

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

This is a resubmission, with the final rule [RIN 0648-BD35], of a request for revision of an existing collection of information. Changes due to comments on the proposed rule are: 1) time period for replacement or removal of a lost vessel is now 5 years, rather than 3, and 2) the addition of the phrase “in the exclusive economic zone (EEZ) off Alaska” after “all claims relating to the catch history of the removed catcher vessel”, as the rule does not purport to state the effect of removal of AFA catcher vessels on any catch history that the removed vessel may have earned outside of the EEZ off Alaska.

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.

NMFS has adopted changes to bring the BSAI Groundfish FMP and groundfish regulations into compliance with Section 602 of the Coast Guard Authorization Act of 2010 (Coast Guard Act) which amended the AFA. 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.

The AFA includes the AFA catcher vessel sector, AFA catcher/processor sector, and AFA mothership sector. In addition, this action includes size limits and measures to control fishing capacity, to prevent AFA vessel replacement provisions from increasing fishing effort beyond historical catch in the GOA.

This action implements Amendment 106 to the BSAI FMP and specifies the conditions under which the owner of an AFA vessel can rebuild or replace a vessel for improved vessel safety and operational efficiencies or remove a vessel. The AFA rebuilt or replacement vessel would be subject to no limitations on length, size, or horsepower while participating in BSAI.

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

The AFA trawl catcher vessel sector includes all trawl catcher vessels that are issued an AFA permit which makes 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. In response to the same comment from two commenters (Comment 3), NMFS changed the time period after the loss of a vessel during which an AFA vessel owner may replace or remove a vessel and not experience suspension of the fishing privileges of the lost vessel. NMFS changed it from a three-year time period to a five-year time period.

Thus, if an AFA vessel sinks on October 1, 2015, the AFA permit that designates that vessel will remain valid until December 31, 2020, and will expire on December 31, 2020, 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 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 will 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 hr
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 1 mothership entity 1 catcher/processor entity	2
Total annual responses 1 response per year	2
Total burden hours = 8 hr	16 hrs
Total personnel cost (\$25/hr)	\$400
Total miscellaneous cost (3.20) Mail (1.35 x 2 = 2.70) Photocopy (5 pp x 0.05 x 2 = 0.50)	\$3

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.

This action directly regulates the owners of vessels that are designated on AFA permits; these vessels are catcher vessels, catcher/processors, and motherships. In 2013, 105 catcher vessels, 21 catcher/processors, and 3 motherships were designated on AFA permits. In assessing whether an entity is small, the RFA requires NMFS to consider affiliations between entities. All AFA catcher vessels are members of one of eight cooperatives delivering pollock to catcher/processors, to inshore processing plants, or to motherships. NMFS concludes that none of the AFA vessels or AFA cooperatives is a small entity.

With respect to the seven AFA catcher vessels that are authorized to deliver to catcher/processors, these seven catcher vessels have formed the High Seas Catchers' Cooperative (HSCC). The HSCC leases the pollock allocation of its members to the Pollock Conservation Cooperative, a cooperative that comprises the nineteen listed AFA catcher/processors. The members of the Pollock Conservative Cooperative had estimated 2012 gross revenues from pollock alone in excess of \$500 million. Thus, applying the revised, inflation-adjusted, standard of \$20.5 million, all AFA entities in the catcher/processor sector—catcher vessels, catcher/processors, and the cooperatives of these vessels—are still large entities.

With respect to AFA catcher vessels that deliver to inshore processing plants and to motherships, all of these AFA catcher vessels are members of one of seven cooperatives. The IRFA stated: "The seven cooperatives delivering to processing plants or motherships had gross revenues from pollock alone in excess of \$19 million, and/or were affiliated with processing operations that themselves met the large entity threshold of 500 employees for entities of that type, and/or were affiliated with processors who did". The gross revenues from pollock for each of these cooperatives also exceeds \$20.5 million dollars, and the affiliation relationships considered in the IRFA continue to exist. Therefore, all AFA catcher vessels that deliver to inshore plants or motherships, and the cooperatives of those vessels, are large entities.

