

**SUPPORTING STATEMENT
ALASKA AMERICAN FISHERIES ACT (AFA) PERMITS
OMB CONTROL NO. 0648-0393**

This request is for revision of an existing collection of information due to an associated rule [RIN 0648-BD35].

INTRODUCTION

Regulations were developed by the National Marine Fisheries Service, Alaska Region (NMFS) and the North Pacific Fishery Management Council (Council) to implement the American Fisheries Act (AFA) (Div. C, Title II, Subtitle II, Public Law 105-277, 112 Stat. 2681 (1998)), and the Consolidated Appropriations Act of 2004 (Public Law 108-199, Sec. 803) and the Coast Guard Authorization Act of 2010 (Public Law 111-281, Sec. 602).

On October 21, 1998, the President signed [The American Fisheries Act](#) (AFA). With respect to the fisheries off Alaska, the AFA affected the management programs of the pollock fishery of the BSAI and to a lesser extent the other groundfish fisheries of the BSAI: the groundfish fisheries of the Gulf of Alaska (GOA), the king and Tanner crab fisheries of the BSAI, and the scallop fishery off Alaska. NMFS incorporated the relevant provisions of the AFA into the FMP and established a comprehensive management program to implement the AFA.

BACKGROUND

NMFS manages the United States (U.S.) groundfish fisheries in the Exclusive Economic Zone (EEZ) off Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) under the authority of the [Magnuson-Stevens Fishery Conservation & Management Act](#) (16 U.S.C. 1801 *et seq.*) and other applicable laws. The Council prepared, and NMFS approved, the FMP. Regulations implementing the FMP appear at [50 CFR part 679](#).

Under the Magnuson-Stevens Act, the United States has exclusive management authority over all living marine resources found within the EEZ. The management of marine fishery resources is vested in the Secretary of Commerce, with advice from the Regional Fishery Management Councils.

FMP Amendment 106 would allow the owner of an AFA vessel to replace or rebuild an AFA vessel to improve vessel safety and improve operational efficiency without limit on the size, weight, or horsepower of the replacement or rebuilt vessel. In addition, this action allows the owner of an AFA catcher vessel to remove its vessel from an AFA inshore vessel cooperative and direct NMFS to assign the Bering Sea directed pollock allowance of the removed vessel to other vessel or vessels in the cooperative.

A. JUSTIFICATION

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

This action implements Amendment 106 to the BSAI FMP. This action specifies the conditions under which the owner of an AFA vessel can rebuild a vessel, replace a vessel, and remove a vessel.

The purpose of the proposed action is twofold. First, the BSAI Groundfish FMP and groundfish regulations need to be brought into compliance with Section 602 of the Coast Guard Authorization Act of 2010 (Coast Guard Act), which was signed into law on October 15, 2010 and which amended the AFA. Currently, the language in both the BSAI Groundfish FMP and groundfish regulations are not consistent with the AFA as amended by the Coast Guard Act. To correct these inconsistencies, NMFS will adopt changes to bring the BSAI Groundfish FMP and groundfish regulations into compliance with the AFA as amended by the Coast Guard Act.

The Coast Guard Act authorizes the Council to recommend conservation and management measures for approval by the Secretary of Commerce to ensure that the Coast Guard Act does not diminish the effectiveness of the BSAI and the GOA FMPs. This action would implement methods, including size limits and measures to control fishing capacity, to prevent AFA vessel replacement provisions from increasing fishing effort beyond historical catch in the GOA.

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.

AFA is composed of the AFA catcher vessel sector, AFA catcher/processor sector, and AFA motherships. This action would allow an owner of an AFA catcher/processor, catcher vessel, or mothership to rebuild or replace a vessel for improved vessel safety and operational efficiencies. The AFA rebuilt or replacement vessel would be subject to no limitations on length, size, or horsepower while participating in BSAI.

