e., permit holder letter, will be sent to all holders of permits for the fishery. The guide and this final rule will be available upon request.

This final rule contains a collection-of-information requirement subject to the PRA that has been approved by the Office of Management and Budget (OMB) under control number 0648–0599 (expires 12/31/12). The public reporting burden for the Trawl Identification of Ownership Interest Form is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. This form is estimated to cost approximately $19.15 per response (including the respondent's time ($8.51), mailing, photocopying, and notary fee). There is no fee for this form. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS, Northwest Region (see ADDRESSES) and by e-mail to *David_Rostker@omb.eop.gov*, or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 660

Fisheries, Fishing, and Indian Fisheries.

Dated: January 25, 2010.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 15 CFR Chapter IX and 50 CFR Chapter VI are amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

■ 2. In § 902.1, paragraph (b), under "50 CFR", the entry "660.337" is added in numerical order to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b)* * *

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648–)
* * * *	*
50 CFR	
* * * *	*
660.337	–0599
* * * *	*

50 CFR Chapter VI

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. A new § 660.337 is added to read as follows:

§ 660.337 Trawl rationalization program - data collection requirements.

(a) Ownership reporting requirements - (1) In 2010, NMFS will send a Trawl Identification of Ownership Interest Form to the current address on record requesting information from participants in the trawl fishery. Receipt of this form does NOT prequalify these persons for quota share nor does it guarantee that they will qualify for quota share under a future trawl rationalization program. The following participants in the trawl fishery must complete and return the form to NMFS:

(i) Owners of each limited entry permit endorsed for trawl gear;

(ii) Owners of each vessel registered to a limited entry permit endorsed for trawl gear (i.e., permit holder) if not identical to the permit owner covered by paragraph (a)(1)(i) of this section;

(iii) Owners of each vessel registered to a Pacific whiting vessel license that are not covered by paragraphs (a)(1)(i) and (ii) above; and

(iv) First receivers issued current Pacific whiting first receiver exempted fishing permits.

(2) Supporting documentation.

(i) Business entities completing the Trawl Identification of Ownership Interest Form are required to submit the following:

(A) A corporate resolution or any other credible documentation as proof that the representative of the entity is authoirzed to act on behalf of the entity; and

(B) Proof that the business entity was established and is currently recognized as active under the laws of the United States or any state.

(ii) After review of the Trawl Identification of Ownership Interest Form, NMFS may require the following additional documentation:

(A) Articles of incorporation, a notarized contract, or any other credible documentation that identifies each person who owns an interest in the entity and their percentage of ownership;

(B) A certified copy of the current vessel document (United States Coast Guard or state) as evidence of vessel ownership; or

(C) Such other relevant, credible information as the applicant may submit, or as the SFD or the Regional Administrator may request or require.

(3) Deadline. Persons listed in paragraph (a)(1) will be provided at least 60 calendar days to submit completed forms. All forms must be completed and returned to NMFS with a postmark no later than the deadline date of May 1, 2010.

(b) [Reserved]

[FR Doc. 2010–1877 Filed 1–28–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 35, 131, 154, 157, 250, 281, 284, 300, 341, 344, 346, 347, 348, 375 and 385

[Docket No. RM01–5–000]

Electronic Tariff Filings

Issued January 21, 2010.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order establishing procedures relating to tariffs filed electronically.

business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via e-mail *http://www.BCPIWEB.com*. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Pennsylvania, is amended by adding DTV channel 50 and removing DTV channel 49 at Scranton.

Federal Communications Commission.

Clay C. Pendarvis,

Associate Chief, Video Division, Media Bureau.

[FR Doc. E9–5059 Filed 3–9–09; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 071003556–81194–02]

RIN 0648–AW08

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendment 15

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 15 to the Pacific Coast Groundfish Fishery Management Plan (FMP) which was approved by NMFS on June 18, 2008. Amendment 15 revised the FMP to include provisions for a vessel license limitation program for the non-tribal sectors of the Pacific whiting fishery. Amendment 15 is intended to serve as an interim measure to limit potential participation in the Pacific whiting fishery within the U.S. West Coast Exclusive Economic Zone until implementation of a trawl rationalization program under Amendment 20 to the Groundfish FMP.

DATES: Effective April 9, 2009.

ADDRESSES: Amendment 15 is available on the Pacific Fishery Management Council's (Council's or Pacific Council's) website at: *http://www.pcouncil.org/groundfish/gffmp.html*.

Written comments regarding the burden hour estimates or other aspects of the collection of information requirements contained in this final rule may be submitted to Barry A. Thom, Acting Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115 0070, or by e-mail to *DavidRostker@omb.eop.gov*, or by fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Becky Renko, phone: 206–526–6110, fax: 206–526–6736, or e-mail: *becky.renko@noaa.gov*, or for permitting information, Kevin Ford, phone: 206–526–6115, fax: 206–526–6736, or e-mail: *kevin.ford@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule is accessible via the Internet at the Office of the Federal Register's Web site at *http://www.access.gpo.gov/su_docs/aces/aces140.html*. Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/index.cfm*.

