

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Pacific Cod Trawl Cooperative Program
OMB Control No. 0648-0811

Abstract

This is a resubmission, with the final rule, of a request by the National Marine Fisheries Service (NMFS), Alaska Regional Office, for a new collection for a new program—the Pacific Cod Trawl Cooperative Program (PCTC Program). This request is due to a final rule to implement Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, which establishes the PCTC Program to allocate Pacific cod harvest quota to qualifying groundfish License Limitation Program license holders and qualifying processors (RIN 0648-BL08).

The PCTC Program is a limited access privilege program for the harvest of Pacific cod in the Bering Sea and Aleutian Islands trawl catcher vessel sector. This program is necessary to increase the value of the fishery, minimize bycatch to the extent practicable, provide for the sustained participation of fishery-dependent communities, ensure the sustainability and viability of the resource, and promote safety and stability in the harvesting and processing sectors.

This information collection contains the collection instruments necessary for NMFS to implement the PCTC Program and manage cooperative quota and quota share in this fishery.

This rule also affects information collection requirements approved under OMB Control Numbers 0648-0213, -0318, -0334, 0515, -0678, and -0711. NMFS is submitting separate requests for these collections.

Changes were made to this collection from the proposed rule to the final rule. A change was made to the information collected on two of the forms. Minor editorial changes were made to all of the forms to improve clarity and the description of information that is submitted. In response to comments received during the proposed rule, the submission deadline for the inter-cooperative agreement was changed for 2023.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

NMFS manages the groundfish fisheries in the Exclusive Economic Zone off the coast of Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP), and the [Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c](#). The fishery management plans were prepared by the North Pacific Fishery Management Council (Council). The

[Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act) authorizes the Council to prepare and amend fishery management plans for any fishery in waters under its jurisdiction.

This is a new information collection that is necessary due to a final rule that implements Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (RIN 0648-BL08). Amendment 122 establishes a new limited access privilege program, the Pacific Cod Trawl Cooperative Program (PCTC Program), for the harvest of Pacific cod in the BSAI trawl catcher vessel sector. The rule adds subpart L to 50 CFR 679, consisting of §§ 679.130 through 679.135, for the PCTC Program regulatory requirements.

The PCTC Program allocates Pacific cod harvest quota to qualifying groundfish License Limitation Program (LLP) license holders and qualifying processors. This program is necessary to increase the value of the fishery, minimize bycatch to the extent practicable, provide for the sustained participation of fishery-dependent communities, ensure the sustainability and viability of the resource, and promote safety in the harvesting and processing sectors. The PCTC Program includes a complex suite of measures to ensure the goals of the Program are met and improve fishery conditions for all participants. The PCTC Program requires participants holding quota share (QS) to form harvesting cooperatives in association with an eligible processor to harvest the annual harvest privilege of Pacific cod. NMFS will issue cooperative quota (CQ) to each cooperative based on the aggregate QS of the cooperative members and associated processors. The PCTC Program also requires cooperatives to set-aside a portion of their CQ allocation for delivery to an Aleutian Island shoreplant.

This new information collection contains the collection instruments necessary for NMFS to implement the PCTC Program and manage QS and CQ in this fishery.

This rule also affects information collection requirements approved under OMB Control Numbers -0213 (Alaska Region Logbook and Activity Family of Forms); -0318 (North Pacific Observer Program); -0334 (Alaska License Limitation Program for Groundfish, Crab, and Scallops); -0515 (Alaska Interagency Electronic Reporting System); -0678 (North Pacific Fishery Management Council Cooperative Annual Reports); and -0711 (Alaska Cost Recovery and Fee Programs). Concurrent with this request for a new OMB control number, NMFS is submitting separate requests for these collections.

Changes from the Proposed Rule to Final Rule

The following changes were made from the proposed rule to the final rule. These changes did not affect the number of respondents, responses, or burden for this collection.

- In response to comments received during the proposed rule, NMFS changed the deadline to submit the inter-cooperative agreement in 2023. Information on this change is provided in Question #2 under the heading “Application for Pacific Cod Trawl Cooperative Program Cooperative Quota” and in Question #8, which provides the comments received and NMFS’s responses to those comments.

- A change was made to the information collected on the Application for Pacific Cod Trawl Cooperative Program Cooperative Quota and the Application for Transfer of Pacific Cod Trawl Cooperative Program Quota Share for Processors. Information on the changes is provided in Question #2 under description of these forms.
- Minor editorial changes were made to all the forms to improve clarity and the description of information that is submitted.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The following table lists each collection instrument, the associated regulation, and summarizes who submits the information, how the information is submitted and how often, the obligation to respond, and the purpose. Additional information on each collection instrument is provided in the subsections below.

