For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622--FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.4, paragraph (a)(2)(xv) is added and the first sentence in paragraph (g)(1) is revised to read as follows:

§ 622.4 Permits and fees.

(a) \* \* \*

(2) \* \* \*

(xv) South Atlantic black sea bass pot endorsement. For a person aboard a vessel, for which a valid commercial vessel permit for South Atlantic snapper-grouper unlimited has been issued, to use a black sea bass pot in the South Atlantic EEZ, a valid South Atlantic black sea bass pot endorsement must have been issued to the vessel and must be on board. A permit or endorsement that has expired is not valid. This endorsement must be renewed annually and concurrently with the commercial vessel permit for South Atlantic snapper-grouper unlimited associated with the vessel. The RA will not reissue this endorsement if the endorsement is revoked or if the RA does not receive a complete application for renewal of the endorsement within 1 year after the endorsement's expiration date.

(A) Initial eligibility. To be eligible for an initial South Atlantic black sea bass pot endorsement, a person must have been issued and must possess a valid or renewable commercial vessel permit for South Atlantic snapper-grouper that has black sea bass landings using black sea bass pot gear averaging at least 2,500 lb (1,134 kg), round weight, annually during the period January 1, 1999 through December 31, 2010. Excluded from this eligibility, are trip-limited permits (South Atlantic snapper-grouper permits that have a 225-lb (102.1-kg) limit of snapper-grouper) and valid or renewable commercial vessel permits for South Atlantic snapper-grouper unlimited that have no reported landings of black sea bass using black sea bass pots from January 1, 2008, through December 31, 2010. All applicable black sea bass landings associated with a current snapper-grouper permit for the applicable landings history, including those reported by a person(s) who held the license prior to the current license owner, will be attributed to the current license owner. Only legal landings reported in compliance with applicable state and Federal regulations will be accepted.

(B) Initial issuance. On or about [insert date of publication of final rule], the RA will mail each eligible permittee a black sea bass pot endorsement via certified mail, return receipt requested, to the permittee’s address of record as listed in NMFS’ permit files. An eligible permittee who does not receive an endorsement from the RA, must contact the RA no later than [insert date of effectiveness of final rule], to clarify his/her endorsement status. A permittee who is denied an endorsement based on the RA’s initial determination of eligibility and who disagrees with that determination may appeal to the RA.

(C) Procedure for appealing black sea bass pot endorsement eligibility and/or landings information. The only items subject to appeal are initial eligibility for a black sea bass pot endorsement based on ownership of a qualifying snapper-grouper permit, the accuracy of the amount of landings, and correct assignment of landings to the permittee. Appeals based on hardship factors will not be considered. Appeals must be submitted to the RA postmarked no later than [insert date 90 days after date of effectiveness of final rule], and must contain documentation supporting the basis for the appeal. The RA will review all appeals, render final decisions on the appeals, and advise the appellant of the final decision.

(1) Eligibility appeals. NMFS’ records of snapper-grouper permits are the sole basis for determining ownership of such permits. A person who believes he/she meets the permit eligibility criteria based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership.

(2) Landings appeals. Appeals regarding landings data for 1999 through 2010 will be based on NMFS’ logbook records. If NMFS’ logbooks are not available, the RA may use state landings records or data for the period 1999 through 2010 that were submitted in compliance with applicable Federal and state regulations on or before December 31, 2011.

(D) Transferability. A valid or expired black sea bass pot endorsement may be transferred between any two individuals or entities that hold or simultaneously obtain a valid commercial vessel permit for South Atlantic snapper-grouper unlimited.

(E) Fees. There is no fee for initial issuance of a black sea bass pot endorsement. A fee is charged for each renewal, transfer, or replacement of such endorsement. The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application for renewal, transfer, or replacement.

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \* A vessel permit, license, or endorsement or a dealer permit or endorsement issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, in paragraph (o) of this section for a king mackerel gillnet permit, in paragraph (q) of this section for a commercial vessel permit for king mackerel, in paragraph (r) of this section for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, in paragraph (s) of this section for a commercial vessel moratorium permit for Gulf shrimp, in § 622.17(c) for a commercial vessel permit for golden crab, in § 622.18(b) for a commercial vessel permit for South Atlantic snapper-grouper, in § 622.19(b) for a commercial vessel permit for South Atlantic rock shrimp, in § 622.4(a)(2)(xiv)(D) for an eastern Gulf reef fish bottom longline endorsement, or in § 622.4(a)(2)(xv)(D) for a South Atlantic black sea bass pot endorsement. \* \* \*

\* \* \* \* \*

3. In § 622.5, paragraphs (a)(1)(iv)(A) and (B) and the first sentence of paragraph (a)(2)(i) are revised and a sentence is added between the first and second sentences in paragraphs (b)(2)(i) and (b)(2)(ii) to read as follows:

§ 622.5 Recordkeeping and reporting.