The AFA trawl catcher vessel sector includes all trawl catcher vessels that are issued an AFA permit making them eligible to participate in the directed BSAI pollock fishery. The catcher vessel sector is composed of catcher vessels that are eligible to deliver to:

- ◆ BSAI inshore pollock to inshore processors,
- ◆ BSAI offshore pollock to catcher processors, and
- ◆ BSAI offshore pollock to motherships.

The AFA trawl catcher vessel sector is defined under the AFA, and thus the number of eligible participants has been determined and is fairly constant. These vessels currently operate in a cooperative system established through the AFA for BSAI pollock.

Under Amendment 106:

- ◆ An owner of an AFA vessel can put an existing AFA permit on a rebuilt or replacement vessel, if the owner concludes that action will result in a safer or more efficient vessel and the owner is willing to bear the significant cost of the upgrade.
- ◆ If an AFA owner replaces a vessel, the AFA vessel that is replaced – the vessel that leaves the AFA fishery – is not eligible for a Federal fishery endorsement except that it may reenter the AFA fishery as a replacement vessel. Therefore, a former AFA vessel would not participate in other Federal fisheries, except possibly the AFA fishery.
- ◆ Even though an AFA vessel owner may replace or rebuild an AFA vessel with no limit on the length, size or horsepower of the rebuilt or replaced vessel, any AFA rebuilt or replacement vessel is subject to the same stringent set of restrictions on harvesting and processing that apply to original AFA vessels. These restrictions will effectively constrain the activities of AFA replacement and rebuilt vessels to the same extent they constrain the activity of original AFA vessels.
- ◆ With respect to activity in the GOA by AFA vessels, Amendment 106 expressly preserves the limits in existing regulations on the length of AFA vessels if AFA vessels participate in the GOA. AFA vessels still must have a License Limitation Program (LLP) license (see OMB 0648-0334) that authorizes fishing in GOA and still must not exceed the maximum length overall (MLOA) on that LLP license. AFA vessels are subject to sideboard limitations in GOA, by species, which strictly limit their participation in GOA fisheries.
- ◆ An AFA catcher vessel owner that is a member of an inshore cooperative would be allowed to remove a catcher vessel from the AFA fishery and assign the pollock catch history of the removed vessel to other vessel(s) in the inshore cooperative to which the removed vessel belonged.

a. AFA Application for Replacement Vessel [REMOVED]

In the event of the actual total loss or constructive total loss of an AFA catcher vessel, AFA mothership, or AFA catcher/processor, the owner of such vessel may replace the vessel with a replacement vessel using this application. This application is replaced by the AFA Permit Application: Rebuilt, Replacement, or Removed Vessel.

b. AFA Permit Application: Rebuild, Replace, or Remove Vessel [NEW]

The owner of an AFA vessel may use this application to notify NMFS that the vessel will be rebuilt, replaced, or removed.

This action would establish a deadline for owners of lost vessels to apply to replace or remove a lost vessel. In the event of a total loss or constructive loss of an AFA vessel, the owner of the

lost AFA vessel must apply to replace the lost vessel or remove the lost vessel within 3 years from December 31 of the year in which the vessel was lost.

Thus, if an AFA vessel sinks on October 1, 2015, the AFA permit that designates that vessel will remain valid until December 31, 2018, and will expire on December 31, 2018, unless NMFS has earlier issued an AFA permit to a replacement vessel for the lost vessel or NMFS has earlier approved the removal of the lost vessel from the AFA fishery.

Notice of Rebuilding

In all respects, an AFA vessel after rebuilding will receive the same permits and will be subject to the same requirements under 50 CFR part 679 that applied to the AFA vessel before rebuilding. NMFS would not issue a new AFA permit to an AFA rebuilt vessel, because rebuilding a vessel does not change the designated vessel. An AFA permit does not restrict the length of a vessel, weight, or horsepower of the designated vessel.

However, an LLP license does restrict the length of a vessel. If the MLOA does exceed that shown on an LLP groundfish license with a Bering Sea endorsement, NMFS would reissue an LLP license that designates the AFA rebuilt vessel if the AFA rebuilt vessel exceeds the MLOA on that LLP license.