With respect to AFA motherships, the IRFA states: “Three motherships accept deliveries of pollock from catcher vessels. While these vessels are authorized to join the cooperative of catcher vessels making such deliveries, they have not recently chosen to do so. However, each of these motherships is believed to be a large entity, based on corporate affiliations with other large processing firms.” NMFS reaffirms this conclusion in this FRFA.

Thus, NMFS concludes that all of the entities directly regulated by this action are “large” entities for the purpose of the RFA. Since this action does not directly regulate any small entities, this action does not impose recordkeeping or reporting requirements on any small entities.

This action imposes one additional reporting requirement on the owner of an AFA rebuilt vessel. If the owner of an AFA vessel rebuilds an AFA vessel, the owner shall submit the documentation for the rebuilt vessel to NMFS within 30 days of the issuance of the documentation. Apart from this requirement, the owners of AFA rebuilt vessels would be subject to the same recordkeeping and reporting requirements after rebuilding as before rebuilding.

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.

NMFS published a proposed rule (RIN 0648-BD35) on June 18, 2014 (79 FR 34696). The 45-day comment period on the proposed rule ended August 4, 2014. NMFS will publish a final rule

to implement Amendment 106 to the BSAI FMP. This final rule contains the comments and responses received from the proposed rule.

NMFS received six letters with comments on Amendment 106, the proposed rule, or the Regulatory Review (RIR) for this action. Two letters were from the same commenter. These comments addressed 10 topics. The comments were from individual owners of AFA vessels, an industry group representing owners of AFA vessels, an owner of Amendment 80 vessels, and an industry group representing owners of Amendment 80 vessels.

NMFS made three changes in the final rule. First, NMFS corrected an error, which was an incorrect reference in the proposed rule to another part of the proposed rule.

Second, in response to the same comment from two commenters (**Comment 3**), NMFS changed the time period after the loss of a vessel during which an AFA vessel owner may replace or remove a vessel and not experience suspension of the fishing privileges of the lost vessel. NMFS changed it from a three-year time period to a five-year time period. The proposed rule at § 679.4(l)(1)(ii)(B)(3) established a 3-year period from December 31 of the year in which the vessel was lost. In the proposed rule, after the 3-year period, NMFS would suspend the AFA permit on the lost vessel if the owner had not replaced or removed the lost vessel but, after the 3-year period, would still process an application by the owner of the lost AFA vessel to replace or remove the lost vessel. The final rule keeps the process the same but changed § 679.4(l)(1)(ii)(B)(3) from a 3-year period to a 5-year period .

Third, NMFS clarified that the rule does not purport to state the effect of removal of AFA catcher vessels on any catch history that the removed vessel may have earned outside of the EEZ off Alaska. To do this, NMFS added the phrase “in the exclusive economic zone off Alaska” after “all claims relating to the catch history of the removed catcher vessel” in § 679.4(l)(7)(iii)(C) so that the paragraph now reads: “Except for the assignment of the pollock catch history of the removed catcher vessel in paragraph (l)(7)(iii)(B) of this section, all claims relating to the catch history of the removed catcher vessel in the Exclusive Economic Zone off Alaska, including any claims to an exemption from AFA sideboard limitations, will be permanently extinguished upon NMFS’ approval of the application to remove the catcher vessel and the AFA permit that was held by the owner of the removed catcher vessel will be revoked.” NMFS made this change in response to a public comment described in **Comment 5** that raised the issue with regard to the fishing history of a removed vessel in the Pacific whiting fishery, which occurs outside the EEZ off Alaska.

Comment 1:

NMFS received several comments of support for various aspects of the proposed rule. Three commenters supported allowing the owners of AFA vessels to rebuild or replace vessels to improve vessel safety or efficiency. Two commenters appreciated that the rule addressed the status of AFA permits after an AFA vessel is lost. Two commenters supported the prohibition on AFA replaced vessels participating in other fisheries. One commenter appreciated that the owner of an AFA vessel could remove the AFA vessel from fishing.