Information Requirements and Needs and Uses of Information Collected

Requirement	Regulations	Who submits the information?	Form?	How submitted	Frequency	Obligation to Respond	Needs and Uses
Application for Pacific Cod Trawl Cooperative Program Quota Share	50 CFR 679.130(h)	LLP license holder; processor representative	Yes	Mail, delivery, fax, email	Once, at the onset of the program	Required to Obtain Benefits	Used by a person to receive an initial allocation of QS in the PCTC Program as an eligible harvester or eligible processor. Used by NMFS to ensure that QS is assigned to the appropriate person(s) and to provide a process for resolving claims of legal landings that are contrary to the official record.
Application for Pacific Cod Trawl Cooperative Program Cooperative Quota	50 CFR 679.131(a)(4)	PCTC Program cooperative representative	Yes	Mail, delivery, fax	Annually	Required to Obtain or Retain Benefits	Used by a cooperative to apply for a CQ permit. Used by NMFS to annually issue cooperative quota permits, establish annual cooperative accounts for catch accounting purposes, and identify specific vessels that would be associated with each cooperative.
Application for Inter-Cooperative Transfer of PCTC Program Cooperative Quota (CQ)	50 CFR 679.131(i)	PCTC Program cooperative representative	No	Online using eFISH ²	As needed	Required to Obtain or Retain Benefits	Used by a PCTC Program cooperative to transfer CQ to another PCTC Program cooperative. Used by NMFS to monitor inter-cooperative transfers of cooperative quota and ensure they do not exceed ownership or use caps.
Application for Transfer of Pacific Cod Trawl Cooperative Program Quota Share for Processors	50 CFR 679.130(j)(3)	PCTC Program processor	Yes	Mail, delivery, fax	As needed	Required to Obtain or Retain Benefits	Used by a PCTC Program processor to transfer QS to an eligible PCTC Program processor. Used by NMFS to monitor transfers of processor QS and ensure they do not exceed ownership or use caps.

Notification of Intent to Process Pacific cod	50 CFR 679.132(b)	representative of the City of Adak; representative of the City of Atka	No	email	Annually	Required to Obtain or Retain Benefits	Used the by the city to notify NMFS that it intends to process PCTC Program Pacific cod during the upcoming fishing year. Used by NMFS to implement the Aleutian Islands CQ set-aside that would be in effect the upcoming fishing year.
Ninety Day Transfer Window for Non-Exempt AFA LLP holders	50 CFR 679.130(g)(4)	owners of LLP licenses that are associated with AFA non-exempt catcher vessels	No	mail	Once, at the onset of the program	Required to Obtain or Retain Benefits	Used by LLP license holder to transfer QS Used by NMFS to execute permanent transfer of QS between eligible LLP licenses.
Appeals	50 CFR 679.130(h)(5) and 15 CFR 906	QS holder	No	Fax, mail, or delivery ³	As needed	Required to Obtain or Retain Benefits	Used by a QS holder who receives an Initial Administrative Determination to appeal an agency decision. Used by NMFS to assess information provided by the appellee in relation to a program denial.

Dissemination of Information

This 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 (the Information Quality Act), which requires NMFS to ensure the quality, objectivity, utility, and integrity of information it publicly disseminates. Public dissemination of data collected by this information collection is governed by [NOAA's information quality guidelines](#), which were issued on October 30, 2014.

It is anticipated that some of the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS and the National Appeals Office 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 Question 10 of this Supporting Statement for more information on confidentiality and privacy. See Question 16 of this Supporting Statement for information from this collection that is posted on the NMFS National Appeals Office website.

The sections below provide additional information on the requirements for the PCTC Program.

Application for Pacific Cod Trawl Cooperative Program Quota Share

An eligible harvester or eligible processor will be required to submit a timely Application for PCTC Program QS to receive an initial allocation of PCTC QS in the PCTC Program. NMFS requires this application to ensure that QS is assigned to the appropriate person(s) and to provide a process for resolving claims of legal landings that are contrary to the PCTC Program official record. Once a person submits an Application for PCTC Program QS that is approved by NMFS, that person will not need to resubmit an application for QS in future years.

NMFS will begin accepting Applications for PCTC Program QS immediately upon the effective date of the final rule. A completed Application for PCTC Program QS must be received by NMFS no later than 30 days after the effective date of the final rule. Objective written evidence of timely application will be considered proof of a timely application.

NMFS will mail an application package to all potentially eligible LLP license holders, including LLP license holders with an Aleutian Islands transferable endorsement, and processors based on the address on record. This package will include a letter informing potentially eligible LLP license holders and processors whether NMFS has determined they are eligible to receive QS, and if so, the amount of qualifying catch history calculated by NMFS based on the PCTC Program official record. Applications will be available on the NMFS Alaska Region website and interested persons may contact NMFS Restricted Access Management to request an application package.