Background

Amendment 15 to the FMP created a vessel license limitation program for the three non-tribal sectors of the Pacific whiting fishery off the U.S. West Coast. Under current Federal regulations, catcher vessels in the Pacific whiting shoreside fishery, catcher vessels in the mothership fishery, and catcher/processor vessels, must be registered to a groundfish limited entry permit that has a trawl gear endorsement. Mothership vessels are not required to be registered to a groundfish limited entry permit because the process only and do not harvest. The limited entry program has been in place since 1994 and allows appropriately registered vessels to participate in groundfish fisheries targeting any of the 90+ species managed under the Pacific Coast Groundfish FMP. This action implements Amendment 15 to the FMP by establishing regulations that require vessels to qualify for a Pacific whiting vessel license limitation program to harvest and/or process in the non-tribal Pacific whiting fishery. This is in addition to the requirement for harvesting vessels to be registered to a groundfish limited entry permits. Amendment 15 and the implementing regulations are intended to serve as an interim measure that will be discontinued when the Pacific Fishery Management Council adopts and the National Marine Fisheries Service implements a trawl rationalization program under Amendment 20 to the Pacific Groundfish FMP. Amendment 20 is currently under development by the Council, which adopted its preliminary preferred alternative at the June 2008 Council meeting. The Council anticipates taking final action on the trawl rationalization program in November 2008. If NMFS approves Amendment 20, implementation is scheduled for late 2010, at which time the regulations implementing Amendment 15 would be replaced by those implementing Amendment 20. If development and implementation of Amendment 20 is delayed beyond that point, NMFS intends to request that the Council reconsider the provisions of Amendment 15.

NMFS published a Notice of Availability for Amendment 15 on March 19, 2008 (73 FR 14765), and requested public comment on it through May 19, 2008. No public comments were received on the amendment.

Amendment 15 was approved by NMFS on June 18, 2008. NMFS published a proposed rule on July 11, 2008 (73 FR 39930), which requested comments through August 11, 2008. During the proposed rule comment period, NMFS received 1 letter from another Federal agency in support of the rulemaking, and 2 letters from members of the industry. The letters are addressed later in the preamble to this final rule. The preamble to the proposed rule for this action provides additional background information on the fishery and on this final rule. Further detail on Amendment 15 also appears in the Environmental Assessment for this action, available via the NMFS website provided above under ''Electronic Access.''

Comments and Responses

NMFS received 2 letters of comment from members of the fishing industry on the proposed rule to implement Amendment 15. These comments are addressed here:

Comment 1: Both commentors recommended implementation of the preferred alternative. One commentor believes that implementation of Amendment 15 is necessary to reduce the conservation risks to overfished stocks and ESA-listed species.

Response: NMFS agrees with the commentors.

Comment 2: One commentor requested clarification that the $650 licensing application fee is a one-time expense and that there will be no annual renewal fee.

Response: The fee to process a Pacific Whiting Vessel License will be approximately $650 and is a one-time fee. The regulation has been modified to reflect this. The owner of a vessel registered to a Pacific Whiting Vessel License will not be required to renew it on an annual basis.

Comment 3: One commentor identified an error in the regulatory text at 660.336 (a)(1) that would have required mothership processors to hold limited entry permits.

Response: Owners of harvesting vessels are currently required to hold a limited entry permit, registered for use with that vessel, with a trawl gear endorsement. Mothership vessels process, but do not harvest and are currently not required to hold a limited entry permit. This action does not change the existing requirements for groundfish limited entry permits, but does implement new requirements for a Pacific whiting vessel license for all vessels. The error has been corrected.

Comment 4: One commentor requested that clarification be provided for the 2008 fishery qualifying criteria defined in regulation at 660.336 (a)(2)(i).

Response: At this time, qualifying criteria specified for the 2008 fishery is being removed from the regulatory text because the 2008 Pacific whiting fishery is expected to be completed or near completion when this final rule becomes effective. The application deadline announced in the final rule is April 9, 2009.

Comment 5: One commentor requested that NMFS make the following two updates to the environmental assessment that supports this action: (1) revise the Pacific whiting biomass projections using the results of the 2008 stock assessment to more accurately state the status of the stock biomass; and, (2) revise the deadline dates specified for submission of the Pacific whiting vessel license application to match the proposed rulemaking.

Response: In approving this rule, NMFS has considered the recent stock assessment information, but did not revise the EA which was finalized on June 18, 2008, following a 60 day period in which the EA was available to the public for comment. The stock assessment information considered is consistent with the Finding of No Significant Action prepared in June. The Pacific whiting vessel license application deadline that applies to fishery participants will be established in regulation by this action. Given delays in the effective date of this final rule the application deadline is being further revised to April 9, 2009.

Comment 6: One commentor did not believe that the EA fully expressed the benefits to the Pacific whiting stock and communities from the implementation of a limited access program in the Pacific Whiting fishery.

Response: The EA for this action was finalized on June 18, 2008, following a 60 day period in which the EA was available to the public for comment. No comments were received on the EA during the comment period. NMFS believes that the EA adequately expressed effects of the alternative actions on the biological and socio-economic environments and that the recommended revisions would not change the proposed action or the Finding of No Significant Action.

Comment 7: One commentor believes it is premature to remove existing regulatory text at § 660.373 (h) that constrains vessel mobility between the catcher/processor and mothership fisheries in the same year. Mobility between sectors is currently under consideration with Amendment 20 for a trawl rationalization program.

Response: NMFS agrees with this comment. Because the issue of mobility is being considered under Amendment 20 and was not specifically addressed by the Council with Amendment 15, NMFS has modified the proposed language and is not removing regulatory text at § 660.373 (h) at this time.

Changes From the Proposed Rule

This final rule includes the following changes from the proposed rule:

1. In § 660.336, (a)(1) has been revised to require mothership processors to hold only a Pacific whiting vessel license and not a limited entry permit.
2. In § 660.336 (a)(2)(i), vessel qualifying criteria for the 2008 fishery has been removed.
3. In § 660.306 (f), § 660.333 (a) and § 660.336(a), dates pertaining to application for Pacific whiting vessel licenses and effective dates for the license have been changed.
4. In § 660.339 paragraph (b) was added to clarify that there will be a one-time fee for the issuance of the original Pacific whiting vessel license.
5. In § 660.336 paragraph (a)(2)(i), NMFS has determined that the term ''decommissioned'' is too vague. The term has been replaced with the following: scrapped, or is rebuilt such that a new U.S.C.G. documentation number would be required.