Response: NMFS notes this support.

Comment 2: The proposed definition of an AFA vessel is as follows: “An AFA vessel means a vessel that is designated on an AFA catcher vessel permit, an AFA catcher/processor permit, or an AFA mothership permit, and is thereby authorized to participate in the Bering Sea directed pollock fishery.” NMFS actually issues two types of AFA catcher/processor permits: a listed AFA catcher/processor permit and an unlisted AFA catcher/processor permit. The definition should be changed to specifically reflect the two types of AFA catcher/processor permits.

Response: NMFS acknowledges that under § 679.4(l)(2), it issues two types of AFA catcher/processor permits: 1) a listed AFA catcher/processor permit for AFA catcher/processors that were listed by name in the original AFA at section 208(e)(1) to (20), and 2) an unlisted AFA catcher/processor permit for AFA catcher/processors that were not listed by name but met the criteria in section 208(e)(21) of the original AFA. Only one catcher/processor, the Ocean Peace, received an unlisted AFA catcher/processor permit.

NMFS recognizes that the AFA and implementing regulations impose some restrictions on listed AFA catcher/processors that do not apply to the unlisted AFA catcher/processor. For example, section 211 of the original AFA imposed restrictions on listed AFA catcher/processors from harvesting and processing in fisheries besides Bering Sea pollock that did not apply to an unlisted AFA catcher/processor. The commenter pointed out that the proposed rule loosely referred to the “Limits on AFA vessels in other fisheries” in section 211 (79 FR 34696, 34698) whereas the explicit limits in section 211 apply to listed AFA catcher/processors, not unlisted AFA catcher/processors.

NMFS, however, does not see any need to change the definition of an AFA vessel in the final rule for two reasons.

- ◆ First, the definition in the proposed rule is accurate. An AFA catcher/processor is designated on an AFA catcher/processor permit. It is simply that there are two types of AFA catcher/processor permits: a listed AFA catcher/processor permit or an unlisted AFA catcher/processor permit.

- ◆ Second, the definition in the proposed rule is not misleading because the proposed rule is clear that a replacement vessel is subject to the same requirements that applied to the replaced vessel. A replacement vessel for a vessel that was designated on a listed AFA catcher/processor permit will receive a listed AFA catcher/processor permit. A replacement vessel for a vessel that was designated on an unlisted AFA catcher/processor permit will receive an unlisted AFA catcher/processor permit. The proposed rule stated at § 679.4(l)(7)(ii)(B) that the owner of a replacement vessel “will be subject to the same requirements that applied to the replaced vessel and will be eligible to use the AFA replacement vessel in the same manner as the replaced vessel,” subject to three specific exceptions not relevant to this comment.

The proposed rule carefully changed the prohibitions in § 679.7(k) so that all the prohibitions that applied to “listed AFA catcher/processors,” which might be read to apply only to the AFA catcher/processors listed as eligible in the original AFA, now apply to listed AFA catcher/processors and “catcher/processors designated on listed AFA catcher/processor permits.” Similarly, the proposed rule carefully changed the prohibitions in § 679.7(k) so that all the prohibitions that applied to “unlisted AFA catcher/processors” now apply to unlisted AFA catcher/processors and “catcher/processors designated on unlisted AFA catcher/processor permits.” With regard to observer requirements in § 679.51, the proposed rule made the same change in § 679.51(a)(2)(vi)(B)(1) and (3) so that all the requirements that applied to “listed AFA catcher/processors” now also apply to “catcher/processors designated on listed AFA catcher/processor permits,” and all requirements that applied to “unlisted AFA catcher/processors” now also apply to “catcher/processors designated on unlisted AFA catcher/processor permits.”

Comment 3:

Two commenters stated that the owner of an AFA vessel should be allowed 5 years from December 31 of the year in which the vessel was lost to maintain, without interruption, the AFA permit and fishing privileges of the lost vessel. The proposed rule contained a 3-year period. The commenters gave these reasons in favor of a 5-year period rather than a 3-year period.