Notice of Replacement

An owner of an AFA vessel may replace an AFA vessel that is designated on an AFA permit with another vessel to improve vessel safety or to improve operational efficiency, including fuel efficiency. The owner of the AFA vessel that is on the AFA permit

- ◆ must apply for an AFA permit for the new or replacement vessel;
- ◆ must provide vessel documentation for the replacement vessel;
- ◆ must show that the replacement vessel has a Federal fishery endorsement; and
- ◆ must identify the LLP groundfish license with a Bering Sea area endorsement on which the AFA replacement vessel will be named.

As with the rebuilt vessel, in all other respects, the AFA replacement vessel would receive the same permits under 50 CFR part 679 as the AFA replaced vessel and would be subject to the same requirements under 50 CFR part 679 that applied to the AFA replaced vessel

Notice of Removal and/or Assignment of Pollock Catch History

This action allows the owner of an AFA catcher vessel that is a member of an inshore cooperative to remove that vessel from the AFA fishery and assign the pollock catch history of the removed vessel to one or more vessels.

To remove an AFA catcher vessel with an inshore endorsement from the AFA fishery:

- ◆ the owner of the vessel must submit this application to NMFS and specify the vessel(s) to which the pollock catch history would be assigned and the percentage of the pollock catch history that each vessel should receive.
- ◆ the vessel(s) that receive the pollock catch history of the removed vessel must be members of the inshore cooperative to which the removed vessel belonged on the date of the application to remove the vessel.

When the owner of a catcher vessel that is a member of an inshore cooperative replaces that vessel, the new or replacement vessel would be eligible to join the inshore cooperative of the replaced vessel.

Deficient Application

If NMFS believes that an application is deficient, NMFS will notify the applicant and give the applicant one thirty-day period to remedy the deficiencies in the application. After the thirty-day period, NMFS will review the application and any information submitted. NMFS will either grant the application or deny the application by issuing an Initial Administrative Determination, which will explain the basis for the denial. An applicant may appeal the denial of an application pursuant to the appeal procedures at 50 CFR 679.43.

AFA Permit Application: Rebuild, Replace, or Remove Vessel

Block A – Purpose of Application (check one)

Block B – AFA Permitted Vessel

Identify existing AFA permitted vessel being rebuilt, replaced, or removed from AFA fishery.

If owner is notifying NMFS of rebuilding an AFA vessel, **attach** USCG Documentation for Rebuilt Vessel

Vessel name

Alaska Department of Fish and Game (ADF&G) vessel registration number

USCG documentation number

AFA permit number

LLP groundfish license number

Gross tons

Shaft horsepower

Registered length (feet)

Owner name

Owner business mailing address

Owner business telephone number, fax number, and e-mail address

Block C -- Identification & ownership of replacement vessel

Attach current USCG documentation for this vessel showing a valid fishery endorsement

Vessel name

ADF&G vessel registration number

USCG documentation number

LLP groundfish license number

Gross tons

Net tons (U.S. tons)

Shaft horsepower

Registered length (feet)

Current length overall (feet)
 Owner name(s)
 Owner business mailing address
 Owner business telephone number, fax number, and e-mail address

Block D – Assignment of pollock catch history of removed vessel

Identify vessel(s) to which the owner of the removed AFA catcher vessel, listed in Block B, wishes to permanently assign the pollock catch history of the removed vessel and the percentage of the pollock catch history assigned to each vessel. The pollock catch history of the removed vessel may only be assigned to vessel or vessels that were in the same inshore cooperative to which the removed vessel belonged.

Vessel name
 USCG documentation number
 AFA permit number
 Percentage of pollock catch history of removed vessel assigned to each vessel

Block E -- Certification of Applicant

Signature and printed name of owner and date of signature

To estimate personnel costs, NMFS will use the updated rate of \$37/hour in place of \$25/hour.

NMFS initially issued AFA permits to 112 catcher vessels: 7 catcher vessels received AFA permits with a catcher/processor endorsement; 6 catcher vessels received AFA permits with a mothership endorsement only; 85 catcher vessels received AFA permits with an inshore endorsement only; 14 catcher vessels were dual-qualified and received AFA permits with an inshore endorsement and a mothership endorsement.

