

requirement under the Sustainable Fisheries Act to prepare a plan to rebuild overfished stocks. The Council also decided the species needs specific management measures to begin rebuilding. It adopted a one-fish possession limit rather than total prohibition in part to minimize the economic effects on the few vessels (believed to be about 50) that are considered to be part of a directed fishery, even though their catch of halibut is only occasional and mostly in state waters.

3. In addition to the preferred alternative of an increase in minimum fish size for winter flounder, the Council considered, but rejected, a possession limit of between 5,000 and 12,000 lb (2268 and 5443.2 kg) of winter flounder for Southern New England and a mesh change for the Gulf of Maine/ Georges Bank area. There were a strong opposition by industry to the mesh-size change alternative and a concern over a trip limit being confined to one area. The Council rejected the no action alternative because most stocks of winter flounder are considered overfished and in need of further protection of spawning size fish for rebuilding stock abundance.

NMFS seeks comments regarding the IRFA. In particular, NMFS is seeking information on the number of vessels using brush sweep trawl gear, the number of vessels currently fishing for halibut, and the number of vessels impacted by the proposed increase in the winter flounder fish size. Copies of the IRFA are available (see ADDRESSES).

Dated: April 14, 1999.

**Andrew A. Rosenberg,**

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990407088-9088-01; I.D. 030999A]

RIN 0648-AK69

#### Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues a proposed rule that would amend the regulations implementing the License Limitation Program (LLP) for the groundfish fisheries and the king and tanner crab fisheries of the exclusive economic zone (EEZ) off Alaska by adding an application process and a transfer process for licenses. This proposed rule would establish an application process for an LLP license by providing for an application period, specifying the type of information necessary for license eligibility, and providing the procedure for appealing agency determinations that are made based on information and evidence provided in support of applications. The proposed rule also would establish a transfer process for LLP licenses. This action is necessary to complete implementation of the LLP, a fishery management program recommended by the North Pacific Fishery Management Council (Council), and intended to further the objectives of the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI), the Fishery Management Plan for Groundfish of Gulf of Alaska (GOA), and the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands.

**DATES:** Comments must be received by May 19, 1999.

**ADDRESSES:** Comments should be addressed to Susan J. Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens, to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attn: NOAA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** John Lepore, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the U.S. groundfish fisheries of the GOA and the BSAI in the exclusive economic zone (EEZ) pursuant to the FMPs for groundfish in the respective management areas. The state of Alaska manages the commercial king crab and Tanner crab fisheries in the Bering Sea and the Aleutian Islands with Federal oversight, pursuant to the FMP for those

fisheries. The Council prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801, *et seq.* Regulations at 50 CFR part 679 implemented the FMPs. General regulations at 50 CFR 600 also apply.

Fishing under the LLP for the commercial groundfish fisheries in the EEZ of the GOA and the BSAI and the commercial king crab and Tanner crab fisheries in the Bering Sea and Aleutian Islands fishing is scheduled to begin January 1, 2000. The LLP will replace the Vessel Moratorium Program (VMP), which is scheduled to expire December 31, 1999 (64 FR 3651, January 25, 1999). The VMP which was implemented to curtail increases in fishing capacity and to provide industry stability while the Council developed and NMFS implemented a comprehensive solution for the affected fisheries. The LLP is an integral part of that solution.

The Council took final action to recommend the LLP in June 1995. The design and implementation of the LLP required more time than originally anticipated. When the final rule implementing the LLP was published on October 1, 1998 (63 FR 52642), the application process and the transfer process were postponed for further development. Paragraphs at § 679.4(k)(6) [Application Process] and § 679.4(k)(7) [Transfer Process] were reserved to allow for the inclusion of these processes.

#### Application Process for LLP Licenses

This proposed rule would provide for a one-time application period of no less than 90 days to be specified by a notice in the **Federal Register**. NMFS anticipates that the application period for LLP licenses will be in the second half of 1999. All applications for LLP licenses would have to be submitted during the time period specified for applying for a license. Applications postmarked after the ending date for the application period would be denied.