Classification

The Administrator, Northwest Region, NMFS, determined that Amendment 15 to the FMP is necessary for the conservation and management of the Pacific whiting fishery and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other applicable laws.

This rule has been determined to be significant for purposes of Executive Order 12866.

A final regulatory flexibility analysis (FRFA) was prepared. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS responses to those comments, and a summary of the analyses completed to support the action. A copy of this analysis is available from NMFS (see ADDRESSES) and a summary follows here: Section 604 (a) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) states that when an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as

described in section 603(a), the agency shall prepare an FRFA. Each FRFA shall contain: (1) a succinct statement of the need for, and objectives of, the rule; (2) a summary of the significant issues raised by the public comments in response to the IRFA, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (4) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (5) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected. Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules.

This action is necessary to satisfy the requirements of the 1996 Sustainable Fisheries Act amendments to the Magnuson-Stevens Act. In addition, this action will benefit fisheries conservation and management by reducing the race for fish by restricting entry into all sectors of the Pacific Whiting fishery.

Amendment 15 to the Pacific Coast Groundfish FMP is an interim step prior to the adoption of Amendment 20–Trawl rationalization for Pacific Groundfish which includes Pacific whiting which is scheduled to be completed in 2011 or as soon as possible thereafter. The objective of this rule is to prevent new entrants from entering the whiting fishery in order to provide conservation benefits. Current market conditions and the changing nature of Alaska fisheries are likely to bring new entrants to the fishery. Increased vessel participation in the whiting fishery will likely accelerate the race for fish, reduce the per vessel revenues of existing participants, may have undesirable consequences on overfished and protected species, and could result in a fishery that is more costly and difficult to manage in an effective manner.

NMFS received no comments on the IRFA. Other comments were received and are addressed above, including Comment 2, which clarifies the economic impacts of the rule. Specifically, the regulations would limit participation in the non-tribal Pacific Whiting fishery to those vessels that meet the qualification criteria discussed elsewhere in this rule. These vessels include catcher/processors, mothership processors, catcher vessels in the Pacific whiting shoreside fishery, and catcher vessels in the mothership fishery. The Small Business Administration (SBA) guidelines for fishing firms use a $4,000,000 gross revenue threshold to separate small from large operations. In the application to any one firm, the $4,000,000 threshold considers income to all affiliated operations. NMFS records suggest the gross annual revenue for each of the catcher/processor and mothership operations operating in the WOC exceeds $4,000,000 and they are therefore not considered small businesses. NMFS records also show that 10–43 catcher vessels have taken part in the mothership fishery yearly since 1994. These companies are all assumed to be small businesses (although some of these vessels may be affiliated to larger processing companies). Since 1994, 26–31 catcher vessels participated in the shoreside fishery annually. These companies are all assumed to be small businesses (although some of these vessels may be affiliated to larger processing companies). This rulemaking is expected to have minimal impacts on the mothership and shoreside catcher vessels. It is also expected to have minimal impact on vessels in the catcher/processor and mothership processors. If anything, this rule maintains the economics of the existing small businesses participating in the fishery as it prevents new vessels, potentially the larger vessels from Alaska, from entering the fishery. To qualify for a license, entities need only provide a logbook report, an observer report, or a fish ticket or a mothership receipt that demonstrates that qualification criteria have been met. These documents should be fairly easy to submit as they should be within existing business files or be readily obtained by directly contacting NMFS or the appropriate state agencies. Given the ease of documentation, separate requirements based on size of business were not developed. As part of this rulemaking process, a small entity compliance guide (the guide) has been prepared. The guide and final rule will be sent to the address of record for all the known potential entities that are directly affected by this final rule.

This final rule contains a collection of information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648–0583. The public reporting burden for preparing and submitting a Pacific whiting vessel license application is a one-time estimate expected to average 60 minutes per response. In subsequent years, approximately six respondents are expected to average 30 minutes per response to submit information on changes to the license records maintained by NMFS. The estimated time includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to *David_Rostker@omb.eop.gov*, or fax to 202 395 7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

NMFS issued Biological Opinions under the ESA on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the Pacific Coast groundfish FMP fisheries on Chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley spring, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal, and Oregon coastal), chum salmon (Hood Canal summer, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central

Valley, south/central California, southern California).

NMFS reinitiated a formal section 7 consultation under the ESA in 2005 for both the Pacific whiting midwater trawl fishery and the groundfish bottom trawl fishery. The December 19, 1999, Biological Opinion had defined an 11,000 Chinook incidental take threshold for the Pacific whiting fishery. During the 2005 Pacific whiting season, the 11,000–fish Chinook incidental take threshold was exceeded, triggering reinitiation. Also in 2005, new data from the West Coast Groundfish Observer Program became available, allowing NMFS to do a more complete analysis of salmon take in the bottom trawl fishery.

NMFS completed its reinitiation consultation and prepared a Supplemental Biological Opinion dated March 11, 2006. In its 2006 Supplemental Biological Opinion, NMFS concluded that catch rates of salmon in the 2005 Pacific whiting fishery were consistent with expectations considered during prior consultations. Chinook bycatch has averaged about 7,300 over the last 15 years and has only occasionally exceeded the reinitiation trigger of 11,000. Since 1999, annual Chinook bycatch has averaged about 8,450. The Chinook ESUs most likely affected by the Pacific whiting fishery have generally improved in status since the 1999 section 7 consultation. Although these species remain at risk, as indicated by their ESA listing, NMFS concluded that the higher observed bycatch in 2005 does not require a reconsideration of its prior ''no jeopardy'' conclusion with respect to the fishery. For the groundfish bottom trawl fishery, NMFS concluded that incidental take in the groundfish fisheries is within the overall limits articulated in the Incidental Take Statement of the 1999 Biological Opinion. The groundfish bottom trawl limit from that opinion was 9,000 fish annually. NMFS will continue to monitor and collect data to analyze take levels. NMFS also reaffirmed its prior determination that implementation of the Groundfish FMP is not likely to jeopardize the continued existence of any of the affected ESUs.