AFA permit application: rebuild, replace, or remove, Respondent	
Total annual respondents	112
Total annual responses	112
Total burden hours	112 hrs
Time per response = 60 minutes	
Total personnel cost (\$37/hr x 112)	\$4,144
Total miscellaneous cost (161.20)	\$161
Postage (.45 x 2pp x 100 = 90)	
Fax (\$5 x 12 = 60)	
Photocopy (2pp x .05 x 112 = 11.20)	

AFA permit application: rebuild, replace, or remove, Federal Government	
Total annual responses	112
Total burden hours	112 hrs
Time per response = 1 hr	
Total personnel cost (\$37/hr x 112)	\$4,144
Total miscellaneous cost	0

c. Notification from the cooperative of replacement and removal of vessels. [NEW]

The AFA allowed for the development of pollock industry cooperatives. Nine cooperatives were developed as a result of the AFA: seven inshore cooperatives, one catcher/processor cooperative, and one mothership cooperative. In recent years, one catcher vessel cooperative no longer operates, because its member catcher vessels have moved to another cooperative. These two cooperatives are associated with processors owned by the same parent company.

The cooperative shall promptly notify NMFS any time that the cooperative

- ◆ replaces one vessel with another vessel upon the issuance of an AFA permit to the replacement vessel pursuant to § 679.4(l)(7)(ii).
- ◆ assigns the catch history of a removed vessel to other vessel or vessels in the cooperative upon the approval of an application to remove a vessel pursuant to § 679.4(l)(7)(iii).

This notification can be made through e-mail and is not expected to be of significant cost.

Coop notify of vessel change, Respondent	
Total annual respondents	8
1 mothership coop	
1 catcher/processor coop	
6 inshore coop	
Total annual responses	8
Total burden hours (0.67)	1 hr
Time per response = 5 minutes	
Total personnel cost (\$37/hr x 1)	\$37
Total miscellaneous cost (0.8)	\$1
E-mail (0.05 x 8 = 0.40)	
Photocopy (1pp x .05 x 8 = 0.40)	

Coop notify of vessel change, Federal Government	
Total annual responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous cost	0

d. Application for AFA Inshore Catcher Vessel Cooperative Permit [NO CHANGES]

NMFS will issue an AFA inshore cooperative fishing permit to an inshore catcher vessel cooperative formed pursuant to 15 U.S.C. 521 for the purpose of cooperatively managing directed fishing for pollock for processing by an AFA inshore processor.

The AFA authorizes the formation of fishery cooperatives in all sectors of the BSAI pollock fishery, grants anti-trust exemptions to cooperatives in the mothership sector, and imposes operational limits on fishery cooperatives in the BSAI pollock fishery. NMFS relies on fishery cooperatives for much of the day-to-day management of fishing activity at the cooperative and

individual vessel level. Fishery cooperatives are formed by groups of vessel owners to provide an alternative to the open access race for fish. Under a fishery cooperative, the members agree to divide up the available quota among the membership in a manner that eliminates a wasteful race for fish and allows participants to maximize productivity.

AFA inshore catcher vessel cooperatives must apply for an AFA permit annually. The application must be received by NMFS by December 1 of the year prior to the year in which the cooperative permit will be in effect. NMFS will issue an AFA inshore cooperative permit upon receipt of a complete application to a cooperative formed pursuant to [15 U.S.C. 521](#).

The information obtained from an inshore catcher vessel cooperative permit application is used annually to identify the universe of participating vessels and processors in the BSAI pollock fishery prior to the start of each fishing year.

Application for AFA Inshore Catcher Vessel Cooperative Permit

Cooperative Contact Information.