In anticipation of the information that will be necessary to evaluate and verify the claims of an applicant, NMFS is compiling a database containing information on vessels that were used to participate in the groundfish and crab fisheries during the qualifying periods for licenses. This database will constitute the official LLP record that will contain only complete and verifiable information and that, under this proposed rule, would be used for the purpose of determining eligibility for a license. An applicant who includes information in an application that is inconsistent with information in the

official LLP record would have the burden of proving that the information submitted in the application is correct.

NMFS would compare the official LLP record for each applicant with the qualification criteria specified in the LLP final rule (63 FR 52642, October 1, 1998). Based on that comparison, NMFS would prepare a summary of qualifications for those applicants appearing to be eligible. NMFS would send these applicants an application form and a copy of the summary of qualifications. Application forms also would be available on request. Applicants who agree with the summary of qualifications would merely need to complete the application with the provided data and include any other information requested on the form. Using the information from the summary of qualifications (by either NMFS or the applicant) is intended to expedite application processing because this information would be consistent with information in the official LLP record.

If an applicant agrees with the information in the summary of qualifications, and the information is sufficient to qualify the applicant for a license, NMFS would issue a license to the applicant at the conclusion of the application period. However, if an applicant disagrees with the information provided in the summary of qualifications, the applicant would have 60 days to submit information in the application other than that contained in the summary of qualifications. For example, an applicant could provide state fish tickets or Weekly Production Reports to verify documented harvests not found in the official LLP record. Or, an applicant could provide a sales contract verifying vessel ownership. Unsubstantiated or incompletely verified information would not be accepted. If an applicant is able to meet the burden of proving that the information submitted in the application is correct and sufficient to qualify the applicant for a license, NMFS would issue a license to the applicant at the conclusion of the application period.

If the applicant submits information in the application that is inconsistent with the information in the official LLP record but cannot be verified with evidence provided with the application, NMFS would not accept that information. NMFS would notify the applicant that the information provided in the application is inconsistent with information in the official LLP record or that necessary information is missing. The applicant would have 60 days in which to submit evidence to prove that

the information provided in the application is correct or to submit missing information. An applicant would be limited to one 60-day period to submit evidence or to correct or submit missing information.

If information in the application could not be substantiated or verified at the conclusion of the 60-day evidentiary period, NMFS would issue an initial administrative determination (IAD) indicating which information in the application is not accepted, and why. Applicants would then have an opportunity to appeal that IAD to the Regional Administrator. Section 679.43(d) currently provides that an appeal must be filed no later than 60 days after the date an IAD is issued.

Upon the filing of an appeal an appellate officer would perform an initial review. Two possible outcomes could result from that review. The appellate officer could (1) issue a decision on the merits of the appeal or (2) accept the appeal for further proceedings. An initial review of an applicant's appeal would result in an issuance of a decision on the merits if it is apparent that, although all claims are decided in favor of the applicant, he or she still would not qualify for the relief requested, or that the grounds of the appeal involve claims outside the appellate officer's jurisdiction (i.e., that the regulations are illegal).

An applicant who was issued a license the previous year would be eligible for a non-transferable license pending the final resolution of his or her claim pursuant to the license renewal provisions of 5 U.S.C. 558. The non-transferable license would authorize the applicant to deploy a vessel to conduct directed fishing for license limitation groundfish or crab species as specified on the license and would have specific endorsements and designations based on verified and unverified claims of the applicant. A non-transferable license could be granted to an applicant at one of two points in the resolution of his or her claim. First, a non-transferable license could be granted to an applicant in the IAD if the applicant failed to support a credible claim with sufficient evidence, but NMFS determines that the applicant could prove his or her claim on appeal. The non-transferable license would be effective until final agency action. Second, issuance of a non-transferable license could be ordered by an appellate officer, even if a non-transferable license was not issued in the IAD. Again, this non-transferable license would be effective until final agency action. If any portion of an applicant's claim is in dispute, the entire license the applicant would