Lower Columbia River coho (70 FR 37160, June 28, 2005) were recently listed and Oregon Coastal coho (73 FR 7816, February 11, 2008) were recently relisted as threatened under the ESA. The 1999 biological opinion concluded that the bycatch of salmonids in the Pacific whiting fishery were almost entirely Chinook salmon, with little or no bycatch of coho, chum, sockeye, and steelhead. The Southern Distinct Population Segment (DPS) of green sturgeon (71 FR 17757, April 7, 2006) were also recently listed as threatened under the ESA. As a consequence, NMFS has reinitiated its Section 7 consultation on the Councl's Groundfish FMP.

After reviewing the available information, NMFS concluded that, in keeping with Sections 7(a)(2) and 7(d) of the ESA, the proposed action would not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Council must be a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction. Pursuant to Executive Order 13175, this action was developed through the Council process with meaningful collaboration with tribal officials from the area covered by the FMP. The tribal representative on the Council did not make a motion on this action for tribal fisheries.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian fisheries.

Dated: February 27, 2009.

James W. Balsiger,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 660.306, paragraphs (f)(1) through (f)(6) are redesignated as paragraphs (f)(2)through (f)(7), respectively, and a new paragraph (f)(1) is added to read as follows:

§ 660.306 Prohibitions.

* * * * *

(f) * * *

(1) Fish in any of the sectors of the whiting fishery described at § 660.373(a) after April 9, 2009 using a vessel that is not registered for use with a sector-appropriate Pacific whiting vessel license under § 660.336. April 9, 2009, vessels are prohibited from fishing, landing, or processing primary season Pacific whiting with a catcher/processor, mothership or mothership catcher vessel that has no history of participation within that specific sector of the whiting fishery during the period from January 1, 1997, through January 1, 2007, or with a shoreside catcher vessels that has no history of participation within the shore-based sector of the whiting fishery during the period from January 1, 1994 through January 1, 2007, as specified in § 660.373(j). For the purpose of this paragraph, ''historic participation'' for a specific sector is the same as the qualifying criteria listed in § 660.336 (a)(2).

(i) If a Pacific whiting vessel license is registered for use with a vessel, fail to carry that license onboard the vessel registered for use with the license at any time the vessel is licensed. A photocopy of the license may not substitute for the license itself.

(ii) [Reserved]

* * * * *

■ 3. In § 660.333, paragraph (f) is removed and paragraph (a) is revised to read as follows:

§ 660.333 Limited entry fishery eligibility and registration.

(a) General. A limited entry permit confers a conditional privilege of participating in the Pacific coast groundfish limited entry fishery, in accordance with Federal regulations in 50 CFR part 660. In order for a vessel to participate in the limited entry fishery, the vessel owner must hold a limited entry permit and, through SFD, must register that vessel for use with a limited entry permit. When participating in the limited entry fishery, a vessel is authorized to fish with the gear type endorsed on the limited entry permit registered for use with that vessel. There are three types of gear endorsements: trawl, longline, and pot (or trap). All limited entry permits have size endorsements and a vessel registered for use with a limited entry permit must comply with the vessel size requirements of this subpart. A sablefish endorsement is also required for a vessel to participate in the primary season for the limited entry fixed gear sablefish fishery, north of 36° N. lat. After April 9, 2009, a catcher vessel participating in either the whiting shore-based or mothership sector must, in addition to being registered for use with a limited entry permit, be registered for use with a sector-appropriate Pacific whiting vessel license under § 660.336. After April 9, 2009, a vessel participating in the whiting catcher/processor sector must, in addition to being registered for use with a limited entry permit, be registered for use with a sector-appropriate Pacific whiting vessel

license under § 660.336. After April 9, 2009, although a mothership vessel participating in the whiting mothership sector is not required to be registered for use with a limited entry permit, such vessel must be registered for use with a sector-appropriate Pacific whiting vessel license under § 660.336.

* * * * *

■ 4. In § 660.335, paragraph (f)(3) is removed and paragraph (a)(2) is revised to read as follows:

§ 660.335 Limited entry permits renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.

(a) * * *

(2) Notification to renew limited entry permits will be issued by SFD prior to September 15 each year to the most recent address of the permit owner. The permit owner shall provide SFD with notice of any address change within 15 days of the change.

* * * * *

■ 5. A new § 660.336 is added to read as follows:

§ 660.336 Pacific whiting vessel licenses.

(a) *Pacific whiting vessel license*—(1) *General.* After April 9, 2009, participation in the non-tribal primary whiting season described in § 660.373(b) requires:

(i) An owner of any vessel that catches Pacific whiting must hold a limited entry permit, registered for use with that vessel, with a trawl gear endorsement; and, a Pacific whiting vessel license registered for use with that vessel and appropriate to the sector or sectors in which the vessel intends to participate;

(ii) An owner of any mothership vessel that processes Pacific whiting to hold a Pacific whiting vessel license registered for use with that vessel and appropriate to the sector or sectors in which the vessel intends to participate.

(iii) Pacific whiting vessel licenses are separate from limited entry permits and do not license a vessel to harvest whiting in the primary whiting season unless that vessel is also registered for use with a limited entry permit with a trawl gear endorsement.