On the application, the applicant will indicate whether they are applying to be an eligible PCTC harvester or PCTC processor. The information collected on this application includes the following:

- applicant identification information;
- whether the applicant agrees with, disagrees with, or did not receive the PCTC Program Official Record Summary
- if the applicant does not agree with the PCTC Program Official Record Summary or did not receive it, has provided the required information on the application or attached a separate page explaining the disagreement and providing evidence or explaining the basis for eligibility, such as fish tickets or landing reports, to support their claims
- signature of applicant or authorized representative who completed the application (attach proof of authorization if the application is completed by the applicant's authorized representative).

Application for Pacific Cod Trawl Cooperative Program Cooperative Quota [Changes from Proposed Rule to Final Rule: changed deadline to submit Inter-cooperative Agreement in 2023 and changed application form to collect FFP number for PCTC Program cooperative member vessels]

Annually, each PCTC Program cooperative will be required to submit an Application for PCTC Program CQ identifying catcher vessels that are eligible to harvest a portion of that cooperative's CQ. NMFS will use these applications to issue CQ permits, establish annual cooperative accounts for catch accounting purposes, and identify specific harvester vessels for each cooperative. As with other limited access privilege programs, the information received in this application will be annually used to review ownership and control information for various QS holders to ensure that QS and CQ use caps are not exceeded.

If approved, NMFS will issue CQ permits and apportion amounts of annual crab and halibut PSC limits to the cooperative. Permits will not be issued until the annual harvest specifications are recommended by the Council for the upcoming year. Permits will generally be issued in early January for the upcoming year. A CQ permit authorizes a PCTC Program cooperative to participate in the PCTC Program. The CQ permit will indicate the amount of Pacific cod that may be harvested by the PCTC Program cooperative, and the amount of halibut PSC and crab PSC that may be used by the PCTC Program cooperative. The CQ permit will list the members of the PCTC Program cooperative, the trawl catcher vessels that are authorized to fish under the CQ permit for that cooperative, and the PCTC Program processor(s) with whom that cooperative is associated. A CQ permit is valid only until the end of the BSAI Pacific cod B season for the year in which the CQ permit is issued. A legible copy of a valid CQ permit must be carried on board the vessel(s) used by the PCTC Program cooperative.

The Application for PCTC Program CQ must be submitted to NMFS no later than November 1, which is prior to the start of each fishing year. The cooperative's designated representative will be responsible for submitting the application on behalf of the cooperative members. If the

designated representative for the cooperative fails to submit a timely application for CQ, NMFS will not issue CQ to the cooperative representative for that fishing year. The application will be available on the NMFS Alaska Region website.

This application identifies the LLP licenses and processor QS permits named to the cooperative and the catcher vessels allowed to harvest a portion of that cooperative's CQ. The information collected on this application includes the following:

- PCTC Program cooperative identification information
- PCTC Program LLP license identification numbers
- Processor-held PCTC Program processor QS permit number(s) and name of the processor that holds that each QS permit
- PCTC Program QS ownership documentation
- Members of the PCTC Program cooperative and the associated processor that holds a QS permit
- Trawl vessel identification: names, ADF&G numbers, USCG numbers, and Federal Fisheries Permit numbers of vessels eligible to harvest the CQ issued to the PCTC Program cooperative
- Signature of cooperative representative who completed the application (attach proof of authorization to act on behalf of the cooperative to complete the application.)

For the cooperative application to be considered complete, the following documents must be attached:

- A copy of the PCTC Program cooperative agreement or contract signed by the members of the PCTC Program cooperative. The membership agreement or contract must specify:
 - A copy of the business license issued by the state where the cooperative is registered as a business entity.
 - A copy of the articles of incorporation or partnership agreement of the cooperative.
 - A copy of the cooperative agreement signed by the members of the cooperative and associated processor(s). The cooperative agreement must specify that the QS holders, including processors, cannot participate in price setting negotiations, except as permitted by general antitrust law.
 - The cooperative has a monitoring program sufficient to ensure compliance with the PCTC Program.
 - QS holders who are members of this cooperative or associated with this cooperative must ensure full payment of the cost recovery fees.
 - The cooperative's plan to allocate CQ to member vessels in accordance with the vessel use caps specified at § 679.133.
 - The cooperative's plan to monitor CQ leasing activity, including into GOA fisheries, and use of CQ derived from processor held QS within this cooperative.

- o A cooperative intending to harvest any amount of the CQ set-aside must provide the cooperative's plan for coordinating harvest and delivery of the CQ set-aside with an Aleutian Islands shoreplant as defined § 679.2.
- Inter-cooperative Agreement. Each year, the cooperative must provide the plan for coordinating harvest and delivery of the set-aside with an Aleutian Islands shoreplant in the cooperative application. The cooperatives must also provide how they would ensure that CVs under 60 feet MLOA assigned to an LLP with a transferable Aleutian Islands trawl endorsement have the opportunity to harvest 10 percent of the Aleutian Islands CQ set-aside.