- ◆ First, the owner will have to deal with a crisis in the company’s operations when a vessel was lost. This includes a Coast Guard investigation, insurance claims and settlements, and possibly other claims associated with the loss.

- ◆ Second, the owner has to consult and contract with a vessel design/architect firm, equipment vendors, and a shipyard to plan and build a new vessel. One commenter noted that the owner is under an obligation to rebuild the vessel in American shipyards.

- ◆ Third, the owner will need to obtain financing.

- ◆ Fourth, after a contract is signed, the shipyard has to schedule time and space to build the vessel, purchase the necessary material and equipment, and then build the vessel.

- ◆ Fifth, if the owner was lost at sea, the settlement of the owner’s estate can take over a year.

Response: NMFS agrees with this comment. NMFS concludes that the reasons advanced by the commenters justify a 5-year period. Therefore, NMFS changed the final rule in § 679.4(l)(1)(ii)(B)(3) to allow the owner of an AFA vessel up to 5 years from December 31 of the year in which the vessel was lost to maintain, without interruption, the AFA permit and fishing privileges of the lost vessel. NMFS notes that, in the proposed rule, it specifically invited comment on whether the 3-year period was adequate to allow the owner of a lost vessel to replace the vessel (79 FR 34696 and 34705, June 18, 2014).

Comment 4:

If the owner of a lost AFA catcher vessel does not apply to replace the vessel within the 5-year period, NMFS will suspend the AFA permit and fishing privileges of the lost vessel. After the 5-year period, the owner of the lost vessel may still apply to replace the lost vessel. If the owner of a lost catcher vessel in an inshore cooperative applies to replace a lost catcher vessel after the 5-year period, the owner of the AFA vessel should be required to transfer the permit to a vessel in the cooperative of which the lost vessel was a member when the vessel was lost. Such a provision would help keep the system of inshore cooperatives intact.

Response:

NMFS does not make any change in the final rule in response to this comment for three reasons.

◆ First, the AFA amendments did not limit the ability of the owner of an AFA vessel to select an AFA replacement vessel. The AFA amendments in section 208(g)(1) allow the owner of an AFA vessel to rebuild or replace an AFA vessel “in order to improve vessel safety or operational efficiency” and provide that the rebuilt or replacement vessel “shall be eligible in the same manner and subject to the same restrictions and limitations” as the vessel being rebuilt or replaced. The AFA amendments did not require the owner of any AFA vessel to choose a replacement from a particular category of vessels. Accordingly, NMFS did not propose that requirement in the proposed rule and does not think it is appropriate to include that requirement in the final rule.

◆ Second, the AFA amendments in section 210(b)(7)(A)(ii) did expressly require that if the owner of an AFA vessel wanted to remove a vessel from an inshore cooperative, the owner had to assign the catch history of the removed vessel to another vessel or vessels in the cooperative and those vessels had to remain in that cooperative for at least one year after the removed vessel left the cooperative. Accordingly, the proposed and final rule contain that restriction at § 679.4(l)(7)(iii)(D). But the AFA amendments included no such express restriction on the ability of the owner of an AFA vessel to select a replacement vessel.

◆ Third, the regulations restrict which inshore cooperative a replacement vessel may join and thus already provide an incentive for stability in cooperative membership. For an inshore cooperative to include the catch history attached to a replacement catcher vessel in the cooperative application, the vessel must meet the requirements in § 679.4(l)(6) to be a qualified catcher vessel for that cooperative. Under § 679.4(l)(6), a vessel is only qualified to be a member of a cooperative if the vessel meets the landing and permit requirements for cooperative membership in the vessel’s last year of participation or is an AFA replacement vessel for a catcher vessel that met the permit and landing requirements. Thus, if the lost vessel could only have been a member of a particular inshore cooperative, the replacement vessel for the lost vessel initially can only be a member of that same cooperative, even if NMFS approves the replacement after the 5-year period. The replacement vessel stands in the shoes of the replaced vessel for cooperative membership and for other fishing privileges, even if the replaced vessel is a vessel that was lost more than five years before the vessel owner seeks to make the replacement.