receive would be non-transferable, including portions of the license that could have been verified and issued, until final resolution of the disputed claim. This provision would give effect to the LLP's prohibition on severing a license. Otherwise, if an applicant was granted a fully transferable portion of a license while a disputed claim was being resolved, the applicant could transfer the granted portion to another person. This transfer would result in two participants in the affected fisheries, instead of only one, if the applicant prevailed in the appeal and another license was issued. To prevent this occurrence, an applicant's entire license would be non-transferable pending a final agency action. A non-transferable license would expire on final agency action. At that time, the person who appealed would either receive a transferable license, or no license at all, depending on the final agency action.

#### **Transfer Process for LLP Licenses**

The transfer process for LLP licenses would enable a license holder to request a transfer of an LLP license to any person who meets the eligibility requirements. Eligibility requirements would include (1) the designated transferee being eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C., (2) the parties to the transfer having no fines, civil penalties, other payments due and outstanding, or outstanding permit sanctions resulting from Federal fishing violations, and (3) the transfer not causing the designated transferee to exceed the license cap in § 679.7.

A license holder also would need to request a transfer if the license holder plans to use the license on a vessel other than the one designated on the license. A license would be valid for use only on the vessel designated on the license; therefore the transfer procedure must be used to change the vessel designated on the license.

A complete application would have to be submitted to the Administrator, Alaska Region, for approval before a transfer could occur. Application forms would be available on request. NMFS would return incomplete applications to the applicant and would identify specific information that is necessary to make the application complete. Information that would be required in the application includes (1) identification information for all parties to the transfer, (2) identification information for the vessel on which the license will be used, (3) documentation of the eligibility of the designated transferee to document a fishing vessel,

(4) a copy of the contract or sales agreement for the transfer, and (5) the signatures of the parties to the transfer.

The proposed rule also would provide for transfer requests by court order, operation of law, or as part of a security agreement. This provision contemplates that some transfers might not be voluntarily requested by the permit holder. Under those circumstances, the Administrator, Alaska Region, would review the information in the transfer application or other document and determine whether the requested transfer would conflict with other provisions of the LLP regulations (e.g., transfer to a person who could not document a fishing vessel under Chapter 121, Title 46, U.S.C.).

Finally, a license could not be transferred more than once per calendar year. This limitation should restrict the incidence of intraseason movement of licenses among vessels and operators. The Council identified intraseason movement of licenses and vessels as behavior that could contribute to overcapacity and excess effort in the affected fisheries.

#### Classification

At this time, NMFS has not determined that this rule is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

An EA/RIR was prepared for the LLP, of which this rule is a part. The EA/RIR describes the management background, the purpose and need for action, the management action alternatives, and the socio-economic impacts of the alternatives. It estimates the total number of small entities affected by this action and analyzes the economic impact on those small entities. Based on the economic analysis in the EA/RIR, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities for the following reason:

Although most fishing operations that would be affected by this rule are considered small entities, these entities would not experience "significant economic impact" as a result of this rule. NMFS estimates that 3,450 persons will apply for a license under the LLP. Estimated completion time per

application is 2.5 hours. Given the small time burden associated with application completion, any economic costs would not cause a "significant economic impact." NMFS estimates that 10 percent of all applicants (345 of 3,450) will transfer a license annually. Estimated completion time per transfer is 1 hour. This completion time is less than the completion time contemplated for the application process. Given the small time burden associated with an application for a transfer, and the small percentage of affected entities, any economic costs would not cause a "significant economic impact to a substantial number of small entities."

