

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated:

For the reasons set out in the preamble, 15 CFR Chapter IX and 50 CFR Chapter VI are proposed to be 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 "622.17" is added, and the entry "622.20" is revised, in

numerical order, to read as follows:

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

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(b) * * *

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

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622.17	-0551
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622.20	-0551
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50 CFR Chapter VI

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

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

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

4. In § 622.2, the definition for "standard ex-vessel value" is added in alphabetical order to read as follows:

§ 622.2 Definitions and acronyms.

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Standard ex-vessel value means the total U.S. dollar amount of IFQ landings as calculated by multiplying the number of landed IFQ equivalent pounds by the appropriate IFQ standard price determined by the Regional Administrator. IFQ standard price means a price, expressed in U.S. dollars per IFQ equivalent pound, for landed IFQ managed-species determined annually by the Regional Administrator and documented in an IFQ standard price list published by NMFS.

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5. In § 622.4, paragraphs (a)(2)(x) is revised, paragraph (a)(4)(iv) is added, and a new sentence is added after the fourth sentence in paragraph (i) to read as follows:

§ 622.4 Permits and fees.

* * * * *

(a) * * *

(2) * * *

(x) South Atlantic golden crab. For a person aboard a vessel to fish for golden crab in the South Atlantic EEZ, possess golden crab in or from the South Atlantic EEZ, off-load

golden crab from the South Atlantic EEZ, or sell golden crab in or from the South Atlantic EEZ, a valid commercial vessel permit for golden crab must have been issued to the vessel and must be on board, and a valid IFQ vessel account for South Atlantic golden crab must have been established. As a condition of the IFQ vessel account, a person aboard such vessel must comply with the requirements of § 622.17 when fishing for golden crab. An owner of a vessel with a valid commercial vessel permit for South Atlantic golden crab, who has established an IFQ account for the golden crab, as specified in § 622.17(a)(3)(i), online via the NMFS IFQ Web site ifq.ser.nmfs.noaa.gov, may establish a vessel account through that IFQ account for the permitted vessel. If such owner does not have an IFQ online account, the owner must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ Web site and establish an IFQ online account. There is no fee to set-up an IFQ account or a vessel account. Only one vessel account may be established per vessel. An owner with multiple vessels may establish multiple vessel accounts under each IFQ account. The purpose of the vessel account is to hold IFQ allocation that is required to land golden crab. A vessel account must hold sufficient IFQ allocation, at least equal to the pounds in round weight of the golden crab on board, from the time of advance

notice of landing through landing (except for any overage allowed as specified in § 622.17(c)(1)(ii)). The vessel account remains valid as long as the vessel permit remains valid; the vessel has not been sold or transferred; and the vessel owner is in compliance with all golden crab and IFQ reporting requirements, has paid all applicable IFQ fees, and is not subject to sanctions under 15 CFR part 904. The vessel account is not transferable to another vessel. It is a rebuttable presumption that golden crab on board a vessel in the South Atlantic or off-loaded from a vessel in a port adjoining the South Atlantic was harvested from the South Atlantic EEZ. See § 622.17 for provisions pertinent to the South Atlantic golden crab IFQ program and limitations on the use, transfer, and renewal of a commercial vessel permit for golden crab.

* * * * *

(4) * * *

(iv) South Atlantic golden crab dealer endorsements. In addition to the requirement for a dealer permit for golden crab as specified in paragraph (a)(4)(i) of this section, for a dealer to receive golden crab subject to the South Atlantic golden crab IFQ program, as specified in § 622.17(a)(1), or for a person aboard a vessel with a valid IFQ vessel account for South Atlantic golden crab to sell such golden crab directly to

an entity other than a dealer, such persons must also have a South Atlantic golden crab IFQ dealer endorsement. A dealer with a valid commercial vessel permit for South Atlantic golden crab can download an IFQ dealer endorsement from the NMFS IFQ Web site at ifq.sero.nmfs.noaa.gov. If such persons do not have an IFQ online account, they must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ Web site and establish an IFQ online account. There is no fee for obtaining this endorsement. The endorsement remains valid as long as the dealer permit for South Atlantic golden crab remains valid and the dealer is in compliance with all South Atlantic golden crab IFQ reporting requirements, has paid all IFQ fees required under paragraph (c)(2) of this section, and is not subject to any sanctions under 15 CFR part 904. The endorsement is not transferable. See § 622.17 regarding other provisions pertinent to the South Atlantic golden crab IFQ program.