- Name of cooperative
- Name of Co-op representative
- Co-op business mailing address (P.O. Box or street, city, state, zip code);
indicate whether permanent or temporary
- Co-op business telephone number, Fax number, and E-mail address

Designated Cooperative Processor Information

- Name
- Physical location of AFA Inshore Processor
- Federal processor permit number

Cooperative Contract Information – List of attachments that are included

Vessel Information

- Vessel name as displayed in official documentation.
- ADF&G Vessel Registration Number
- USCG Documentation Number
- AFA Permit Number.

Certification of applicant

- Signature and printed name of co-op representative and date of signature

Application for AFA Cooperative Permit, Respondent	
Total annual respondents	7
Total annual responses	7
Total burden hours	14 hrs
Time per response = 2 hr	
Total personnel cost	\$350
Personnel cost per hour (\$25/hr x 14)	
Total miscellaneous cost (17.50)	\$18
Postage (.45 x 4 = 1.80)	
Fax (\$5 x 3 = 15)	
Photocopy (2pp x .05 x 7 = 0.70)	

Application for AFA Cooperative Permit, Federal Government	
Total annual responses	7
Total burden hours	7 hrs
Time per response = 1 hr	
Total personnel cost (\$25/hr)	\$175
Personnel cost per hour = \$25	
Total miscellaneous cost	\$0

e. AFA Inshore Vessel Contract Fishing Notification [NO CHANGES]

An AFA inshore cooperative that intends to contract with a vessel that is a member of another AFA inshore cooperative must submit complete information to NMFS pursuant to 50 CFR part 679.62(c) for each contracted vessel. A separate notification must be submitted for each vessel.

NMFS will notify the parties to the vessel contract when the agency receives the contract fishing notification. NMFS will not make any determinations as to the legality of any contract between or among the parties or its compliance with AFA requirements. There are no permits issued for this AFA contract. NMFS simply sends a letter acknowledging that the coops are contracting.

The information derived from the notification will assist cooperatives understand how their catch is accounted, and also will alert NMFS inseason management that some vessels might be reporting with an alternative cooperative identification. The inshore vessel contract fishing notification may assume any format, but must contain the following information.

AFA Inshore Vessel Contract Fishing Notification

Vessel information

- Vessel name and AFA permit number of the contracted vessel. This AFA catcher vessel must have an inshore fishing endorsement and be a member of an inshore cooperative
- Name and signature of the contract vessel's owner
- Name of the contract vessel's home cooperative
- Name and signature of the home cooperative's designated representative
- A complete harvest schedule that shows how all catch and any overages by the contracted vessel will be allocated between the contracting cooperative(s) and the contract vessel's home cooperative. In the event that multiple cooperatives are contracting with the same non-member vessel, each harvest schedule submitted must clearly specify how all catch and any overages will be allocated among the various cooperatives with which the vessel is contracted as of the date of submission.

Cooperative information

- Name of the AFA inshore cooperative wishing to contract with the vessel
- Name and signature of the AFA inshore cooperative's designated representative

Signatures

- The inshore vessel contract fishing application is not valid unless it is signed by:
 - Contracting cooperative's designated representative
 - Contract vessel owner, and
 - Vessel's home cooperative designated representative

The number of AFA contracted vessels in 2012 was 18.

Vessel Contract Fishing Notification, Respondent	
Total respondents	18
Total annual responses	18
Number of responses per respondent = 1	
Total burden hours	72 hrs
Estimated time per response = 4 hr	
Total personnel cost (\$25/hr)	\$1800
Total miscellaneous cost (78.15)	\$78
Postage (.45 x 3 = 1.35)	
Fax (\$5 x 15 = 75)	
Photocopy (2pp x .05 x 18 = 1.80)	

Vessel Contract Fishing Notification, Federal Government	
Total annual responses	18
Total burden hours	9 hrs
Estimated time per response = 30 minutes	
Total personnel cost (\$25/hr)	\$225
Total miscellaneous cost	\$0

f. Application for Approval as an Entity to Receive Transferable Chinook Salmon PSC Allocation [NO CHANGES]

Each year, NMFS will allocate to AFA sectors a portion of the Chinook salmon prohibited species catch (PSC) limit per §679.21(f). An entity representing the catcher/processor sector or the mothership sector may request approval by NMFS to receive transferable Chinook salmon PSC allocations on behalf of the members of the sector.