As a result, an initial regulatory flexibility analysis was not prepared.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

This proposed rule contains a revised collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This revision has been submitted to OMB for approval. OMB approved the original collection of information requirement for the LLP under OMB control number 0648-0334. Please refer to this number in any correspondence regarding this request. The public reporting burden for this collection of information is estimated to average 2.5 hours per response for an application for initial issuance, 1 hour per response for an application for transfer, and 4 hours per response for an appeal. These response times include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS (see ADDRESSES above), and to OMB at the Office of Information and Regulatory Affairs, Office of Management and

Budget, Washington, DC. 20503 (Attention: NOAA Desk Officer).

#### List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: April 14, 1999.

**Penelope D. Dalton,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

#### PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

**Authority:** 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, the definition for "Official LLP record" is added in alphabetical order to read as follows:

#### § 679.2 Definitions.

\* \* \* \* \*

*Official LLP record* means the information assembled by the Regional Administrator about vessels that were used to participate in the groundfish and crab fisheries during the qualifying periods for the License Limitation Program. Information in the official LLP record includes vessel ownership information, documented harvests made from vessels during the qualification periods, and vessel characteristics. The official LLP record is presumed to be correct for the purpose of determining eligibility for licenses. An applicant for a license under the License Limitation Program has the burden of proving that information submitted in an application that is at variance with the official LLP record is correct.

\* \* \* \* \*

3. In § 679.4, text is added to paragraphs (k)(6) and (7) to read as follows:

#### § 679.4 Permits.

\* \* \* \* \*

(k) \* \* \*

(6) *Application for a groundfish license or a crab species license—(i) General.* The Regional Administrator will issue a groundfish license or a crab species license to an eligible applicant if that applicant meets all the criteria for eligibility in paragraph (k) of this section, a complete and timely application is filed by or on behalf of the applicant, and the complete application is approved by the Regional Administrator. An application form will be sent to the last known address of a

person identified as an eligible applicant by the Official LLP Record. The Regional Administrator will provide an application form to any person who requests one.

(ii) *Application period.* An application period of no less than 90 days will be specified by notice in the **Federal Register** and other information sources deemed appropriate by the Regional Administrator.

(iii) *Contents of application.* To be complete, an application for a groundfish license or a crab species license must contain the following information:

(A) Name(s), business address(es), telephone number(s), and FAX number(s) of the applicant(s);

(B) Name, state registration number (e.g., ADF&G number), and, if applicable, the USCG documentation number of the vessel being used as the basis for eligibility for a license; and name, state registration number (e.g., ADF&G number), and, if applicable, the USCG documentation number of the vessel to be deployed with the license if different than the vessel used as the basis of eligibility for a license;

(C) Name of the managing company, if any;

(D) Valid documentation of the documented harvests that are the basis of eligibility for a license, including harvest area, gear used, date of landing, and, if applying for a crab species license, species;

(E) Valid documentation of LOA on June 24, 1992, of the vessel used as the basis of eligibility for a license. If that vessel was under reconstruction on that date, valid documentation of LOA on the date reconstruction was completed and valid documentation of when reconstruction began and ended;

(F) Valid documentation of LOA on June 17, 1995, of the vessel used as the basis of eligibility for a license. If that vessel was under reconstruction on that date, valid documentation of LOA on the date reconstruction was completed and valid documentation of when reconstruction began and ended;

(G) Valid documentation to support the applicant's claim for a vessel designation of catcher vessel or catcher/processor vessel;

(H) Valid documentation of ownership of the vessel being used as the basis for eligibility for a license (for USCG documented vessels, valid documentation must be the USCG Abstract of Title), or, if eligibility is based on a fishing history that has been separated from a vessel, valid documentation of ownership of the fishing history being used as the basis of eligibility for a license;

(I) Valid documentation of the LOA of the vessel to be deployed by the license if different than the vessel used as the basis for eligibility for a license; and

(J) Signature of the applicant(s), or the individual responsible for representing the applicant(s).

(iv) *Other information required for special circumstances.* To be complete, an application also must contain the following information for these special circumstances.