(2) *Pacific whiting vessel license qualifying criteria.*

(i) *Qualifying criteria.* Vessel catch and/or processing history will be used to determine whether that vessel meets the qualifying criteria for a Pacific whiting vessel license and to determine the sectors for which that vessel may qualify. Vessel catch and/or processing history includes only the catch and/or processed product of that particular vessel, as identified in association with the vessel's USCG number. Only whiting regulated by this subpart that was taken with midwater (or pelagic) trawl gear will be considered for the Pacific whiting vessel license. Whiting harvested or processed by a vessel that has since been totally lost, scrapped, or is rebuilt such that a new U.S.C.G. documentation number would be required will not be considered for this license. Whiting harvested or processed illegally or landed illegally will not be considered for this license. Catch and/or processing history associated with a vessel whose permit was purchased by the Federal Government through the Pacific Coast groundfish fishing capacity reduction program, as identified at 68 FR 62435 (November 4, 2003), does not qualify a vessel for a Pacific whiting vessel license and no vessel owner may apply for or receive a Pacific whiting vessel license based on catch and/or processing history from one of those buyback vessels. The following sector-specific license qualification criteria apply:

(A) For catcher/processor vessels, the qualifying criteria for a Pacific whiting vessel license is evidence of having caught and processed any amount of whiting during a primary catcher/processor season during the period January 1, 1997 through January 1, 2007.

(B) For mothership at-sea processing vessels, the qualifying criteria for a Pacific whiting vessel license is documentation of having received and processed any amount of whiting during a primary mothership season during the period January 1, 1997 through January 1, 2007.

(C) For catcher vessels delivering whiting to at-sea mothership processing vessels, the qualifying criteria for a Pacific whiting vessel license is documentation of having delivered any amount of whiting to a mothership processor during a primary mothership season during the period January 1, 1997, through January 1, 2007.

(D) For catcher vessels delivering whiting to Pacific whiting first receiver, the qualifying criteria for a Pacific whiting vessel license is documentation of having made at least one landing of whiting taken with mid-water trawl gear during a primary shore-based season during the period January 1, 1994, through January 1, 2007, and where the weight of whiting exceeded 50 percent of the total weight of the landing.

(ii) *Documentation and burden of proof.* A vessel owner applying for a Pacific whiting vessel license has the burden to submit documentation that qualification requirements are met. An application that does not include documentation of meeting the qualification requirements during the qualifying years will be considered incomplete and will not be reviewed. The following standards apply:

(A) A certified copy of the current vessel document (USCG or State) is the best documentation of vessel ownership and LOA.

(B) A certified copy of a State fish receiving ticket is the best documentation of a landing at a Pacific whiting shoreside first receiver, and of the type of gear used.

(C) For participants in the at-sea whiting fisheries, documentation of participation could include, but is not limited to: a final observer report documenting a particular catcher vessel, mothership, or catcher/processor's participation in the whiting fishery in an applicable year and during the applicable primary season, a bill of lading for whiting from an applicable year and during the applicable primary season, a catcher vessel receipt from a particular mothership known to have participated in the whiting fishery during an applicable year, a signed copy of a Daily Receipt of Fish and Cumulative Production Logbook (mothership sector) or Daily Fishing and Cumulative Production Logbook (catcher/processor sector) from an applicable year during the applicable primary season.

(E) Such other relevant, credible documentation as the applicant may submit, or the SFD or the Regional Administrator request or acquire, may also be considered.

(3) *Issuance process for Pacific whiting vessel licenses.*

(i) SFD will mail, to the most recent address provided to the SFD permits office, a Pacific whiting vessel license application to all current and prior owners of vessels that have been registered for use with limited entry permits with trawl endorsements, excluding owners of those vessels whose permits were purchased through the Pacific Coast groundfish fishing capacity reduction program. NMFS will also make license applications available online at: *http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Permits/index.cfm.* A vessel owner who believes that his/her vessel may qualify for the Pacific whiting vessel license will have until April 9, 2009, to submit an application with documentation showing how his/her vessel has met the qualifying criteria described in this section. NMFS will not accept applications for Pacific whiting vessel licenses received after April 9, 2009.

(ii) After receipt of a complete application, NMFS will notify applicants by letter of its determination

whether their vessels qualify for Pacific whiting vessel licenses and the sector or sectors to which the licenses apply. Vessels that have met the qualification criteria will be issued the appropriate licenses at that time. After April 9, 2009, NMFS will publish a list of vessels that qualified for Pacific whiting vessel licenses in the **Federal Register**.

(iii) If a vessel owner files an appeal from the determination under paragraph (a)(3)(ii) of this section the appeal must be filed with the Regional Administrator within 30 calendar days of the issuance of the letter of determination. The appeal must be in writing and must allege facts or circumstances, and include credible documentation demonstrating why the vessel qualifies for a Pacific whiting vessel license. The appeal of a denial of an application for a Pacific whiting vessel license will not be referred to the Council for a recommendation, nor will any appeals be accepted by NMFS after May 11, 2009.

(iv) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 30 calendar days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

(4) *Notification to NMFS of changes to Pacific whiting vessel license information.* The owner of a vessel registered for use with a Pacific whiting vessel license must provide a written request to NMFS to change the name or names of vessel owners provided on the vessel license, or to change the licensed vessel's name. The request must detail the names of all new vessel owners as registered with U.S. Coast Guard, a business address for the vessel owner, business phone and fax number, tax identification number, date of birth, and/or date of incorporation for each individual and/or entity, and a copy of the vessel documentation (USCG 1270) to show proof of ownership. NMFS will reissue a new vessel license with the names of the new vessel owners and/or vessel name information. The Pacific whiting vessel license is considered void if the name of the vessel or vessel owner is changed from that given on the license. In addition, the vessel owner must report to NMFS any change in address for the vessel owner within 15 days of that change. Although the name of an individual vessel registered for use with a Pacific whiting vessel license may be changed, the license itself may not be registered to any vessel other than the vessel to which it was originally issued, as identified by that vessel's United States Coast Guard documentation number.