A complete application must include an authorization contract. The authorization contract authorizes the entity to act on behalf of the vessel owner for purposes of receiving and transferring Chinook salmon PSC allocations and authorizes the entity to be responsible for receiving legal papers on behalf of the vessel owners in the sector. This authorization to represent the sector members is needed under both the 60,000 and the 47,591 PSC limit.

An authorization contract must contain the following information:

- ◆ Documentation that all vessel owners party to the contract agree that the entity, the entity’s representative, and the entity’s agent for service of process named in this application represent the vessel owners for purposes of receiving transferable allocations of Chinook salmon PSC.
- ◆ A statement that the entity’s representative and agent for service of process are authorized to act on behalf of the vessel owners party to the contract and are responsible to comply with all applicable requirements of this part.
- ◆ Certification that the application includes signatures and printed names and date of signature for the owners of each of the AFA permitted vessels identified in the

application. The names of the vessel owners signing the contract must be the same as the names of on the USCG vessel documentation.

An initial or amended application and contract must be received by NMFS no later than 1700 hours A.l.t. on October 1 of the year prior to the fishing year for which the Chinook salmon PSC allocations are effective. Once submitted, the authorization contract attached to the application is valid until amended or revoked by the parties to the contract.

Additions or deletions to the vessels represented by the entity may be done once per year for subsequent years by submitting an amended contract and revised vessel information by December 1, unless additions or deletions are as a result of a replacement vessel. An amendment to the contract related to a replacement vessel may be made at any time upon submission of an amended application and a copy of the AFA permit issued under § 679.4 for the replacement vessel.

Application for Approval as an Entity to Receive Transferable Chinook Salmon PSC Allocation

Contact information.

- Name and NMFS person ID of entity
- Name of entity’s representative
- Name of agent for service of process (if different from representative)
- Permanent business mailing address
- Temporary business mailing address (if applicable)
- Business telephone number, business fax number, and business e-mail address of the entity’s representative

Affirmation – check box

Certification.

- Signature and printed name of entity’s representative and date signed
- Signature and printed name of agent for service of process, and date signed (if different from representative)

Vessel identification

- Vessel name
- ADF&G vessel registration number
- Federal Fisheries Permit number

Attach Authorization Contract

Approval as an Entity Eligible to Receive Transferable Chinook Salmon PSC Allocation, Respondent	
Estimated number of respondents	2
1 mothership entity	
1 catcher/processor entity	
Total annual responses	2
1 response per year	
Total burden hours = 8 hr	16 hrs
Total personnel cost (\$25/hr)	\$400
Total miscellaneous cost (3.20)	\$3
Mail (1.35 x 2 = 2.70)	
Photocopy (5 pp x 0.05 x 2 = 0.50)	

Approval as an Entity Eligible to Receive Transferable Chinook Salmon PSC Allocations, Federal Government	
Total annual responses	2
Total burden hours = 2 hrs	4 hrs
Total personnel cost (\$25/hr)	\$100
Total miscellaneous cost	\$0

g. Application for Transfer of Bering Sea Chinook Salmon PSC Allocations [NO CHANGES]

The entity receiving a transferable Chinook salmon PSC allocation from NMFS is authorized to transfer all or a portion of the entity’s salmon PSC allocation to another entity or receive a transfer from another entity (authorized to sign transfer request forms), and be responsible for any penalties assessed for exceeding the entity’s salmon PSC allocation.

Transfers are a voluntary request to NMFS, initiated by the entity transferring surplus Chinook salmon allocations, to move a specific amount of a Chinook salmon PSC allocation from one entity’s account to another entity’s account. NMFS will review the transferor’s catch account to ensure sufficient salmon is available to transfer. If enough Chinook salmon are in the account, NMFS will make that transfer effective immediately. Transfers to eligible entities may occur at any time in a season but transfers cannot be made between the B and A seasons. Entities may receive transfers of PSC to cover overages (“post-delivery transfers”).