Changes from the Proposed Rule to the Final Rule: Several comment letters expressed concern about the inter-cooperative agreement due to the anticipated timing of the final rule publication date. NMFS proposed that each cooperative must submit the inter-cooperative agreement with the submission the annual Application for Pacific Cod Trawl Cooperative Program Cooperative Quota no later than November 1 of each calendar year. In response, NMFS modified § 679.131(a)(4)(viii) to accommodate cooperative formation prior to the first year of the PCTC Program. For calendar year 2023 only, NMFS will allow each cooperative to submit the inter-cooperative agreement after the deadline for the annual cooperative application; however it must be submitted on or before December 31, 2023. This single year variation will give cooperatives additional time to come to an agreement. In all years after 2023, the inter-cooperative agreement must be submitted with the cooperative application no later than November 1 of each calendar year. The inter-cooperative agreement is required before NMFS issues CQ to each cooperative and fishing begins in the A season (January 20). The inter-cooperative agreement must be submitted regardless of if an Aleutian Islands community files an intent to process with NMFS per § 679.132(b).

Block C on the form was revised to collect the FFP number instead of the LLP license number of the PCTC Program Cooperative member vessels. This change was necessary because Block C is intended to collect vessel identification information and FFP numbers. LLP license holder information is collected in Block B. The form's instructions were updated to show this change. Additionally, minor editorial changes were made to the form to improve clarity and the description of information that is submitted.

Application for Inter-Cooperative Transfer of PCTC Program Cooperative Quota (CQ)

Under the PCTC Program, a cooperative may transfer all or part of its CQ to another cooperative for harvest subject to the limitations imposed by ownership and use caps. Annual CQ and associated PSC will be transferable between cooperatives using the Application for Inter-Cooperative Transfer of PCTC Program Cooperative Quota (CQ). This application is necessary for NMFS to appropriately account for inter-cooperative transfers of CQ after annual CQ has been issued to PCTC Program cooperatives. NMFS uses this information to monitor transfers to ensure they do not exceed ownership or use caps for the fishery.

To initiate an inter-cooperative transfer, the designated representative of each cooperative must complete an Application for Inter-Cooperative Transfer of PCTC Program Cooperative Quota

(CQ), which will be accessed online through eFISH. eFISH is the NMFS-approved electronic reporting system. eFISH allows for automated review and approval of transfer requests within use cap constraints.

To access eFISH, a PCTC Program cooperative representative uses their NMFS ID and password to login to the application and submit the transfer request. Information submitted for this transfer application includes PCTC Program cooperative identification information for the cooperative transferring QS and the cooperative receiving QS, and the amount of QS to be transferred.

A transfer of CQ will not be effective until approved by NMFS. If the cooperative attempting to acquire CQ has reached any relevant use caps, NMFS will not approve a transfer application.

Application for Transfer of Pacific Cod Trawl Cooperative Program Quota Share for Processors [Change from Proposed Rule to Final Rule: form changed to be able to collect Federal Fisheries Permit number of transferee]

The Application for Transfer of Pacific Cod Trawl Cooperative Program Quota Share for Processors is used by a PCTC Program processor to request transfer to another eligible processor of a PCTC Program QS permit and any QS assigned to that permit or to request transfer of excess PCTC Program QS separate from that permit. This application is necessary for NMFS to account for processor QS in the PCTC Program. NMFS uses this information to monitor transfers to ensure they do not exceed ownership or use caps for the fishery. NMFS will use the QS price in aggregate during program reviews.

To transfer PCTC Program QS, a timely and complete application must be submitted to NMFS. The application will be available on the NMFS Alaska Region website. NMFS will approve a request for transfer of a PCTC Program QS Permit to another processor and any QS assigned to that permit if that QS permit is not in excess of the use cap specified in § 679.133 at the time of transfer provided the persons are qualified to receive QS by transfer. However, NMFS will not approve a transfer of any type of QS that would cause a person to exceed the maximum amount of QS allowable under the use limits.

The application is completed by the transferor and the transferee. The information collected on the application includes the following:

- Transferor and transferee identification, contact information, and Federal Processor Permit number or Federal Fisheries Permit number
- Names of persons holding an ownership interest in the QS being transferred, their NMFS identification number, and the percentage ownership each will hold in the QS permit
- Information on the QS permit numbers and QS units being transferred
- Information on the sale transaction such as the price paid and reason for transfer
- Signature of the transferor and the transferee or their authorized representatives (attach proof of authorization if the application is completed by an authorized representative)

In addition to providing the information required in the application, a copy of the terms and conditions of the transfer agreement must be attached. Such documentation may consist of a bill of sale, promissory note, or other document that reveals the contraction terms between the parties.

