

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 § 622.15, paragraph (a) is revised to read as follows:

§ 622.15 Wreckfish individual transferable quota (ITQ) system.

(a) General--(1) Percentage shares. (i) Initial ITQ shares. In accordance with the procedure specified in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, percentage shares of the quota for wreckfish were assigned at the beginning of the program. Each person was notified by the RA of his or her percentage share and shareholder certificate number.

(ii) Reverted ITQ shares. Any shares determined by NMFS to be inactive, will be redistributed to the remaining shareholders as of **April 16, 2012** and will be based on wreckfish landings reported between the 2006-2007 and 2010-2011 fishing years. Inactive shares are defined, for purposes of § 622.15, as those shares held by ITQ shareholders who have not reported any wreckfish landings between the 2006-2007 and 2010-2011 fishing

years.

(iii) Percentage share set-aside to accommodate resolution of appeals. During the 2012-2013 fishing year, the RA will reserve 5 percent of wreckfish ITQ shares prior to redistributing shares (see § 622.15(a)(ii)) to accommodate resolution of appeals, if necessary,. Any portion of the 5-percent share remaining after the appeals process is completed will be distributed as soon as possible among the remaining shareholders based on wreckfish landings reported between the 2006-2007 and 2010-2011 fishing years.

(iv) Procedure for appealing ITQ landings information. Appeals must be submitted to the RA postmarked no later than [insert date 90 days after the effective date of the final rule] and must contain documentation supporting the basis for the appeal. The RA will review and evaluate all appeals, render final decisions on the appeals, and advise the appellant of the final decision. Appeals based on hardship factors will not be considered. The RA will determine the outcome of appeals based on NMFS' logbooks. If NMFS' logbooks are not available, the RA may use state landings records. Appellants must submit NMFS' logbooks or state landings records to support their appeal.

(2) Share transfers. All or a portion of a person's percentage shares may be transferred to another person.

Transfer of shares must be reported on a form available from the RA. The RA will confirm, in writing, each transfer of shares. The effective date of each transfer is the confirmation date provided by the RA. The confirmation date will normally be no later than 3 working days after receipt of a properly completed transfer form. A fee is charged for each transfer of shares. The amount of the 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 provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(3) ITQ share cap. No person, including a corporation or other entity, may individually or collectively hold ITQ shares in excess of 49 percent of the total shares. For the purposes of considering the share cap, a corporation's total ITQ share is determined by adding the applicable ITQ shares held by the corporation and any other ITQ shares held by a corporation(s) owned by the original corporation prorated based on the level of ownership. An individual's total ITQ share is determined by adding the applicable ITQ shares held by the individual and the applicable ITQ shares equivalent to the corporate share the individual holds in a corporation. A corporation must provide

the RA the identity of the shareholders of the corporation and their percent of shares in the corporation, and provide updated information to the RA within 30 days of when changes occur. This information must also be provided to the RA any time a commercial vessel permit for wreckfish is renewed or transferred.

\* \* \* \* \*