Potential Number of Transferable Chinook Salmon PSC Allocations

Entities That Could Receive Transferable Allocations					
	Catcher / Processor Sector	Mothership Sector	Inshore Co-Ops	CDQ	Total Transferable
A Season	1	1	7	6	15
B Season	1	1	7	6	15
Annual total	2	2	14	12	30

Including the catcher/processor and mothership sectors and Western Alaska Community Development Quota (CDQ), there would be a maximum of 15 different Chinook salmon PSC accounts each season. Separate allocations would be made for the A season and the B season for a total of up to 30 transferable PSC allocation accounts each year. This number of transferable PSC accounts could exist under either the 60,000 Chinook salmon PSC limit or the 47,591 Chinook salmon PSC limit.

The entity receiving a transferable Chinook salmon PSC allocation from NMFS would be authorized:

- ◆ to transfer all or a portion of the entity's salmon PSC allocation to another entity or
- ◆ to receive a transfer from another entity (authorized to sign transfer request forms), and

- ◆ to be responsible for any penalties assessed for exceeding the entity's salmon PSC allocation.

Transferees may receive transfers of PSC to cover overages (post-delivery transfers). NMFS will evaluate overages of Chinook salmon PSC on June 25 for the A season and on December 1 for the B season.

This would provide entities 15 days after the end of the A season and 30 days after the end of the B season to obtain post-delivery transfers to reduce or eliminate any overages. NMFS would allow 30 days after the end of the B season for post-delivery transfers because pollock fishing will cease for the remainder of the year on November 1. If, after NMFS allows for post-delivery transfers to cover an overage, an entity exceeded its Chinook salmon PSC allocation, the entity would be subject to an enforcement action for violating NMFS regulations.

NMFS will process a request for transfer of Chinook salmon PSC provided that a complete paper or electronic application is received, with all information fields accurately filled in. Application forms are available on the NMFS Alaska Region Web site (<http://alaskafisheries.noaa.gov/>).

Application for Transfer of Bering Sea Chinook Salmon PSC Allocations

Non-Electronic

- Identification of transferor
 - Name and NMFS person ID
 - Permanent (and temporary, if applicable) Business Mailing Address
 - Business Telephone No., Business Fax No, and Business E-mail address:
- Identification of transferee
 - Name and NMFS person ID
 - Permanent (and temporary, if applicable) Business Mailing Address
 - Business Telephone No., Business Fax No, and Business E-mail address:
- Chinook Salmon PSC transferred
 - Number of Chinook salmon
 - Date of Transfer
 - Check whether A Season or B Season

Electronic

- Identification of transferor
 - Transferor selects the transferee.
 - NMFS person ID, password and Transfer
- Chinook PSC Amount Transferred
 - Number of Chinook PSC
 - Date of Transfer
 - Whether A Season or B Season
- Identification of Transferee.
 - Transferee accepts transfer
 - NMFS person ID, password, and Transfer Key

Transfer Bering Sea Chinook Salmon PSC Allocation, Respondents	
Total number of respondents (per season)	15
1 Catcher/processor sector	
1 Mothership sector	
7 Inshore cooperatives	
6 CDQs	
Total number of responses = 2	30
Two seasons -- A season and B season	
Total time burden (7.50)	8 hrs
Time per response = 15 minutes	
Total personnel cost (\$25/hr)	\$200
Total miscellaneous cost (17.15)	\$17
Fax (\$5 x 3 = \$15)	
Mail (0.45 x 2 = 0.90)	
Online (0.05 x 25 = 1.25)	

Transfer Bering Sea Chinook Salmon PSC Allocation, Federal Government	
Total number of responses	30
Total time burden	15 hrs
Time per response = 30 minutes	
Total personnel cost (\$25/hr)	\$375
Total miscellaneous cost	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. National Oceanic and Atmospheric Administration (NOAA) Fisheries 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 response to Question 10 of this Supporting Statement 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.