Changes from the Proposed Rule to the Final Rule: Field #3 of Block C of the form was revised to collect the Federal Processor Permit (FPP) number or the Federal Fisheries Permit (FFP) number of the transferee. At the proposed rule stage, it only collected the FPP number of the transferee. This change was necessary because the owner of a catcher/processor authorized to act as a mothership in the BSAI Pacific cod fishery may transfer their QS permit to an FPP holder or an FFP holder authorized to act as a mothership in the BSAI Pacific cod fishery, subject to eligibility requirements under BSAI Amendment 120 to limit catcher/processors acting as motherships. Therefore, Block C needs to be able to collect the FPP number of a transferee. The form's instructions were updated for this change. Additionally, minor editorial changes were made to the form to improve clarity and the description of information that is submitted.

Notification of Intent to Process PCTC Program Pacific cod

The PCTC Program requires cooperatives to set-aside an amount of annual CQ for delivery to an Aleutian Island shoreplant if the city of Adak or Atka files a notification of intent to process PCTC Program Pacific cod that year. If no notices of intent to process are submitted by October 15, cooperatives are not required to set aside CQ for delivery to an Aleutian Island shoreplant in the subsequent fishing seasons. The notification of intent to process is necessary for NMFS and the PCTC Program cooperatives to know whether the regulations established for the set-aside will be in effect during the upcoming fishing.

The notification of intent to process PCTC Program Pacific cod is a signed letter or memorandum submitted to NMFS by the representative of the City of Adak or the City of Atka indicating that the community they represent intends to process PCTC Program Pacific cod during the upcoming fishing year.

The notification of intent must be submitted to the NMFS Regional Administrator no later than October 15 of the year prior to the year the city intends to process PCTC Program Pacific cod. The notification is submitted by email. Submission of the official notification of intent by October 15 will provide NMFS inseason management with the timely information it needs to manage the upcoming fisheries and notify the cooperatives that the Aleutian Islands set-aside is in effect for the upcoming year.

The notification of intent to process PCTC Program Pacific cod must contain the following information: date of submission, name of the city, a statement of intent to process Aleutian Islands Pacific cod, the calendar year during which the city intends to process Aleutian Islands Pacific cod, contact information for the city representative where the shoreplant is intending to process Aleutian Islands Pacific cod, and documentation of the authority of the person to represent the City of Adak or the City of Atka.

On or before November 30, the Regional Administrator will notify the representative of the City of Adak or the City of Atka confirming receipt of their official notification of intent to process PCTC Program Pacific cod. Shortly after receipt of an official notification of intent to process PCTC Program Pacific cod, NMFS will announce through notice in the *Federal Register* whether the Aleutian Islands set-aside is in effect for the upcoming fishing year.

Even if a community is uncertain at the time the notice of intent is due as to whether an Aleutian Island shoreplant will be operational, there is no penalty to the community or shoreplant for stating their intention to process but then later withdrawing that notice of intent. The City of Adak or the City of Atka may withdraw their notice of intent at any time after submitting it to NMFS.

Ninety-Day Transfer Window for Non-Exempt AFA LLP holders

The initial allocation process for QS under the PCTC Program has a one-time 90-day transfer window to allow persons to transfer QS between AFA non-exempt LLP licenses. Within 90 days of initial issuance of QS, the owners of LLP licenses that are associated with AFA non-exempt catcher vessels that had engaged in fish transfer agreements during the qualifying periods may transfer QS to other LLP licenses associated with AFA non-exempt vessels, subject to the ownership cap in new § 679.133.

This one-time 90-day transfer window allows for contracts and agreements implemented under the AFA Pacific cod sideboard limits to be honored. After the expiration of the 90-day transfer window, PCTC QS will no longer be severable from the LLP license to which it is assigned unless authorized by the transfer rules specified in new § 697.130(f) or modification is supported by an operation of law.

NMFS will execute permanent transfers of QS between eligible LLP licenses during the 90-day window upon the transferor and transferee showing that they both agree to the one-time transfer of QS and understand the transfer will be permanent, or upon showing a transfer is authorized by an operation of law (e.g., a court order). The transferor and the transferee must submit to NMFS a letter as evidence of their agreement to transfer their QS in this one time opportunity. Requests to transfer QS must specify which LLP license is transferring the QS, which LLP license is receiving the QS, and the amount of QS to be transferred. If neither party submits evidence of agreement to a transfer or if only one party submits evidence of an agreement, the QS will remain with the LLP license it was initially issued.

Appeals

An appeals process is provided for a QS holder who receives an adverse initial administrative determination (IAD) related to their application. A QS holder may appeal this denial under the appeals procedures set out at 15 CFR part 906.

Administrative appeals of adverse decisions made by NMFS Alaska Region must be submitted to the NMFS National Appeals Office (NAO) in Silver Spring, Maryland. Instructions for submitting an appeal are provided on the NAO website at

<https://www.fisheries.noaa.gov/national/rules-and-regulations/appeals>. The appeal may be submitted by fax (307-713-2384) or by mail or commercial carrier to National Appeals Office, 1315 East-West Highway, Silver Spring, MD 20910.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

Most of the collection instruments may be submitted electronically. All of the applications will be available on the NMFS Alaska Region website as fillable pdfs.