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(i) * * * A South Atlantic golden crab dealer endorsement must accompany each vehicle that is used to pick up South Atlantic golden crab. * * *

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6. In § 622.7, paragraph (z) is removed and reserved and

Comment [ac1]: For Action 10, if the Council selects Alt 2 as the preferred alternative (the AP recommendation), which would remove the small vessel sub-zone, this revision will be made.

paragraphs (kk) and (ll) are added to read as follows:

§ 622.7 Prohibitions.

* * * * *

(kk) Fail to comply with any provision related to the South Atlantic golden crab IFQ program, as specified in § 622.17.

(ll) Falsify any information required to be submitted regarding the South Atlantic golden crab IFQ program, as specified in § 622.17.

* * * * *

7. Section 622.17 is revised to read as follows:

§ 622.17 South Atlantic golden crab IFQ program.

(a) General. This section establishes an IFQ program for the South Atlantic golden crab fishery. Under the IFQ program, the RA initially will assign eligible participants IFQ shares equivalent to a percentage of the commercial annual catch level (ACL), as specified in § 622.49(g) of this part. Shares determine the amount of golden crab allocation, in pounds round weight, a shareholder is authorized to possess, land, or sell in a give calendar year. Shares and annual pounds of allocation are transferable, however, only to commercial golden crab permit holders. See § 622.4(a)(2)(x) regarding a requirement for a vessel to have a valid commercial vessel permit for golden crab and an IFQ vessel account to fish for, possess, off-load or sell

Comment [ac2]: For Action 4, if the Council chooses Alt 2 as the preferred alternative (the AP recommendation), that shares and allocation can only be transferred to golden crab permit holders, then this sentence will hold true.

South Atlantic golden crab. See § 622.4(a)(4)(iv) regarding a requirement for a South Atlantic golden crab dealer endorsement. Details regarding eligibility, applicable landings history, account setup and transaction requirements, constraints on transferability, and other provisions of this IFQ program are provided in the following paragraphs of this section.

(1) Scope. The provisions of this section regarding the harvest and possession of South Atlantic golden crab in or from the South Atlantic EEZ and, for a person aboard a vessel with a South Atlantic golden crab IFQ vessel account as required by § 622.4(a)(2)(x) or for a person with a South Atlantic golden crab dealer endorsement as required by § 622.4(a)(4)(iv).

(2) Duration. The golden crab IFQ program established by this section will remain in effect until it is modified or terminated; however, the program will be evaluated by the South Atlantic Fishery Management Council every 5 years, from date of implementation of the program.

(3) Electronic system requirements. (i) The administrative functions associated with this IFQ program, (e.g. registration and account setup, landing transactions, and transfers) are designed to be accomplished online; therefore, a participant must have access to a computer, Internet access, and set up an appropriate IFQ account to participate. The computer must have

browser software installed (e.g. Internet Explorer, Netscape, Mozilla Firefox), and Adobe Flash Player software. Assistance with online functions is available from IFQ Customer Service by calling 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

(ii) The RA will mail initial shareholders and dealers with South Atlantic golden crab dealer permits information and instructions pertinent to setting up an IFQ online account. Other eligible persons who desire to become IFQ participants through the purchasing of IFQ shares or pounds of allocation or as a dealer must contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to set up the required IFQ online account. Each IFQ participant must monitor his/her online account and all associated messages and comply with all IFQ reporting requirements.

(iii) During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the Federal Register, NOAA weather radio, fishery bulletins,

and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each golden crab dealer the necessary paper forms, sequentially coded, and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQs or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

(b) Procedures for initial implementation--(1)

Determination of eligibility for initial IFQ shares. To be eligible as an initial golden crab IFQ shareholder a person must possess a valid commercial South Atlantic golden crab permit as of [insert date 30 days after date of publication of final rule in the FEDERAL REGISTER]. NMFS' permit records are the sole basis for determining eligibility for the golden crab IFQ program. No more than one initial eligibility will be granted based upon a given commercial vessel permit for South Atlantic

golden crab.