Comment 5:

The AFA amendments wisely allow the owners of AFA catcher vessels to remove vessels in the Fishery Exit Provisions. The proposed rule states that all claims relating to the catch history of a removed vessel shall be extinguished. The proposed rule properly extinguishes the exemption from AFA sideboards of a removed vessel. But the proposed rule is too broad if NMFS extinguishes the following claims of a removed vessel: a claim to Rockfish Quota Share; a claim to future catch shares in a GOA catch share program; a claim to catch shares in a Pacific whiting fishery limited access program.

Response:

With respect to any aspect of the history of an AFA vessel in the Pacific whiting fishery, the comment alerted NMFS to the fact that the proposed rule at § 679.4(l)(7)(iii)(C) might be read to extinguish the history of an AFA vessel in that fishery. NMFS did not intend that. This rule will become part of 50 CFR part 679. Part 679 applies, and only can apply, to fisheries of the EEZ off Alaska. The Pacific whiting fishery does not occur in the EEZ off Alaska. This fishery occurs in the area of the EEZ within the jurisdiction of the Pacific Council as described in section 302 of the Magnuson-Stevens Act, namely “fisheries of the Pacific Ocean seaward of [California, Oregon, Washington, and Idaho]. NMFS therefore changed § 679.4(l)(7)(iii)(C) to clarify that it applies to fishing history earned in the EEZ off Alaska.

NMFS notes that the provision requiring extinguishment of claims based on the catch history of a removed vessel applies to permits that would enable the owner of the vessel to receive permits in any fishery anywhere within the EEZ, not only in the EEZ off Alaska. The AFA amendments amended section 210(b) so that it now has section 210(b)(7)(B), which states, in part, “[A]ny claim (including relating to catch history) associated with such vessel [a removed vessel] that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished.” It is simply that a rule in 50 CFR part 679 cannot extinguish claims in fisheries outside of the EEZ off Alaska.

With respect to claims relating to fishing history in the EEZ off Alaska, it is important to remember that the AFA amendments only require NMFS to extinguish all claims based on the catch history of a vessel in an inshore cooperative when the vessel is removed from the cooperative. If the owner of an AFA vessel replaces, rather than removes, an AFA catcher vessel with an inshore endorsement, NMFS will issue the replacement vessel all the fishing permits and licenses that were held by the replaced vessel so that the replacement vessel may operate in the same manner as the replaced vessel. Furthermore, the owner of an AFA vessel may select as a replacement vessel a vessel that already has an AFA permit.

If the owner of an AFA vessel chooses to remove, rather than replace, a catcher vessel in an inshore cooperative, NMFS must extinguish any claims to future permits in future catch share programs that are associated with the catch history of the removed vessel. NMFS bases this conclusion on the clear language of section 210(b)(7)(B) of the amended AFA: “Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch

history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.” The exception in subparagraph (C) is for four named vessels. This comment does not refer to any of the four named vessels.

The extinguishment language in section 210(b)(7)(B) is strikingly broad: “any claim” associated with such vessel that could qualify “any owner” of such vessel for “any period” to participate in “any fishery” within the EEZ “shall be extinguished.” NMFS does not believe that the statute gives it authority to select which catch history of a removed vessel it should extinguish and which catch history it should not extinguish. If NMFS had such authority, the statute would address this issue and provide criteria, or at least guidance, as to which catch history of a removed vessel NMFS should extinguish and which catch history it should not.

NMFS does not, however, believe that the statute requires it to revoke any permits that it has already issued based on the catch history of a removed vessel. The AFA amendments direct NMFS to extinguish “any claim (including relating to catch history) associated with such vessel that could qualify” the owner of an AFA removed vessel for a permit. NMFS concludes that this refers to permits that NMFS might issue in the future based on a claim made in the future. If NMFS has already issued a permit, the owner of the vessel does not merely have a “claim” to a permit. The owner has a permit.

