§ 697.6 Dealer permits.

(a) Any person who receives, for a commercial purpose (other than solely for transport on land), American lobster from the owner or operator of a vessel issued a valid permit under this part, or any person who receives, for a commercial purpose (other than solely for transport on land), American lobster, managed by this part, must have been issued, and have in his/her possession, a valid permit issued under this section.

(b) Dealer application. Applicants for a dealer permit under this section must submit a completed permit application on an appropriate form obtained from the Regional Administrator. To be complete, an application must contain at least the following information, and any other information specified on the application form or otherwise required by the Regional Administrator; Company name, place(s) of business, mailing address(es) and telephone number(s); owner’s name; dealer permit number (if a renewal); and name and signature of the person responsible for the truth and accuracy of the report. If the dealer is a corporation, a copy of the Certificate of Incorporation; and the names and addresses of all shareholders owning 25 percent or more of the corporation’s shares, must be included with the application. If the dealer is a partnership, a copy of the Partnership Agreement and the names and addresses of all partners; if there is
more than one partner, names of all
partners having more than a 25 percent
interest; and name and signature of all
partner or partners authorized must be
included with the application. The ap-
plication must be signed by the appli-
cant and submitted to the Regional Ad-
ministrator at least 30 days prior to
the date on which the applicant needs
the permit. The Regional Adminis-
trator will notify the applicant of any
deficiency in the application.

(c) Fees. The Regional Administrator
may charge a fee to recover the admin-
istrative expenses of issuing a permit
required under this section. The
amount of the fee shall be calculated in
accordance with the procedures of the
NOAA Finance Handbook, available
from the Regional Administrator, for
determining administrative costs of
each special product or service. The fee
may not exceed such costs and shall be
specified with each application form.
The applicable fee must accompany
each application; if it does not, the ap-
plication will be considered incomplete
for purposes of paragraph (e) of this
section. Any fee paid by an insuffi-
ciently funded commercial instrument
shall render any permit issued on the
basis thereof null and void.

(d) Issuance. Except as provided in
subpart D of 15 CFR part 904, the Re-
gional Administrator will issue a per-
mit at any time during the fishing year
to an applicant, unless the applicant
has failed to submit a completed appli-
cation. An application is complete
when all requested forms, information,
and documentation have been received.
Upon receipt of an incomplete or im-
properly executed application, the Re-
gional Administrator will notify the
applicant of the deficiency in the appli-
cation. If the applicant fails to correct
the deficiency within 30 days following
the date of notification, the applica-
tion will be considered abandoned.

(e) Expiration. A permit expires upon
the renewal date specified in the per-
mits.

(f) Duration. A permit is valid until it
is revoked, suspended, or modified
under 15 CFR part 904, or otherwise ex-
pires, or ownership changes, or the ap-
plicant has failed to report any change
in the information on the permit appli-
cation to the Regional Administrator
as required by paragraph (i) of this sec-
tion.

(g) Reissuance. A dealer permit may
be reissued by the Regional Adminis-
trator when requested in writing by
the applicant, stating the need for
reissuance and the number of the per-
mits requested to be reissued. An appli-
cation for a reissued permit is not con-
sidered a new application. An approp-
riate fee may be charged.

(h) Transfer. Permits issued under
this section are not transferable or as-
signable. A permit is valid only for the
person, or other business entity, to
which it is issued.

(i) Change in application information.
Notice of a change in the dealers name,
address, or telephone number must be
submitted in writing to, and received
by, the Regional Administrator within
15 days of the change in information. If
written notice of the change in infor-
mation is not received by the Regional
Administrator within 15 days, the per-
mit is void.

(j) Alteration. Any permit that has
been altered, erased, or mutilated is in-
valid.

(k) Display. Any permit issued under
this part must be maintained in legible
condition and displayed for inspection
upon request by any authorized officer.

(l) Federal versus state requirements. If
a requirement of this part differs from
a fisheries management measure re-
quired by state law, any dealer issued a
Federal dealer permit under this part
must comply with the more restrictive
requirement.

(m) Sanctions. Permits issued or
sought under this section may be sus-
pended, revoked, or modified, by proce-
dures governing enforcement-related
permit sanctions and denials, found at
subpart D of 15 CFR part 904.

(n) Lobster dealer recordkeeping and re-
porting requirements. (1) Detailed report.
Effective January 1, 2010, all Federally-
permitted lobster dealers, and any per-
son acting in the capacity of a dealer,
must submit to the Regional Adminis-
trator or to the official designee a de-
tailed report of all fish purchased or re-
ceived for a commercial purpose, other
than solely for transport on land, within
the time periods specified in para-
graph (q) of this section, or as specified
in §648.7(a)(1)(f) of this chapter, whichever is most restrictive, by one of the available electronic reporting mechanisms approved by NMFS, unless otherwise directed by the Regional Administrator. The following information, and any other information required by the Regional Administrator, must be provided in each report:

(i) Required information. All dealers issued a Federal lobster dealer permit under this part must provide the following information, as well as any additional information as applicable under §648.7(a)(1)(i) of this chapter:

Dealer name; dealer permit number; name and permit number or name and hull number (USCG documentation number or state registration number, whichever is applicable) of vessel(s) from which fish are transferred, purchased or received for a commercial purpose; trip identifier for each trip from which fish are purchased or received from a commercial fishing vessel permitted under part 648 of this chapter with a mandatory vessel trip reporting requirement; date(s) of purchases and receipts; units of measure and amount by species (by market category, if applicable); price per unit by species (by market category, if applicable) or total value by species (by market category, if applicable); port landed; cage tag numbers for surfclams and ocean quahogs, if applicable; disposition of the seafood product; and any other information deemed necessary by the Regional Administrator. If no fish are purchased or received during a reporting week, a report so stating must be submitted.