(2) Calculation of initial IFQ shares and allocation--(i)
IFQ shares. The RA will calculate initial golden crab IFQ shares based on aggregate golden crab logbook landings data from 1997 through 2010. Twenty-five percent of the initial IFQs will be distributed equally among eligible permit holders whose aggregate landings from 1997 through 2010 equaled or exceeded 50,000 lb (22,680 kg), round weight. The other 75 percent of the initial IFQs will be distributed among eligible participants based on the aggregate golden crab logbook landings data from 1997 through 2010. All golden crab logbook landings associated with a current golden crab permit, including those reported by a person(s) who held the permit prior to the current permit owner, will be attributed to the current permit owner. Only legal landings reported in compliance with applicable state and Federal regulations will be accepted.

(ii) Initial share set-aside to accommodate resolution of appeals. During the first year of implementation of this IFQ program only, the RA will reserve 3 percent of the IFQs prior to the initial distribution of shares to accommodate resolution of appeals, if necessary. Any portion of the 3-percent share set-aside remaining after the appeals process is completed will be distributed as soon as possible among initial shareholders in

direct proportion to the percentage share each shareholder was initially allocated.

(iii) IFQ allocation (annual pounds). IFQ allocation is the amount of South Atlantic golden crab, in pounds round weight, an IFQ shareholder or allocation holder is authorized to possess, land, or sell during a given fishing year. IFQ allocation is derived at the beginning of each year by multiplying a shareholder's IFQ share times the current fishing year's commercial ACL for golden crab.

(3) Shareholder notification regarding landings history, initial determination of IFQ shares and allocations, and IFQ account setup information. (i) On or about October 1, 2012, the RA will mail each South Atlantic golden crab permittee, information pertinent to the IFQ program. This information will include--

(A) Annual South Atlantic golden crab landings associated with the South Atlantic golden crab commercial vessel permit from 1997 through 2010;

(B) The permittee's initial IFQ share;

(C) The permittee's initial IFQ allocation;

(D) Instructions for appeals;

(E) General instructions regarding procedures related to setting up an IFQ online account; and

(F) A user identification number; and a personal identification number (PIN).

(ii) The RA will provide this information, via certified mail return receipt requested, to the permittee's address of record as listed in NMFS' permit files. A permittee who does not receive such notification from the RA, must contact the RA by November 1, 2012, to clarify eligibility status and landings and initial share information.

(4) Procedure for appealing IFQ share eligibility and/or landings information. The only items subject to appeal under this IFQ program are initial eligibility for IFQ shares based on ownership of a commercial vessel permit for golden crab and the accuracy of the amount of landings. Appeals based on hardship factors will not be considered. Appeals must be submitted to the RA postmarked no later than December 31, 2012, 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.

(i) Eligibility appeals. NMFS' records of commercial vessel permits for golden crab are the sole basis for determining ownership of such permits. A person who believes he or 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.

(ii) Landings appeals. Appeals regarding landings data for 1997 through 2010 will be based on NMFS' logbook records. If NMFS' logbooks are not available, the RA may use state landings records or data that were submitted in compliance with applicable Federal and state regulations, on or before December 31, 2011.

(5) Dealer notification and IFQ online account setup information. On or about October 1, 2012, the RA will mail each dealer with a valid South Atlantic golden crab dealer permit information pertinent to the golden crab IFQ program. The information package will include general information about the IFQ program and instructions for accessing the IFQ Web site and establishing an IFQ dealer account.

(c) IFQ operations and requirements--(1) IFQ landing and transaction requirements. (i) South Atlantic golden crab subject to this IFQ program can only be possessed or landed by a vessel with an IFQ vessel account for South Atlantic golden crab. Such golden crab can only be received by a dealer with a valid South Atlantic golden crab dealer permit and a dealer endorsement. The vessel landing golden crab must have sufficient IFQ allocation, at least equal to the pounds in round

weight of golden crab to be landed, from the time of advance notice of landing through landing, except as provided in paragraph (c)(1)(ii) of this section.

(ii) A person on board a vessel with an IFQ online account that contains shares may once-per-year legally exceed the shareholder's only remaining allocation, by up to 20 percent, on the last fishing trip of the fishing year. Any such overage will be deducted from the shareholder's applicable allocation for the subsequent fishing year. Shareholder accounts that do not contain shares cannot legally land any excess pounds. From the time of the overage until January 1 of the subsequent fishing year, the IFQ shareholder must retain sufficient shares to account for the allocation that will be deducted the subsequent fishing year. Share transfers that would violate this requirement will not be approved.