(b) [Reserved]

■ 6. Section 660.339 is revised to read as follows:

§ 660.339 Limited entry permit and Pacific whiting vessel license fees.

(a) The Regional Administrator will charge fees to cover administrative expenses related to issuance of limited entry permits including initial issuance, renewal, transfer, vessel registration, replacement, and appeals. The appropriate fee must accompany each application.

(b) The Regional Administrator will charge a one-time fee for the issuance of the original Pacific whiting vessel license.

■ 7. In § 660.373, paragraph (a) is revised to read as follows:

§ 660.373 Pacific whiting (whiting) fishery management.

(a) *Sectors and licensing requirements.* The catcher/processor sector is composed of catcher/processors, which are vessels that harvest and process whiting during a calendar year. The mothership sector is composed of motherships vessels that process whiting and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting during a calendar year. The shore-based sector is composed of vessels that harvest whiting for delivery to Pacific whiting shoreside first receivers. In order for a vessel to participate in a particular whiting fishery sector, that vessel must be registered for use with a sector-specific Pacific whiting vessel license under § 660.336.

* * * * *

[FR Doc. E9–5066 Filed 3–9–09; 8:45 am]

BILLING CODE 3510–22–S

Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.

Parties who choose to file by paper should also submit their comments on CD–Rom. The CD–Rom should be submitted, along with three paper copies, to: Dana Wilson, Consumer and Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW., Room 3–C418, Washington, DC 20554. Such a submission should be on CD–Rom formatted in an IBM compatible format using Word 2003 or compatible software. The CD–Rom should be accompanied by a cover letter and should be submitted in "read only" mode. The CD–Rom should be clearly labeled with the commenter's name, proceeding (including the lead docket number, in this case, CG Docket No. 03–123), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the CD–Rom. The label should also include the following phrase: "CD–Rom Copy—Not an Original." Each CD–Rom should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send CD–Rom copies to the Commission's copy contractor, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document can also be downloaded in Word and Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/dro/trs.html.*

Synopsis

On April 30, 2010, pursuant to 47 CFR 64.604(c)(5)(iii)(H), NECA submitted its annual payment formulas and funding requirement estimates for the Fund for the period of July 1, 2010, through June 30, 2011. The Bureau seeks comment on NECA's proposed compensation rates for TRS, STS, CTS, IP CTS, IP Relay, and VRS, for the 2010–2011 Fund year, as well as on NECA's proposals for the carrier contribution factor and funding requirement.

With respect to VRS, the Bureau is particularly seeking comment on whether the Commission should adopt NECA's proposed rates for the 2010–2011 Fund year based on the 2009 average actual historical costs reported in the data submitted to NECA by VRS providers. In this regard, document DA 10–761 also seeks to refresh the record on the Notice of Proposed Rulemaking portion of the *2009 PN and NPRM,* which sought comment on whether VRS tiered rates should be recalculated based on data reflecting the actual costs of providing VRS. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Public Notice and Notice of Proposed Rulemaking, CG Docket No. 03–123, FCC 09–39, published at 74 FR 23815, May 21, 2009 (*2009 PN and NPRM*). In the past, the Commission has relied on projected costs to determine the compensation rate. NECA proposes a set of tiered rates for VRS: Tier I includes monthly minutes up to 50,000; Tier II includes monthly minutes between 50,001 and 500,000; and Tier III includes monthly minutes above 500,000. In one of its proposals, on which the Bureau is particularly seeking comment, NECA then calculates the rate within each tier using weighted averages of VRS providers' *actual* historical cost data for 2009, including allowances of 1.6% for cash working capital, 3.2% for growth, and $0.0083 per minute for ongoing E911 and ten-digit numbering costs. This calculation results in rates of $5.7754 for Tier I, $6.0318 for Tier II, and $3.8963 for Tier III. The Bureau also particularly seeks comment on whether the Commission should adopt 2010–2011 interim Fund Year rates based on NECA's proposed use of weighted averages in calculating each of the tiers.

NECA also proposes the following per-minute compensation rates for all other forms of TRS: $2.256 for interstate traditional TRS; $3.1566 for STS; $1.6951 for CTS and IP CTS; $1.2985 for IP Relay. Based on these rates, NECA proposes a carrier contribution factor of between 0.00379 and 0.00908, and a funding requirement of between $280.8 million and $673.3 million.

Mark Stone,

Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission.

[FR Doc. 2010–11326 Filed 5–11–10; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

RIN 0648- AY68

Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program

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

ACTION: Availability of amendments to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the Pacific Fishery Management Council (Council) has submitted Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan (FMP) for review by the Secretary of Commerce (Secretary). Amendment 20 would modify the FMP to create the structure and management details of the trawl rationalization program for the limited entry trawl fishery. Amendment 21 would modify the FMP to allocate the groundfish stocks between trawl and non-trawl fisheries and within trawl fisheries. The trawl rationalization program (Amendments 20 and 21) is intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch.

DATES: Comments on Amendments 20 and 21 must be received no later than 5 p.m., local time on July 12, 2010.

ADDRESSES: You may submit comments, identified by RIN 0648- AY68 by any one of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*.

• Fax: 206–526–6736, Attn: Jamie Goen.