(A) *Successor-in-interest.* An applicant applying as the successor-in-interest to an eligible applicant must provide valid documentation proving the applicant's status as a successor-in-interest to that eligible applicant and:

(1) valid documentation of death or disability of that eligible applicant at the time of application, if the eligible applicant was or is an individual; or

(2) valid documentation that that eligible applicant is no longer in existence at the time of application, if the eligible applicant is not an individual.

(B) *Norton Sound crab species license endorsement.* In addition to other information that must be provided pursuant to paragraph (k)(6)(iii) of this section, an applicant for a crab species license endorsement for Norton Sound must indicate whether he or she was a State of Alaska permit holder for the Norton Sound king crab summer fishery in 1993 or 1994 or for a corporation that owned or had a lease for a vessel on June 17, 1995, that participated in the Norton Sound king crab summer fishery in 1993 or 1994.

(C) *Extended general qualification period.* An applicant for a license based on meeting the general qualification period documented harvest requirement of making a documented harvest with jig or pot gear between June 28, 1992, and December 31, 1994, pursuant to paragraph (k)(4)(i)(A)(2) or (B)(2) of this section, must select one endorsement area for license issuance, notwithstanding the fact that the applicant may have the documented harvests necessary to qualify for more than one endorsement area.

(D) *Unavoidable circumstances.* An applicant for a license based on an unavoidable circumstance pursuant to paragraph (k)(8)(iv) of this section must provide the information required by that paragraph, the date the vessel on which the application is based was lost, damaged, or otherwise unable to participate in the fishery, and the date a documented harvest was made from the replacement vessel.

(v) *Application evaluation.* The Regional Administrator, will evaluate all timely filed applications. A timely

filed application is an application that is postmarked before the ending date for the application period for the License Limitation Program specified in the **Federal Register**. All claims and data in the application will be compared with information and data from the Official LLP Record. Any claims or data in the application that are consistent with the information and data from the Official LLP Record are uncontested data. Uncontested data in the application will be accepted by the Regional Administrator. Uncontested data will be used by the Regional Administrator, in determining whether the applicant is eligible for a license as claimed in the application. Any claims or data in the application that are inconsistent with the information and data from the Official LLP Record are contested data. Contested data in applications will not be accepted. Pursuant to paragraph (k)(6)(vii) of this section, an applicant who submits contested data, or an applicant who fails to submit data as specified in paragraphs (k)(6)(iii) and (iv), will have 60 days to submit additional information, submit evidence to support his or her contested data, or submit a revised application with claims consistent with data in the Official LLP Record.

(vi) *Additional information or evidence.* Additional information or evidence to support an applicant's contested data will be evaluated by the Regional Administrator if submitted within the 60-day evidentiary period pursuant to paragraph (k)(6)(vii) of this section. If the Regional Administrator determines that the additional information or evidence meets the applicant's burden of proving that the contested data in his or her application are correct, the Official LLP Record will be amended and the data will be used in determining whether the applicant is eligible for a license. However, if the Regional Administrator determines that the additional information or evidence does not meet the applicant's burden of proving that the contested data in his or her application are correct, the applicant will be notified by an initial administrative determination, pursuant to paragraph (k)(6)(viii) of this section, that the information or evidence submitted is insufficient to change the Official LLP Record.

(vii) *Sixty-day evidentiary period.* An applicant who submits data in the application that is inconsistent with the Official LLP Record has the burden of proving that the submitted data are correct. If the Regional Administrator determines that the applicant submitting the data did not meet the burden of proving that the submitted

data are correct through information or evidence provided with the application, that applicant will be notified and will have 60 days to submit additional information or evidence to support the claims and data in his or her application, or to submit a revised application with claims and data consistent with the data in the Official LLP Record. Also, an applicant who fails to submit data as specified in paragraphs (k)(6)(iii) and (iv) of this section will have 60 days to submit that data. An applicant will be limited to one 60-day evidentiary period. Additional information or evidence, or a revised application, received after the 60-day evidentiary period has expired will not be considered for purposes of the initial administrative determination.