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

(iv) \* \* \*

(A) General reporting requirements. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(2)(vi), or whose vessel fishes for or lands South Atlantic snapper-grouper in or from state waters adjoining the South Atlantic EEZ, must maintain a fishing record as specified by the SRD.

(B) Electronic logbook/video monitoring reporting. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(2)(vi), must submit fishing records electronically, as directed by the SRD. In addition, those selected to participate in the NMFS-sponsored video/monitoring program must do so as directed by the SRD. Compliance with the reporting requirements of this paragraph (a)(1)(iv)(B) is required for permit renewal.

\* \* \* \* \*

(2) \* \* \*

(i) Completed fishing records required by paragraphs (a)(1)(i), (ii), (vi), and (vii) of this section must be submitted to the SRD postmarked no later than 7 days after the end of each fishing trip. \* \* \*

\* \* \* \* \*

(b) \* \* \*

(i) \* \* \* Completed fishing records required by paragraph (b)(1)(ii) of this section for charter vessels may be required weekly or daily, as directed by the SRD. \* \* \*

(ii) \* \* \* Completed fishing records required by paragraph (b)(1)(ii) of this section for headboats may be required weekly or daily, as directed by the SRD. \* \* \*

\* \* \* \* \*

4. In § 622.37, paragraph (e)(3)(i) is revised to read as follows:

§ 622.37 Size limits.

\* \* \* \* \*

(e) \* \* \*

(3) \* \* \*

(i) Black seas bass. (A) For a fish taken by a person subject to the bag limit specified in § 622.39(d)(1)(vii)--13 inches (33 cm), TL.

(B) For a fish taken by a person not subject to the bag limit specified in § 622.39(d)(1)(vii)--11 inches (28 cm), TL.

\* \* \* \* \*

5. In § 622.40, paragraph (d)(1)(i)(B) is revised and paragraphs (d)(1)(i)(C) and (D) are added to read as follows:

§ 622.40 Limitations on traps and pots.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(i) \* \* \*

(B) A sea bass pot must be removed from the water in the South Atlantic EEZ and returned to a dock, berth, beach, seawall, or ramp at the conclusion of each trip.

(C) A sea bass pot must be removed from the water in the South Atlantic EEZ when the applicable quota specified in § 622.42(e)(5) is reached. After a closure is in effect, a black sea bass may not be retained by a vessel that has a sea bass pot on board.

(D) A vessel that has on board a valid Federal commercial permit for South Atlantic snapper-grouper and a South Atlantic black sea bass pot endorsement, that fishes in the South Atlantic EEZ on a trip with black sea bass pots, may possess only 35 black sea bass pots per vessel per permit year. NMFS will issue new identification tags each permit year that will replace the tags from the previous permit year.

\* \* \* \* \*

6. In § 622.42, paragraph (e)(5) is revised to read as follows:

§ 622.42 Quotas.

\* \* \* \* \*

(e) \* \* \*

(5) Black sea bass--364,620 lb (165,389 kg), round weight.

\* \* \* \* \*

7. In § 622.44, paragraph (c)(6) is added to read as follows:

§ 622.44 Commercial trip limits.

\* \* \* \* \*

(c) \* \* \*

(6) Black sea bass. Until the applicable quota specified in § 622.42(e)(5) is reached, 1,180 lb (535 kg), round weight. See § 622.43(a)(5) for the limitations regarding black sea bass after the applicable quota is reached.

\* \* \* \* \*

8. In § 622.49, paragraph (b)(5) is revised to read as follows:

§ 622.49 Annual Catch Limits (ACLs) and Accountability Measures (AMs).

\* \* \* \* \*

(b) \* \* \*

(5) Black sea bass--(i) Commercial sector. (A) If commercial landings, as estimated by the SRD, reach or are projected to reach the quota specified in paragraph § 622.42(e)(5), the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year.

(B) If commercial landings exceed the quota specified in paragraph § 622.42(e)(5), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the overage in the prior fishing year, unless the SRD determines that no overage is necessary based on the best scientific information available.

(ii) Recreational sector. (A) If recreational landings for black sea bass, as estimated by the SRD, are projected to reach the recreational ACL, in gutted weight, of 482,620 lb (218,913 kg), the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit is zero. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e. in state or Federal waters.

(B) If recreational landings for black sea bass, as estimated by the SRD, exceed the ACL, the AA will file a notification with the Office of the Federal Register, to reduce the recreational ACL the following fishing year by the amount of the overage in the prior fishing year to ensure recreational landings do not exceed the recreational ACL in the following fishing year, unless the SRD determines that no overage is necessary based on the best scientific information available.

\* \* \* \* \*