[eFISH](https://alaskafisheries.noaa.gov/node/30749) is the NMFS Alaska Region online Fisheries Information System. eFISH provides an online method to submit applications and access to participants' NMFS permit accounts. eFISH allows participants to renew certain fishery permits; report landings; print certificates or permits; conduct quota transfers; pay fees and submit landing value reports; and check account balances, vessel balances, and landing ledger reports. Permit holders access eFISH through a User ID and password issued by NMFS. Instructions for using eFISH are posted on the NMFS Alaska Region website at <https://alaskafisheries.noaa.gov/node/30749>.

The notification of intent to process PCTC Program Pacific cod will be submitted by email.

NMFS Alaska Region is working toward offering more online services. The current data entry and retrieval system is nearing the end of its life, and a new database is in development. NMFS is working on a new system whereby all of the information will be entered online and submitted directly and automatically into a database.

Administrative appeals cannot be submitted electronically because the National Appeals Office requires submission of documents by fax, mail, or delivery to provide the appropriate record for legal proceedings.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

None of the information collected duplicates other collections. Duplication of application contact information is minimized through the use of eFISH because, by logging in with a NMFS Identification Number, eFISH autofills some data entry fields.

In general, Alaska Region information collections are prepared and reviewed by staff familiar with all of the information collection requirements for the region. Staff work together to develop information collection requirements for new programs. In addition, NMFS staff work closely with the staff of the Alaska Department of Fish and Game and the International Pacific Halibut Commission to reduce duplication in information collection requirements to the extent possible given overlapping jurisdictions and complex fisheries. Senior staff at the Alaska Region, NMFS

headquarters, and the Department of Commerce General Counsel review all new and revised information collection requirements that are associated with rulemakings. This process minimizes the potential for duplication of information collection requirements for participants in the Federal fisheries off Alaska.

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

NMFS attempts to minimize the burden of this information collection on all respondents by collecting only information necessary to manage the PCTC Program, by providing and supporting the online data collection program eFISH, and by providing help to participants in writing and by phone. eFish includes online help options and user guides. See <https://www.fisheries.noaa.gov/resource/document/user-guides-efish-online-services>. In addition, NMFS maintains a help/support call center with contractors available by phone Monday through Friday.

Additionally, the forms will be available online as fillable pdfs. Help will be available by contacting the Restricted Access Management Division by email at ram.alaska@noaa.gov and by phone Monday through Friday from 8:00 am to 4:00 pm, Alaska local time, at (800) 304-4846, option 2.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This information collection is required to implement and manage the PCTC Program and manage the Pacific cod fishery under the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It would not be possible to effectively manage the PCTC Program or carry out the mandates of the Magnuson-Stevens Act if this collection were not conducted or conducted less frequently.

If this collection was conducted less frequently, or not at all, PCTC Program harvesters and processors would be delayed or prevented from receiving or transferring their fishery allocations. This could cause severe economic harm to PCTC Program participants and dependent communities. Additionally, NMFS would be substantially less able to ensure compliance with PCTC Program regulations that ensure sustainability and fairness in the fishery.

The lack of adequate information to manage the PCTC Program would result in the fishery management decision-making process being less objective, more political, and potentially less equitable. This would decrease the credibility of the fishery management process and result in an unnecessarily costly and ineffective management system. The cost of making decisions based on inadequate information would adversely affect the viability of the Pacific cod fishing industry and impact the economic health of the participating communities.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection will be conducted in a manner consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A proposed rule ([88 FR 8592](#)) soliciting public comments published on February 9, 2023. The comment period ended on March 13, 2023. Comments on this information collection were received from Aleutian Island community representatives and industry participants. In response to comments received, NMFS changed the deadline for submission of the inter-cooperative agreement for 2023. The comments and NMFS' responses are presented below.

Comment: It is problematic to provide information down to the individual ownership level for certain types of ownerships structures, such as publicly-held companies. In order to effectively enforce ownership and use caps, the proposed rule would require “a list of all persons, to the individual level, holding an ownership interest in the LLP licenses that join the coop.” The classic case is a publicly traded owner. Because individual ownership is constantly changing and there is little public disclosure of individual owners, it would be impossible for a publicly traded company to submit an ownership list to the individual level. Similarly, a company such as American Seafoods, with a complex ownership structure and private equity investment, does not have access to ownership information to the individual level. Our suggestion is that the proposed standard be revised to require the same information down to the individual level for any person having an ownership interest in excess of five percent. If based on that information the Agency has any concerns about compliance with ownership and use caps, the Agency can be authorized to request additional ownership information.

Response: NMFS appreciates the comment; however, information collections will remain unmodified. NMFS does not currently monitor ownership of publicly traded companies down to the individual. NMFS monitors ownership of companies to the best of their abilities and sometimes the publicly traded company is the closest NMFS can obtain. Tracking to this level of ownership for publicly traded companies in the PCTC Program is consistent with other catch share programs.