(viii) *Initial administrative determinations (IAD)*. If, following the receipt of additional information or a revised application, the Regional Administrator determines that there is still insufficient information or evidence to rebut the presumption that the Official LLP Record is accurate, or, if the submitted information, evidence, or revised application is not submitted within the time period indicated in the 60-day evidentiary period notification letter, an IAD will be prepared and sent to the applicant who had submitted the application with contested or missing data. The IAD will explain the deficiency in the contested or missing data, the deficiency in the additional information or evidence submitted in support of the contested or missing data, or the deficiency in the revised application. The IAD will also indicate which claims cannot be approved based on the available information or evidence. An applicant who receives an IAD will have an opportunity to appeal pursuant to § 679.43. An applicant who avails himself or herself of the opportunity to appeal an IAD will not receive a transferable license until after the final resolution of that appeal, notwithstanding the eligibility of that applicant for some claims based on uncontested data in the application.

(ix) *Issuance of a non-transferable license*. When required by the license renewal provisions of 5 U.S.C. 558, NMFS will issue a non-transferable

license to an applicant on issuance of an IAD, or alternatively, by order of an appellate officer. NMFS may issue a non-transferable license when NMFS issues an IAD if an applicant failed to support his or her claim with sufficient evidence, but NMFS determines that the applicant's claim is credible and may be proven on appeal. NMFS may issue a non-transferable license to an applicant pursuant to an order of an appellate officer pending final agency action if a non-transferable license was not issued with the IAD. A non-transferable license authorizes a person to deploy a vessel to conduct directed fishing for license limitation groundfish or crab species as specified on the non-transferable license, and will have the specific endorsements and designations based on the claims in his or her application. A non-transferable license will expire upon final agency action.

(7) *Transfer of a groundfish license or a crab species license*—(i) *General*. NMFS will transfer a groundfish license or a crab species license if a license holder and designated transferee meet all the eligibility criteria for transfers in paragraph (k)(7)(ii) of this section and the license holder submits a complete application that is subsequently approved by the Regional Administrator. NMFS will provide an application form to any person who requests one.

(ii) *Eligibility criteria for transfers*. NMFS will not approve a groundfish license or crab species license transfer if:

(A) The designated transferee is not eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C.;

(B) There are fines, civil penalties, other payments due and outstanding, or outstanding permit sanctions resulting from Federal fishing violations involving any party to the transfer;

(C) The transfer will cause the designated transferee to exceed the license caps in § 679.7(j); or

(D) The transfer violates other provisions specified in this part.

(iii) *Contents of application*. To be complete an application for a groundfish license transfer or a crab species license transfer must contain the following information, as applicable:

(A) Name(s), business address(es), telephone number(s), FAX number(s), of the license holder and the designated transferee;

(B) Name, state registration number (e.g., ADF&G number), and, if applicable, the USCG documentation number of the vessel on which the license will be used after the transfer is approved;

(C) Valid documentation that the designated transferee is a person eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C.;

(D) A legible copy of a contract or sales agreement that specifies the license to be transferred, the license holder, the designated transferee, the monetary value or the terms of the license transfer, and the signature of the license holder and the designated transferee;

(E) Information regarding whether a broker was used for the transaction, whether the license was collateralized, and other information the Regional Administrator deems necessary for measuring program performance; and

(F) Signature of the license holder and the designated transferee, or of the individuals responsible for representing those persons.

(iv) *Incomplete applications*. NMFS will return to the applicant a transfer application that is determined to be incomplete by the Regional Administrator. The returned application will identify the specific kinds of information necessary to make the application complete.

(v) *Transfer by court order, operation of law, or as part of a security agreement*. The Regional Administrator will approve a complete transfer application based on a court order, operation of law, or a security agreement, if the transfer does not conflict with any of the provisions of this section.

(vi) *Transfer Limitation*. A groundfish license or a crab species license may be transferred only once in any calendar year. NMFS will not approve an application for transfer that violates this provision.

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