The AFA Permit Application: Rebuild, Replace, or Remove is available on the NMFS Alaska Region Home Page at <http://alaskafisheries.noaa.gov>. The application is fillable onscreen and may be printed and submitted by mail or fax. Future plans of the NMFS Alaska Region are to allow completion of applications online through the Internet. The Cooperative Notification of Vessel Rebuild or Replacement (not a form) would be submitted by e-mail.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

The Small Business Administration (SBA) has established size criteria for all major industry sectors in the U.S., including fish harvesting and fish processing businesses. Effective July 22, 2013, a business involved in finfish or shellfish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of \$19.0 million for all its affiliated operations worldwide in the case of a finfish business, and \$5.0 million in the case of a shellfish business.

A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation (including its affiliates) and employs 500 or fewer persons, on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the \$4.0 million criterion for fish harvesting operations. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide.

This action would regulate the owners of vessels that are designated on AFA permits; these vessels are catcher vessels, catcher/processor vessels, and motherships. There is not a strict one-to-one correlation between vessels and entities; many persons and firms are known to have ownership interests in more than one vessel, and many of these vessels with different ownership, are otherwise affiliated with each other. In assessing whether an entity is small, the Regulatory Flexibility Act requires NMFS to consider affiliations between entities. The IRFA states that all 92 AFA catcher vessels and all 17 AFA catcher/processors are members of AFA cooperatives and are affiliated with each other. On that basis, the IRFA concluded that all of the entities regulated by this action are “large” entities for the purpose of the Regulatory Flexibility Act.

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

This action is necessary because existing rules conflict with the AFA amendments in the Coast Guard Authorization Act of 2010. If this collection were not conducted or conducted less frequently, the consequences would be that the program would be jeopardized and NMFS could not fulfill the intent of the AFA. With regard to commercial fishing vessels operating in the directed BSAI pollock fishery, the AFA established the legal basis for achieving the objective of reducing excessive fishing capacity and management regulatory conditions that could contribute to the creation of an environment capable of fostering operational inefficiencies in this fishery (Division C, Title II of P.L. 105-277) including limiting entry into the fishery, cooperative formation, allocations of pollock, and development of sideboard measures.

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

No special circumstances exist.

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-BD35, will be published coincident with request, to solicit public comments.

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

No payment or gift is provided under this program.

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

As stated on the form, the information collected is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This collection of information does not include questions of a sensitive nature.

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

Estimated total unique respondents: 144, increased from 27. Estimated total responses: 177, increased from 60. Estimated total burden: 223 hrs, increased from 112. Estimated total personnel costs: \$6,931, increased from \$2,800.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

Estimated total miscellaneous costs: \$278, increased from \$118.

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

Estimated total responses: 171, increased from 60. Estimated total burden: 147 hrs, increased from 38 hrs. Estimated total personnel cost: \$5,019, Increased from \$950.

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

Program Changes:

Application for Replacement Vessel [REMOVED]

- a decrease of 3 respondents and responses, 0 instead of 3
- a decrease of 2 hr burden, 0 instead of 2
- a decrease of \$50 personnel costs, \$0 instead of \$50
- a decrease of \$2 miscellaneous costs, \$0 instead of \$2

Permit Application for Rebuilt, Replaced, or Removed Vessel [NEW]

- an increase of 112 respondents and responses, 112 instead of 0
- an increase of 112 hr burden, 112 instead of 0
- an increase of \$4,144 personnel costs, \$4,144 instead of \$0
- an increase of \$161 miscellaneous costs, \$161 instead of \$0

Cooperative Notification of Vessel Replaced or Removed [NEW]

- an increase of 8 respondents and responses, 8 instead of 0
- an increase of 1 hr burden, 1 instead of 0
- an increase of \$37 personnel costs, \$37 instead of \$0
- an increase of \$1 miscellaneous costs, \$1 instead of \$0

Net changes: Increases of 117 additional respondents and responses, 111 hours, and \$160 in miscellaneous costs.

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

The information collected will not be published.

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.