NMFS concludes that this reasoning applies with equal force to catch history of a removed vessel that NMFS has already assigned to an LLP license under the Rockfish Program at § 679.80. The holder of the LLP license may transfer that LLP license with any Rockfish QS assigned to that license within the restrictions at § 679.81(f). Thus, NMFS does not view issued Rockfish QS as a “claim” to QS but as QS that it has issued; that it has assigned to a particular LLP license; that may be used by different vessels if those vessels are named on the LLP license; and that may be transferred to another person when the LLP license is transferred to another person. However, upon removal of a catcher vessel, NMFS will extinguish all claims to new fishing permits and new fishing privileges that could be based on the catch history of the removed vessel.

NMFS notes that 16 AFA catcher vessels have an exemption from GOA sideboards. The owners of these AFA catcher vessels will have to carefully consider replacing, rather than removing, their vessels. If the owner of an AFA catcher vessel replaces an AFA catcher vessel with an exemption from AFA sideboards in the GOA, NMFS will issue the replacement catcher vessel an AFA permit with an exemption from AFA sideboards in the GOA. If the owner of an AFA catcher vessel removes a vessel with an exemption from GOA sideboards, NMFS will extinguish the sideboard exemption.

Comment 6:

AFA replacement vessels will likely have more capacity than the vessels they replace. AFA rebuilt vessels will likely have more capacity than the vessel before rebuilding. This may mean that AFA replacement and rebuilt vessels will catch more fish. For example, AFA replacement and rebuilt vessels may catch more yellowfin sole in the BSAI. NMFS should be vigilant that AFA vessels do not adversely impact other fisheries.

Response:

AFA vessels—whether original, rebuilt, or replacement—are strictly limited in their activities in fisheries other than the Bering Sea pollock fishery. The Analysis of this action at § 1.9 describes the restrictions on AFA vessels in current regulations in both the BSAI and the GOA. NMFS will continue to enforce those restrictions. NMFS does not believe that this rule will make it more difficult to manage the yellowfin sole fishery or other fisheries in which AFA vessels participate.

With respect to yellowfin sole in the BSAI, the listed AFA catcher/processors and the AFA catcher vessels are limited to the amount of yellowfin sole these vessels harvested in the 1995 – 1997 period, as a percentage of the total allowable catch (TAC) for each year (§ 679.64(a)(1)(iii), § 679.64(b)(e)(iii)). The Amendment 80 Program removes AFA sideboard limits for yellowfin sole in the BSAI only in years when the initial TAC level for that species assigned to the Amendment 80 sector and the BSAI trawl limited access sector is fairly high, namely 125,000 metric tons or greater. Specifically, AFA vessels are not restricted to their historical catch of yellowfin sole in years when the aggregate initial TAC for yellowfin sole in the BSAI assigned to the Amendment 80 sector and the BSAI trawl limited access sector is 125,000 metric tons or greater (§ 679.64(a)(1)(v); § 679.64(b)(6)).

If the Council determines that stricter AFA sideboard limits on yellowfin sole or any other species are necessary, it would have to pursue that rulemaking. That would be a separate action.

Comment 7:

If the Council proposes a GOA trawl catch share program in the future, the program should eliminate the maximum length overall restriction on the LLP licenses assigned to the vessels that receive fishing privileges under the new program.

Response:

This is not a comment on the proposed rule. If the Council and NMFS develop a GOA trawl catch share program, the commenter should participate in the Council process and submit comments as part of the Secretarial rulemaking process.

Comment 8:

AFA catcher/processors should not be able to participate in Amendment 80 fisheries.

Response:

The Amendment 80 Program is a limited access program that authorizes vessels to harvest a specific number of units of certain groundfish species, but not pollock, in the BSAI. The permit regulations for Amendment 80 permits are primarily at 50 CFR 679.4(o).