(iii) The dealer is responsible for completing a landing transaction report for each landing and sale of South Atlantic golden crab via the IFQ Web site, ifq.sero.nmfs.noaa.gov, at the time of the transaction in accordance with the reporting form and instructions provided on the Web site. This report includes, but is not limited to, date, time, and location of the dealer facility; weight and actual ex-vessel value of golden crab landed and sold; and information necessary to identify the

Comment [ac3]: For Action 14, if the Council chooses alt 3 as the preferred alternative (AP recommendation), this revision would be made.

shareholder, vessel, and dealer involved in the transaction. The fisherman must validate the dealer transaction report by entering the unique PIN number for the vessel account when the transaction report is submitted. After the dealer submits the report and the information has been verified by NMFS, the online system will send a transaction approval code to the dealer and the allocation holder.

(iv) If there is a discrepancy regarding the landing transaction report after approval, the dealer or IFQ account holder (or his or her authorized agent) may initiate a landing transaction correction form to correct the landing transaction. This form is available via the IFQ Web site at ifq.sero.nmfs.noaa.gov. Both parties must validate the landing correction form by entering their respective PIN numbers, i.e. vessel account PIN or dealer account PIN. The dealer must then print out the form, both parties must sign it, and the form must be mailed to NMFS. The form must be received by NMFS no later than 15 days after the date of the initial landing transaction.

(2) IFQ cost recovery fees. As required by section 304(d)(2)(A)(i) of the Magnuson-Stevens Act, the RA will collect a fee to recover the actual costs directly related to the management and enforcement of the IFQ program for South Atlantic golden crab. The fee cannot exceed 3 percent of the ex-vessel

value of South Atlantic golden crab landed under the IFQ program. Such fees will be deposited in the Limited Access System Administration Fund (LASAF). Initially, the fee will be 3 percent of the standard ex-vessel value of South Atlantic golden crab landed under the IFQ program, as determined by the RA. The RA will review the cost recovery fee annually to determine if adjustment to the fee is warranted. Factors considered in the review include the catch subject to the IFQ cost recovery, projected ex-vessel value of the catch, costs directly related to the management and enforcement of the IFQ program, the projected IFQ cost recovery balance in the LASAF, and expected non-payment of fee liabilities. If the RA determines that a fee adjustment is warranted, the RA will publish a notification of the fee adjustment in the Federal Register.

(i) Payment responsibility. The IFQ allocation holder specified in the documented IFQ landing transaction report for South Atlantic golden crab is responsible for payment of the applicable cost recovery fees.

(ii) Collection and submission responsibility. A dealer who receives South Atlantic golden crab subject to the IFQ program is responsible for collecting the applicable cost recovery fee for each IFQ landing from the IFQ allocation holder

specified in the IFQ landing transaction report. Such dealer is responsible for submitting all applicable cost recovery fees to NMFS on a quarterly basis. The fees are due and must be submitted, using www.pay.gov via the IFQ online account, at the end of each calendar-year quarter, but no later than 30 days after the end of each calendar-year quarter. Fees not received by the deadline are delinquent. Authorized payment methods are credit card, debit card, or automated clearing house (ACH). Payment by check will be authorized only if the RA has determined that the geographical area or an individual(s) is affected by catastrophic conditions.

After each calendar-year quarter, the RA will issue each IFQ permit holder a summary of his or her IFQ landings transactions during that IFQ calendar-year quarter. The summary will include a cost recovery fee liability based on the standard ex-vessel values of the landings. The summary and estimated cost recovery fee liability will include details of IFQ pounds landed by vessel, species, date, and IFQ standard prices. The permit holder must either accept NMFS's estimate of IFQ cost recovery fee liability or revise NMFS's estimate of IFQ cost recovery fee liability using the NMFS' Cost Recovery Fee Submission Form. The IFQ permit holder may calculate a revised fee liability for all or part of his or her IFQ landings. To

calculate a revised fee liability, a golden crab permit holder must multiply the IFQ cost recovery fee percentage in effect by either the IFQ actual ex-vessel value or the IFQ standard ex-vessel value of the IFQ landing. If parts of the landing have different values, the permit holder must apply the appropriate values to the different parts of the landings. If the permit holder revises NMFS' estimate of his or her cost recovery fee liability, NMFS may request in writing that the permit holder submit documentation establishing the factual basis for the revised calculation. Examples of such documentation regarding initial sales transactions of IFQ landings include valid fish tickets, sales receipts, or check stubs that clearly identify the IFQ landing amount, species, date, time, and ex-vessel value or price. If the permit holder fails to satisfactorily document the cost recovery fee liability by the 30th day after the date of such request, NMFS will determine the IFQ permit holder's cost recovery fee liability based on standard ex-vessel values.