(ii) Exceptions. The following exceptions apply to reporting requirements for dealers permitted under this part:

(A) Inshore Exempted Species, as defined in §648.2 of this chapter, are not required to be reported under this part;

(B) When purchasing or receiving fish from a vessel landing in a port located outside of the Northeast Region (Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia and North Carolina), only purchases or receipts of species managed by the Northeast Region under this part (American lobster), and part 648 of this chapter, must be reported. Other reporting requirements may apply to those species not managed by the Northeast Region, which are not affected by the provision; and

(C) Dealers issued a permit for Atlantic bluefin tuna under part 635 of this chapter are not required to report their purchases or receipts of Atlantic bluefin tuna under this part. Other reporting requirements, as specified in §635.5 of this chapter, apply to the receipt of Atlantic bluefin tuna.

(iii) Dealer reporting requirements for skates. In addition to the requirements under paragraph (n)(1)(i) of this section, dealers shall report the species of skates received. Species of skates shall be identified according to the following categories: winter skate, little skate, little/winter skate, barndoor skate, smooth skate, thorny skate, clearnose skate, rosette skate, and unclassified skate. NMFS will provide dealers with a skate species identification guide.

(2) System requirements. All persons required to submit reports under paragraph (n)(1) of this section are required to have the capability to transmit data via the Internet. To ensure compatibility with the reporting system and database, dealers are required to utilize a personal computer, in working condition, that meets the minimum specifications identified by NMFS. The affected public will be notified of the minimum specifications via a letter to all Federal lobster dealer permit holders. Failure to comply with the minimum specifications identified in the permit holder letter are prohibited.

(3) Annual report. All persons issued a permit under this part are required to submit the following information on an annual basis, on forms supplied by the Regional Administrator:

(i) All dealers and processors issued a permit under this part must complete all sections of the Annual Processed Products Report for all species that were processed during the previous year. Reports must be submitted to the address supplied by the Regional Administrator.

(ii) Surfclam and ocean quahog processors and dealers whose plant processing capacities change more than 10 percent during any year shall notify
the Regional Administrator in writing within 10 days after the change.  

(iii) Atlantic herring processors, including processing vessels, must complete and submit all sections of the Annual Processed Products Report.  

(iv) Atlantic hagfish processors must complete and submit all sections of the Annual Processed Products Report.  

(o) Inspection. Upon the request of an authorized officer or an employee of NMFS designated by the Regional Administrator to make such inspections, all persons required to submit reports under this part must make immediately available for inspection copies of reports, and all records upon which those reports are or will be based, that are required to be submitted or kept under this part.  

(p) Record retention. Any record as defined at §648.2, related to fish possessed, received, or purchased by a dealer that is required to be reported, must be retained and be available for immediate review for a total of 3 years after the date the fish were first possessed, received, or purchased. Dealers must retain the required records and reports at their principal place of business.  

(q) Submitting dealer reports. (1) Detailed dealer reports required by paragraph (n)(1)(i) of this section must be received by midnight of the first Tuesday following the end of the reporting week. If no fish are purchased or received during a reporting week, the report so stating required under paragraph (n)(1)(i) of this section must be received by midnight of the first Tuesday following the end of the reporting week.  

(2) Dealers who want to make corrections to their trip-level reports via the electronic editing features may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact NMFS directly to request an extension of time to make the correction.  

(3) The trip identifier required under paragraph (n)(1) of this section for each trip from which fish are purchased or received from a commercial fishing vessel permitted under part 648 of this chapter with a mandatory vessel trip reporting requirement must be submitted with the detailed report, as required under paragraph (q)(1) of this section. Price and disposition information may be submitted after the initial detailed report, but must be received within 16 days of the end of the reporting week.  

(4) Annual reports for a calendar year must be postmarked or received by February 10 of the following year. Contact the Regional Administrator (see Table 1 to §600.502) for the address of NMFS Statistics.  

(5) At-sea purchasers and processors. With the exception of the owner or operator of an Atlantic herring carrier vessel, the owner or operator of an at-sea purchaser or processor that purchases or processes any Atlantic herring, Atlantic mackerel, squid, butterfish, scup, or black sea bass at sea must submit information identical to that required by paragraph (n)(1) of this section and provide those reports to the Regional Administrator or designee by the same mechanism and on the same frequency basis.  

(r) Additional data and sampling. Federally permitted dealers must allow access to their premises and make available to an official designee of the Regional Administrator any fish purchased from vessels for the collection of biological data. Such data include, but are not limited to, length measurements of fish and the collection of age structures such as otoliths or scales.  

(s) Additional dealer reporting requirements. All persons issued a lobster dealer permit under this part are subject to the reporting requirements set forth in paragraph (n) of this section, as well as §§648.6 and 648.7 of this chapter, whichever is most restrictive.  

[64 FR 68248, Dec. 6, 1999, as amended at 74 FR 37549, July 29, 2009]