Comment: NMFS should make the PCTC Program official record or a list of LLP license holder information available to the inter-cooperative manager when application packages are sent out.

Response: NMFS will publish a list of LLP license holders and processors who are expected to qualify for QS under the PCTC Program on the Alaska Region website with the publication of this final rule in the *Federal Register*.

Comment: There is no requirement that the cooperatives will set aside a proportionate amount of PSCs for the CVs that agree to take on the obligation of harvesting the set-aside for delivery to an Aleutian Islands shorebased processor. NMFS should make it explicit that initial distribution of PSC limits include pro-rata amounts to the Aleutian Islands CQ set-aside and require that the

inter-cooperative agreement and each cooperative agreement contain provisions mandating initial distribution of PSC pro-rata to the individual's QS percentage.

Response: NMFS requires an inter-cooperative agreement signed by all cooperatives prior to issuing CQ each year. The cooperatives must agree in the inter-cooperative agreement which cooperatives will deliver the Aleutian Islands CQ set-aside to the Aleutian Islands shoreplants. In that agreement, cooperatives should confirm that there would be sufficient CQ and PSC limit set-aside to accomplish deliveries. The Council recommended a cooperative system to manage the CQ and PSC limits allocated within the PCTC Program. NMFS anticipates, similar to other cooperative-based programs that each cooperative will maximize its usage of CQ and PSC limits to the extent practicable, including adhering to delivery requirements to Aleutian Islands shoreplants in years the Aleutian Islands CQ set-aside is in effect.

Comment: The proposed rule states that all participants in the Program would be required to organize a cooperative prior to the November 1 deadline each year. Does the "all" imply an inter-cooperative agreement in place by November 1? Where are the application requirements for the inter-cooperative agreement? In the proposed rule, it appears that the individual cooperative applications would simply include a copy of the inter-cooperative agreement that defines how the Aleutian Islands CQ set-aside will be harvested.

Response: Inter-cooperative formation would need to occur prior to November 1. However, NMFS is making a change to the date for the first year to accommodate timing concerns. For the calendar year 2023, each cooperative must submit the inter-cooperative agreement to NMFS prior to December 31, 2023, described at § 679.131 (a)(4)(viii). Inter-cooperative formation would be allowed and an inter-cooperative agreement would be required to implement the Aleutian Islands set-aside and to allow for efficient transfers of CQ or PSC limits between cooperatives.

Comment: The proposed rule does not provide any guidance on how an inter-cooperative agreement would be agreed upon by the PCTC cooperative members.

Response: A cooperative-based structure was recommended by the Council for implementation of the PCTC Program based on public testimony. NMFS interprets this to mean that the cooperatives will structure their inter-cooperative agreement in a way that satisfies the Aleutian Islands CQ set-aside requirements without further guidance from NMFS on cooperative management. There is precedent set for cooperative systems using agreements like this, including in other North Pacific catch share programs.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gifts are provided to the respondents in this collection.

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

records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

All information collections by NMFS, Alaska Region, are protected under confidentiality provisions of section 402(b) of the Magnuson-Stevens Act as amended in 2006 (16 U.S.C. 1801, *et seq.*) and under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

The System of Records Notice that covers this information collection is [COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries](#). An amended Privacy Act system of records notice was published in the *Federal Register* on August 7, 2015 (80 FR 47457), and became effective September 15, 2015 (80 FR 55327).

The Privacy Impact Assessment that covers this information collection is [NOAA NMFS Alaska Region Local Area Network \(NOAA4700\)](#).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not involve information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

This new information collection for the PCTC Program uses hourly wage rates used in other NMFS Alaska Region information collections for similar respondent types. The rates are based on rates reported by industry and U. S. Bureau of Labor Statistics (BLS) wage rates. The BLS rates used are the most current rates available (May 2022).

The rate \$22.52, used for LLP license owners and processor representatives, is the BLS mean hourly wage rate for Alaska for Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations; https://www.bls.gov/oes/current/oes_ak.htm).

The rate \$54.28, used for the Atka and Adak community representatives, is the BLS mean hourly wage rate for Alaska for Occupation Code 11-9121 (Natural Science Managers; https://www.bls.gov/oes/current/oes_ak.htm).

The rate \$75, used for PCTC Program cooperative managers, is the rate used in OMB Control Number 0648-0401 for AFA cooperative managers. NMFS has used this wage rate estimate for - 0401 and has updated it when public comment supported doing so.