(iii) IFQ Cost Recovery Fee Submission Form--(A)

Applicability. A golden crab permit holder who holds a permit against which an IFQ landing was made must submit to NMFS a complete IFQ Cost Recovery Fee Submission Form provided by NMFS.

(B) Due date and submittal. A complete IFQ Cost Recovery Fee Submission Form must be postmarked or received by the RA not

later than 30 days following the calendar-year quarter in which any IFQ landing was made.

(C) IFQ Cost Recovery Fee Submission Form. For each of the sections described here, a permit holder must provide the specified information.

(D) Identification of the golden crab permit holder. A golden crab permit holder with an IFQ landing must accurately record on the identification section of the IFQ Fee Submission Form the following information: The printed name of the IFQ account holder; the IFQ shareholder and IFQ vessel account identification numbers associated with the cost recovery due; the mailing address and telephone number of the IFQ account holder; whether or not the shareholder accepts or is revising the NMFS' calculated cost recovery fee liability; the calculated cost recovery fee liability amount due for each IFQ shareholder account, as adjusted for any revisions; and, any documentation in support of revisions made to the calculated fee liability.

(iv) Fee reconciliation process--delinquent fees. The following procedures apply to a golden crab dealer whose cost recovery fees are delinquent.

(A) On or about the 31st day after the end of each calendar-year, the RA will send the dealer an electronic message via the IFQ Web site and official notice via mail indicating the

applicable fees are delinquent, and the dealer's IFQ account has been suspended pending payment of the applicable fees.

(B) On or about the 91st day after the end of each calendar-year, the RA will refer any delinquent IFQ dealer cost recovery fees to the appropriate authorities for collection of payment.

(3) Measures to enhance IFQ program enforceability--(i) Advance notice of landing. For the purpose of this paragraph, landing means to arrive at a dock, berth, beach, seawall, or ramp. The owner or operator of a vessel landing golden crab is responsible for ensuring that NMFS is contacted at least 3 hours, but no more than 12 hours, in advance of landing to report the time and location of landing, estimated golden crab landings in pounds round weight, vessel identification number (Coast Guard registration number or state registration number), and the name and address of the golden crab dealer where the golden crab are to be received. The vessel landing golden crab must have sufficient IFQ allocation at least equal to the pounds in round weight of all golden crab on board (except for any overage up to the 20 percent allowed on the last fishing trip of the fishing year) from the time of the advance notice of landing through landing. Authorized methods for contacting NMFS and submitting the report include calling NMFS at 1-866-425-7627,

Comment [ac4]: For Action 14, if the Council chooses alt 3 as the preferred alternative (AP recommendation), this revision would be made.

completing or providing the required information to NMFS through the web-based form available on the IFQ Web site at ifq.sero.nmfs.noaa.gov. As new technology becomes available, NMFS will add other authorized methods for complying with the advance notification requirement, via appropriate rulemaking. Failure to comply with this advance notice of landing requirement is unlawful.

(ii) Time restriction on offloading. Golden crab may be offloaded only between 6 a.m. and 6 p.m., local time.

(iii) Restrictions on transfer of golden crab. At-sea or dockside transfer of golden crab from one vessel to another vessel is prohibited.

(iv) Requirement for transaction approval code. If golden crab are offloaded to a vehicle for transportation to a dealer or are on a vessel that is trailered for transport to a dealer, on-site capability to accurately weigh the golden crab and to connect electronically to the IFQ online system to complete the transaction and obtain the transaction approval code is required. After a landing transaction has been completed, a transaction approval code verifying a legal transaction of the amount of golden crab in possession and a copy of the dealer endorsement must accompany any golden crab from the landing location through possession by a dealer.

(v) Approved landing locations. Landing locations must be approved by NMFS Office for Law Enforcement, in consultation with the applicable state law enforcement agency, prior to landing or offloading at these sites. Proposed landing locations may be submitted online via the IFQ Web site at ifq.sero.nmfs.noaa.gov, or by calling IFQ Customer Service at 1-866-425-7627. NMFS will evaluate the proposed sites based on, but not limited to, the following criteria:

(A) Landing locations must be publicly accessible by land and water, and

(B) They must have a street address. If there is no street address on record for a particular landing location, global positioning system (GPS) coordinates for an identifiable geographic location must be provided.