• Mail: Barry Thom, Acting Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070, Attn: Jamie Goen.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jamie Goen, phone: 206–526–4656, fax: 206–526–6736, and e-mail *jamie.goen@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Access

This notice of availability is accessible via the Internet at the Office of the **Federal Register's** Website at *http://www.gpoaccess.gov/fr/index.html*. Background information and documents are available at the Pacific Fishery Management Council's website at *http://www.pcouncil.org/*.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a notice that the FMP or amendment is available for public review and comment. NMFS will consider public comments received during the comment period described above in determining whether to approve Amendments 20 and 21 to the FMP.

Amendment 20 would modify the FMP to create the structure and management details of the trawl rationalization program for the limited entry trawl fishery. Amendment 21 would modify the FMP to allocate the groundfish stocks between trawl and non-trawl fisheries and within trawl fisheries. The trawl rationalization program would consist of: (1) an individual fishing quota (IFQ) program for the shore-based trawl fleet; and (2) cooperative (coop) programs for the at-sea trawl fleet. The trawl rationalization program (Amendments 20 and 21) is intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch.

NMFS will review Amendments 20 and 21 in their entirety. However, due to the complexity of the proposed fishery management measures, the proposed rule that will publish shortly after this notice of availability (NOA) for the FMP amendments, proposes only certain key components that would be necessary to have permits and endorsements issued in time for use in the 2011 fishery and in order to have the 2011 harvest specifications reflect the new allocation scheme. Specifically, the proposed rule would establish the formal allocations set forth under Amendment 21 and establish procedures for initial issuance of permits, endorsements, and quota shares under the IFQ and Coop programs. In addition, the proposed rule would restructure the entire Pacific Coast groundfish regulations at 50 CFR part 660 to more closely track the organization of the proposed management measures and to make the total groundfish regulations clearer.

If Amendments 20 and 21 are approved, NMFS plans to propose additional program details in a future proposed rule. Such additional details would include: Program components applicable to IFQ gear switching, observer programs, retention requirements, equipment requirements, catch monitors, catch weighing requirements, coop permits/agreements, first receiver site licenses, quota share accounts, vessel accounts, further tracking and monitoring components, and economic data collection requirements. NMFS is also planning a future rule for the cost recovery program based on a recommended methodology yet to be developed by the Council. NMFS welcomes comments on the proposed FMP amendments through the end of the comment period. In order to encourage more informed public comment on the amendments, the preamble to the proposed rule includes a general description of the full trawl rationalization program, including general descriptions of program details that will be implemented through additional rulemakings at a later date.

A proposed rule to implement initial allocations and appeals for Amendment 20 and the provisions of Amendment 21 has been submitted by the Council for Secretarial review and approval. NMFS expects to publish and request public review and comment on the proposed regulations to implement Amendments 20 and 21 in the near future. Public comments on the proposed rule must be received by the end of the comment period on the amendment to be considered in the approval/disapproval decision on the amendment, which must occur no later than within 30 days of the end of the comment period. All comments received by the end of the comment period for the amendment, whether specifically directed to the amendments or the proposed rule, will be considered in the approval/disapproval decision.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 7, 2010.

James P. Burgess

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–11346 Filed 5–11–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 0912011421–0200–01]

RIN 0648-AY41

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Weakfish Fishery

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to decrease the incidental catch allowance for weakfish caught in the Exclusive Economic Zone (EEZ), from 150 lb (68 kg) to no more than 100 lb (45 kg) per day or trip, whichever is longer in duration. The intent of this proposed rule is to modify regulations for the Atlantic coast stock of weakfish to be more compatible with Addendum IV to Amendment 4 of the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP) for weakfish. Such action is authorized in the Atlantic

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify—

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

109-479

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, economic information necessary to meet the requirements of this Act, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

109-479

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

(A) participants in the fisheries and fishing communities affected by the plan or amendment;

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—

(A) minimize bycatch; and

(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;

109-479

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

109-479

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery and;

109-479

(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

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;

109-479

(2)(A) 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;

(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

(i) is based on the best scientific information available;

(ii) includes criteria to assess the conservation benefit of the closed area;

(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;

(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;

109-479

(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 and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;

109-479

(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;

(F) the fair and equitable distribution of access privileges in the fishery; and

(G) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit 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;

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

109-479

(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and

(14)[sic][15] 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**

(c) PROPOSED REGULATIONS.—Proposed regulations which the Council deems necessary or appropriate for the purposes of—

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

[15] So in original.

P.L. 109-479, sec. 104(b), MSA § 303 note **16 U.S.C. 1853 note**

EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(10)[16]—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

109-479

SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS. **16 U.S.C. 1853a**

(a) IN GENERAL.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

(b) NO CREATION OF RIGHT, TITLE, OR INTEREST.—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

[16] Section 104(a)(10) of P.L. 109-479 added section 303(a)(15).

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding;

(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

(C) promote—

(i) fishing safety;

(ii) fishery conservation and management; and

(iii) social and economic benefits;

(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

(F) specify the goals of the program;

(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

(A) the fishery has historically processed the fish outside of the United States; and

(B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

(3) FISHING COMMUNITIES.—

(A) IN GENERAL.—

(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

(I) be located within the management area of the relevant Council;

(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.

(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

(i) traditional fishing or processing practices in, and dependence on, the fishery;

(ii) the cultural and social framework relevant to the fishery;

(iii) economic barriers to access to fishery;

(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

(4) REGIONAL FISHERY ASSOCIATIONS.—

(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

(i) be located within the management area of the relevant Council;

(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

(iii) be a voluntary association with established by-laws and operating procedures;

(iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;

(v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is [sic][17] members contribute; and

(vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

[17] So in original.