Only one AFA catcher/processor, the Ocean Peace, may participate in an Amendment 80 sector fishery. The Ocean Peace is the only AFA catcher/processor that also has an Amendment 80 permit. In the future, the only AFA vessel that could participate in an Amendment 80 sector fishery would be the Ocean Peace or a replacement vessel for the Ocean Peace.

Comment 9:

The IRFA summary in the proposed rule incorrectly states that all AFA catcher/processors are affiliated through membership in the Pollock Conservation Cooperative. This is inaccurate. The Ocean Peace is an AFA catcher/processor and is not a member of the Pollock Conservation Cooperative.

Response: The commenter is correct. The statement in the IRFA summary was in error. The Ocean Peace is an AFA catcher/processor and is not a member of the Pollock Conservation Cooperative. NMFS corrected the statement in the FRFA, which is contained in this rule.

Comment 10:

The Ocean Peace is currently 219 feet. The Ocean Peace is named on an LLP license with area endorsements for the Bering Sea, the Aleutian Islands, and the Western Gulf. The vessel's LLP license has a current MLOA restriction of 219 feet. If the owner of the Ocean Peace rebuilds the Ocean Peace so that it is longer than 219 feet, or replaces the Ocean Peace with a vessel that is longer than 219 feet, does this rule affect the current regulation that NMFS assigns an MLOA of 295 feet to an LLP license on which an Amendment 80 replacement vessel is the named vessel? The Ocean Peace is the only vessel that is named on both an AFA permit and an Amendment 80 Quota Share permit.

Response:

If the owner of the Ocean Peace rebuilds the Ocean Peace or acquires a replacement vessel for the Ocean Peace, NMFS will amend the LLP groundfish license that names the Ocean Peace and will assign an MLOA on that LLP license of 295 feet. The rebuilt Ocean Peace or the replacement vessel for the Ocean Peace would then be subject to an MLOA of 295 feet when it participates in any fishery in the GOA. NMFS would take these actions based on the current regulations for replacing an Amendment 80 vessel. See 50 CFR 679.4(o)(4); 50 CFR 679.4(k)(3)(i)(C); and 50 CFR 679.2 (definition of Maximum LOA, paragraph (2)(iv)).

The above regulations implemented Amendment 97 to the BSAI FMP. The subject of Amendment 97 was the replacement of Amendment 80 vessels. Under Amendment 97, an Amendment 80 rebuilt vessel is treated as an Amendment 80 replacement vessel. All

Amendment 80 replacement vessels must be classed and load lined or, if the vessel cannot be classed and load lined, the vessel must be enrolled in the Alternative Compliance and Safety Agreement Program of the U.S. Coast Guard.

The Ocean Peace also has an AFA permit to participate in the directed pollock fishery as a catcher/processor. Therefore, the Ocean Peace is subject to the AFA, as amended by the Coast Guard Act, Amendment 106, and this final rule. Under this rule, the owner of the Ocean Peace may rebuild or replace the Ocean Peace to improve safety or efficiency without limitation on the length of the rebuilt or replaced vessel, notwithstanding the MLOA restriction on the LLP license on which the Ocean Peace is named. Accordingly, under this rule at § 679.2 and § 679.4(k)(3)(i)(E), if the Ocean Peace is rebuilt or replaced, the rebuilt Ocean Peace or its replacement vessel will be exempt from the MLOA on the LLP license that names the Ocean Peace or its replacement vessel when the Ocean Peace or its replacement vessel is participating in the BSAI pursuant to that LLP license.

NMFS notes two ways that this rule could affect the ability of the Ocean Peace to participate in the GOA. First, under provisions added at § 679.4(l)(7)(iv), if the Ocean Peace becomes a replaced or removed AFA vessel, it would be permanently ineligible to participate in any fishery in the EEZ off Alaska unless it reenters the fishery as an AFA replacement vessel. Second, under provisions added at § 679.4(l)(7)(ii)(B), if the Ocean Peace becomes a replacement vessel for any AFA catcher/processor or AFA catcher vessel, the Ocean Peace would operate subject to the restrictions and limitations of the vessel it replaced.

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.