(4) Transfer of IFQ shares and allocation. IFQ shares and allocations can be transferred only to a person who holds a valid commercial vessel permit for South Atlantic golden crab. However, a valid commercial vessel permit for South Atlantic golden crab, an IFQ vessel account for South Atlantic golden crab, and IFQ allocation for South Atlantic golden crab are required to possess (at and after the time of the advance notice of landing), land or sell South Atlantic golden crab.

(i) Share transfers. Share transfers are permanent, i.e.,

they remain in effect until subsequently transferred. Transfer of shares will result in the corresponding allocation being automatically transferred to the person receiving the transferred shares when pounds are redistributed to share holders (i.e., at the beginning of the fishing year following the year the transfer occurred, or mid-year if there is a quota increase that occurs during the fishing year). However, within the fishing year the share transfer occurs, transfer of shares and associated allocation are independent--unless the associated allocation is transferred separately, it remains with the transferor for the duration of that fishing year.

(ii) Share transfer procedures. Share transfers must be accomplished online via the IFQ Web site. An IFQ shareholder must initiate a share transfer request by logging onto the IFQ Web site at ifq.sero.nmfs.noaa.gov. An IFQ shareholder who is subject to a sanction under 15 CFR part 904 is prohibited from any share transfer. An IFQ shareholder who is subject to a pending sanction under 15 CFR part 904 must disclose in writing to the prospective transferee the existence of any pending sanction at the time of the transfer. Following the instructions provided on the Web site, the IFQ shareholder must enter pertinent information regarding the transfer request including, but not limited to: Amount of shares to be

transferred, which must be a minimum of 0.0001 percent; name of the eligible transferee; and the value of the transferred shares. The IFQ online system will verify the information entered. If the information is not accepted, the IFQ online system will send the shareholder an electronic message explaining the reason(s). If the information is accepted, the IFQ online system will send the transferee an electronic message of the pending transfer. The transferee must approve the share transfer by electronic signature. If the transferee approves the share transfer, the IFQ online system will send a transfer approval code to both the shareholder and transferee confirming the transaction. All share transfers must be completed and the transaction approval code received prior to December 31 at 6 p.m. eastern time each year.

(iii) Allocation transfers. An allocation transfer is valid only for the remainder of the fishing year in which it occurs; it does not carry over to the subsequent fishing year. Any allocation that is unused at the end of the fishing year is void. Allocation may be transferred between IFQ share accounts.

(iv) Allocation transfer procedures. Allocation transfers must be accomplished online via the IFQ Web site. An IFQ online account holder must initiate an allocation transfer by logging onto the IFQ Web site at ifq.sero.nmfs.noaa.gov, entering the

required information, including but not limited to, name of an eligible transferee and amount of catch allocation to be transferred and price per pound, and submitting the transfer electronically. An IFQ shareholder who holds allocation (with or without shares) who is subject to a sanction under 15 CFR part 904 is prohibited from any allocation transfer. An IFQ shareholder who is subject to a pending sanction under 15 CFR part 904 must disclose in writing to the prospective transferee the existence of any pending sanction at the time of the transfer. If the transfer is approved, the Web site will provide a transfer approval code to the transferor and transferee confirming the transaction.

(5) Restricted transactions during the 20-hour online maintenance window. All electronic IFQ transactions (regarding allocation, shares, or landings) must be completed by December 31 at 6 p.m. eastern time each year. Electronic IFQ functions will resume again on January 1 at 2 p.m. eastern time the following fishing year. The remaining 6 hours prior to the end of the fishing year, and the 14 hours at the beginning of the next fishing year, are necessary to provide NMFS time to reconcile IFQ accounts, adjust allocations for the upcoming year if the commercial ACL for South Atlantic golden crab has changed, and update shares and allocations for the upcoming

fishing year. No electronic IFQ transactions will be available during these 20 hours. An advance notice of landing may still be submitted during the 20-hour maintenance window by calling IFQ Customer Service at 1-866-425-7627.