The Application for Pacific Cod Trawl Cooperative Program Quota Share and the Ninety-Day Transfer Window for Non-Exempt AFA LLP holders will both be submitted only once,

following the implementation of the PCTC Program. For these two collection instruments, the respondents and responses shown in the table below are the average for the three-year period that this new information collection will initially be approved for. For example, NMFS expects approximately 109 respondents to submit the QS application in the first year of the program. Therefore, 36 respondents and responses are used. The calculations are provided in the notes below the table.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Application for Pacific Cod Trawl Cooperative Program Quota Share	LLP license owner; processor representative	36 ¹	1	36	2 hours	72	22.52	1,621
Application for Pacific Cod Trawl Cooperative Program Cooperative Quota	Cooperative manager	10	1	10	2 hours	20	75	1,500
Application for Inter-Cooperative Transfer of Cooperative Quota (CQ)	Cooperative manager	10	3	30	10 minutes	5	75	375
Application for Transfer of Pacific Cod Trawl Cooperative Program Quota Share for Processors	Processing QS holder	1	1	1	2 hours	2	22.52	45
Notification of intent to process PCTC Program Pacific cod	Community representative	2	1	2	30 minutes	1	\$54.28	54
Ninety-Day Transfer Window for Non-Exempt AFA LLP holders	QS holder	31 ²	1	31	2 hours	62	22.52	1,396
Appeals	LLP license owner; processor representative	5	1	5	4 hours	20	22.52	450
Totals				115		182		\$5,441

¹ NMFS estimates 109 applications will be submitted in the first year of the PCTC Program. $109 \div 3 = 36.33$ respondents and responses annually.

² NMFS estimates 93 ninety-day transfer letters will be submitted in the first year of the PCTC Program. $93 \div 3 = 31$ respondents and respondents annually.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Operating costs account for the typical inclusive general office services packages that include expenses for email, fax, copying, mailing, printing, and internet.

Information Collection	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
Application for Pacific Cod Trawl Cooperative Program Quota Share	36	1	36	Operating costs: \$5	180
Application for Pacific Cod Trawl Cooperative Program Cooperative Quota	10	1	10	Operating costs: \$5	50
Application for Inter-Cooperative Transfer of Cooperative Quota (CQ)	10	3	30	Operating costs: \$5	150
Application for Transfer of Pacific Cod Trawl Cooperative Program Quota Share for Processors	1	1	1	Operating costs: \$5	5
Notification of intent to process PCTC Program Pacific cod	2	1	2	Operating costs: \$5	10
Ninety-Day Transfer Window for Non-Exempt AFA LLP holders	31	1	31	Operating costs: \$5	155
Appeals	5	1	5	\$505 (Operating costs - \$5 Attorney - \$500 ¹)	2,525
TOTALS	48²		115		\$3,075

¹ NMFS expects the LLP license owner or processor to hire a lawyer for an appeal. \$500 = 4 hours of attorney time at \$125 per hour.

² Total respondents are the unique respondents only. Some respondents are expected to submit more than one instrument in this collection; therefore, the number of unique respondents is used to show the estimated annual number of separate participants who are expected to submit information during the 3-year initial approval period for this new information collection. The unique respondents are 36 LLP license owners and processor representatives (109 ÷ 3); 10 PCTC Program cooperatives; and 2 city representatives (Atka and Adak).

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

A cost recovery program will be in effect for the PCTC Program. Under this cost recovery program, NMFS is authorized to collect direct program costs from the CQ holders in the PCTC Program fishery. Therefore, the information collection requirements of the PCTC Program will not impose a cost on the Federal Government. Direct program costs are the costs NMFS will incur to manage, collect data from, and enforce the PCTC Program.

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

This is a request for a new information collection for the new Pacific Cod Trawl Cooperative Program. This request is due to a final rule to implement Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, which establishes the Pacific Cod Trawl Cooperative Program to allocate Pacific cod harvest quota to qualifying groundfish License Limitation Program license holders and qualifying processors (RIN 0648-BL08).

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

NMFS will post a list of the eligible PCTC Program LLP license holders and the eligible PCTC Program processors on the NMFS Alaska Region webpage on the day the final rule is published.

NMFS will publish some information from this collection, on the NMFS Alaska Region website for permits and licenses issued in Alaska (<https://www.fisheries.noaa.gov/alaska/commercial-fishing/permits-and-licenses-issued-alaska#more-information>). This information will include ownership information and the amount of QS owned.

If a notification of intent to process PCTC Program Pacific cod is received from the City of Adak or the City of Atka, NMFS will publish a notice in the *Federal Register* that the Aleutian Islands CQ set-aside will be in effect for the upcoming fishing year.

Final administrative appeal decisions with redactions will be posted on the NMFS National Appeals Office website at <https://www.fisheries.noaa.gov/national/rules-and-regulations/appeals>. Personally identifiable information and confidential business information submitted in an administrative appeal are not released to the public.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Notification of Intent to Process PCTC Program Pacific Cod and the Ninety Day Transfer Window for Non-Exempt AFA LLP Holders are not forms. These are letters or memoranda submitted by the respondents to NMFS. The agency plans to display the expiration date for OMB approval of the information collection on all other instruments.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).