(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

(i) traditional fishing or processing practices in, and dependence on, the fishery;

(ii) the cultural and social framework relevant to the fishery;

(iii) economic barriers to access to fishery;

(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

(v) the administrative and fiduciary soundness of the association; and

(vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

(i) current and historical harvests;

(ii) employment in the harvesting and processing sectors;

(iii) investments in, and dependence upon, the fishery; and

(iv) the current and historical participation of fishing communities;

(B) consider the basic cultural and social framework of the fishery, especially through—

(i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and

(ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and

(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

(6) PROGRAM INITIATION.—

(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

(D) NEW ENGLAND AND GULF REFERENDUM.—

(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than 2⁄3 of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

(vi) In this subparagraph, the term ‘individual fishing quota’ does not include a sector allocation.

(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term ‘antitrust laws’ has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

(f) CHARACTERISTICS.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

(i) TRANSITION RULES.—

(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

(2) PACIFIC GROUNDFISH PROPOSALS.—The requirements of this section, other than subparagraphs (A) and (B) of subsection (c)(1) and subparagraphs (A), (B), and (C) of paragraph (1) of this subsection, shall not apply to any proposal authorized under section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 that is submitted within the timeframe prescribed by that section.

P.L. 109-479, sec. 106(e), MSA § 303A note **16 U.S.C. 1853a note**
APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a) [P.L. 109-479], shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

P.L. 104-297, sec. 108(i), MSA § 303 note
EXISTING QUOTA PLANS.—Nothing in this Act [P.L.104-297] or the amendments made by this Act shall be construed to require a reallocation of individual fishing quotas under any individual fishing quota program approved by the Secretary before January 4, 1995.

SEC. 304. ACTION BY THE SECRETARY 16 U.S.C. 1854

104-297

(a) REVIEW OF PLANS.—

(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

(2) In undertaking the review required under paragraph (1), the Secretary shall—

(A) take into account the information, views, and comments received from interested persons;

(B) consult with the Secretary of State with respect to foreign fishing; and

(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

(A) the applicable law with which the plan or amendment is inconsistent;

(B) the nature of such inconsistencies; and

(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

104-297
SEC. 402. INFORMATION COLLECTION **16 U.S.C. 1881a**

109-479
(a) COLLECTION PROGRAMS.—

(1) COUNCIL REQUESTS.—If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.

109-479
(b) CONFIDENTIALITY OF INFORMATION.—
(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—
(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;
(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;
(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;
(D) when required by court order;
(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);
(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;
(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—

(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

(d) CONTRACTING AUTHORITY.—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) RESOURCE ASSESSMENTS.—

(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2) The Secretary, in consultation with the appropriate Council and the fishing industry--

(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

104-297
SEC. 403. OBSERVERS **16 U.S.C. 1881b**

(a) GUIDELINES FOR CARRYING OBSERVERS.—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—

(1) when a vessel is not required to carry an observer on board because the facilities of such 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; and

(2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

Notices

Federal Register
Vol. 73, No. 113
Wednesday, June 11, 2008

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Oser Technologies LLC of Fairfield, New Jersey, an exclusive license to U.S. Patent Application Serial No. 11/471,327, ''Method and Apparatus for Treatment of Food Products'', filed on June 20, 2006.

DATES: Comments must be received within thirty (30) days of the date of publication of this Notice in the **Federal Register**.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Oser Technologies LLC of Fairfield, New Jersey has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. E8–13081 Filed 6–10–08; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF COMMERCE

[Docket No.: 080603727–8737–01]

Privacy Act System of Records

AGENCY: Department of Commerce.

ACTION: Notice of a new Privacy Act System of Records: COMMERCE/NOAA–19, Permits and Registrations for United States Federally Regulated Fisheries.

SUMMARY: The Department of Commerce (Commerce) publishes this notice to announce the effective date of a Privacy Act System of Records notice entitled COMMERCE/NOAA–19, Permits and Registrations for United States Federally Regulated Fisheries.

DATES: The system of records becomes effective on June 11, 2008.

ADDRESSES: For a copy of the system of records please mail requests to Ted Hawes, NOAA's National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Ted Hawes, NOAA's National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930, 978–281–9296.

SUPPLEMENTARY INFORMATION: On April 17, 2008, the Department of Commerce published and requested comments on a proposed Privacy Act System of Records notice entitled COMMERCE/NOAA–19, Permits and Registrations for United States Federally Regulated Fisheries. No comments were received in response to the request for comments. By this notice, the Department is adopting the proposed system as final without changes effective June 11, 2008.

Dated: June 5, 2008.

Brenda Dolan,

U.S. Department of Commerce, Freedom of Information/Privacy Act Officer.

[FR Doc. E8–13051 Filed 6–10–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

AGENCY: United States Patent and Trademark Office (USPTO).

Title: Applications for Trademark Registration.

Form Number(s): PTO Forms 4.8, 4.9, 1478, and 1478(a).

Agency Approval Number: 0651–0009.

Type of Request: Extension of a currently approved collection.

Burden: 84,821 hours annually.

Number of Respondents: 291,859 responses per year with an estimated 279,692 responses filed electronically.

Avg. Hours Per Response: The USPTO estimates that it will take the public between 15 to 23 minutes (0.25 to 0.38 hours) to complete the applications in this collection, depending on the form and the nature of the information. This includes the time to gather the necessary information, create the documents, and submit the completed application. The USPTO estimates that it takes slightly less time to complete the electronic counterparts of these forms. The time estimates for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.

Needs and Uses: This collection of information is required by the Trademark Act, 15 U.S.C. 1051 *et seq.* and is implemented through the Trademark rules set forth in 37 CFR Part 2. It provides for the registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses who use their marks or intend to use their marks in commerce may file an application with the USPTO to register their marks. The USPTO uses the information in this collection to determine whether the marks may be registered. This collection contains