(6) IFQ share cap. No person, including a corporation or other entity, may individually or collectively hold IFQ shares in excess of 49 percent of the total shares. For the purposes of considering the share cap, a corporation's total IFQ share is determined by adding the corporation's IFQ shares to any other IFQ shares the corporation owns in another corporation. In the situation where an individual IFQ shareholder is also a shareholder in a corporation that holds IFQ shares, an individual's total IFQ share is determined by adding the applicable IFQ shares held by the individual and the applicable IFQ 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 golden crab is renewed or transferred.

(7) Redistribution of shares resulting from inactive

shares. Shares that remain inactive for 3 consecutive fishing years will be revoked and redistributed by the RA proportionately among remaining shareholders (subject to share cap restrictions) based upon the amount of shares each held just prior to the redistribution. For the purposes of this paragraph (b)(7), "inactive shares" mean those shares, that have associated landings which are less than 10 percent of the aggregate annual average landings of golden crab by a shareholder over a 3-year moving average period.

(8) Redistribution of shares resulting from permanent permit revocation. If a shareholder's commercial vessel permit for South Atlantic golden crab has been permanently revoked under provisions of 15 CFR part 904, the RA will redistribute the IFQ shares associated with the revoked permit proportionately among remaining shareholders (subject to cap restrictions) based upon the amount of shares each held just prior to the redistribution. During December of each year, the RA will determine the amount of revoked shares, if any, to be redistributed, and the shares will be distributed at the beginning of the subsequent fishing year.

(9) Annual recalculation and notification of IFQ shares and allocation. On or about January 1 each year, IFQ shareholders will be notified, via the IFQ Web site at

Comment [ac5]: For Action 6, if the Council chooses Alt 2, sub-alt 2a as the preferred alt (AP recommendation), this paragraph would hold true.

ifq.sero.nmfs.noaa.gov, of their IFQ shares and allocations for the upcoming fishing year. These updated share values will reflect the results of applicable share transfers and any redistribution of shares (subject to cap restrictions) resulting from permanent revocation of applicable permits under 15 CFR part 904. Allocation is calculated by multiplying the IFQ share times the ACL. Updated allocation values will reflect any change in IFQ, any change in the ACL, and any debits required as a result of prior fishing year overages as specified in paragraph (c)(1)(ii) of this section. IFQ program participants can monitor the real-time status of their shares and allocation throughout the year via the IFQ Web site.

(d) Fishing zones--(1) Designation of fishing zones. The South Atlantic EEZ is divided into three fishing zones for golden crab as follows:

(i) Northern zone--the South Atlantic EEZ north of 28° N. lat.

(ii) Middle zone--the South Atlantic EEZ from 28° N. lat. to 25° N. lat.

(iii) Southern zone--the South Atlantic EEZ south of 25° N. lat.

(2) Authorization to fish in zones. Each vessel permit for South Atlantic golden crab indicates one of the zones specified

in paragraph (d)(1) of this section. Participants in the golden crab IFQ program may fish in any zone for which they possess a permit and they may fish in multiple zones on a single fishing trip. A vessel may possess golden crab in or from any zone provided they have enough allocation in the shareholder's IFQ vessel account, except that other zones may be transited if the vessel notifies NMFS Office for Law Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727-824-5344) in advance and does not fish in a zone in which it is not authorized to fish.

(3) Procedure for changing zones. Upon request from an owner of a permitted vessel, the RA will change the zone specified on a permit from the middle or southern zone to the northern zone. An owner of a permitted vessel who desires a change to the northern zone must submit his/her request with the existing permit to the RA.

(e) Transferring permits between vessels--(1) Procedure for transferring. An owner of a vessel who desires a golden crab permit may request that NMFS transfer an existing permit or permits to his or her vessel by returning an existing permit or permits to the RA with an application for a permit for the replacement vessel.

(2) Vessel size limitations on transferring. (i) To obtain

a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 20 percent. The owner of a vessel permitted for the middle or southern zone who has requested that NMFS transfer that permit to a smaller vessel (i.e., downsized) may subsequently request NMFS transfer that permit to a vessel of a length calculated from the length of the permitted vessel immediately prior to downsizing.

(ii) There are no vessel size limitations to obtain a permit for the northern zone via transfer.

(f) Permit renewal. Golden crab permits are issued on a fishing-year (calendar-year basis). NMFS will not renew a commercial vessel permit for South Atlantic golden crab if the permit is revoked or if the RA does not receive a required application for renewal within 6 months after the permit's expiration.