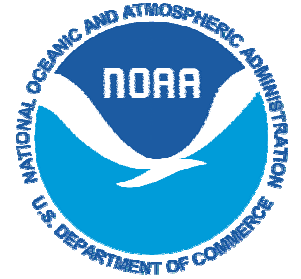


# BSAI Crab Rationalization -- Arbitration System

*I am a fisherman or a processor, what do I have to do ?*



## 1. Join an Arbitration Organization 680.20(d) Page 10261

For QS/PQS holders:

Join the appropriate Arbitration Organization by August 15, 2005.

For IFQ/IPQ holders that don't have QS/PQS:

Join the appropriate Arbitration Organization 15 days after issuance of IFQ/IPQ, or as soon as you receive it by transfer.

### Three kinds of Organizations

Arbitration QS/IFQ –  
For unaffiliated QS/IFQ holders.

Affiliated QS/IFQ –  
For affiliated QS/IFQ holders.

PQS/IPQ –  
For PQS and IPQ holders.

**Small Entity Compliance Guide:**  
NMFS has provided this small entity compliance guide to satisfy the Small Business Regulatory Enforcement Fairness Act of 1996, which requires a plain language guide to assist small entities in complying with this rule. This synopsis provides a general overview as a public service. For exact regulatory language, please refer to the final rule at [www.fakr.noaa.gov](http://www.fakr.noaa.gov).

If you join a Arbitration QS/IFQ Organization, that Organization must ...

1. Provide Information to its members on uncommitted IPQ.  
– directly or through a third party.
2. Disclose any information concerning uncommitted IPQ except as provided.

## 2. Establish a Contract that requires the Arbitration Organization to ...

680.20(e)(2) Page 10262

1. Select the “Experts” – Market Analyst, Formula Arbitrator, Contract Arbitrator.
2. Ensure members sign a confidentiality agreement to limit data release.
3. Provide information to members from the Experts – Copies of contracts and reports.
4. Release data to NMFS as required.
5. Share costs for the Experts, information sharing, negotiation approaches.
6. Limits the ability of the Arbitration Organization to negotiate on behalf of its members.
7. Enforce the contracts under civil law.

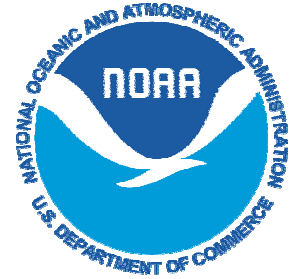
### Also...

If you join a PQS/IPQ Organization, that Organization must ...

1. Provide Information to Arbitration QS/IFQ Organizations on uncommitted IPQ – directly or through a third party.
2. Disclose any information concerning uncommitted IPQ except as provided.
3. Provide updates on terms of concluded contracts.
4. Make sure its members comply with the information sharing.

# BSAI Crab Rationalization -- Arbitration System

## *What other types of contracts are required ?*



### 1. Among Arbitration Organizations

#### Establish a contract for sharing the costs of the Program.

These contracts must be established among all of the Arbitration Organizations.  
680.20(e)(2)(v) Page 10263.

#### Provide Data on uncommitted IPQ.

These contracts are among the PQS/IPQ Arbitration Organizations and the Arbitration QS/IFQ Arbitration Organizations.  
680.20(e)(iv) Page 10263.

### 3. Among Arbitration Organizations and NMFS

1. Submit an Annual Report by August 20, 2005.  
680.20(d)(3) Page 10262.
2. Provide information on uncommitted and committed IPQ. 680.20(e)(2)(iv) Page 10262.
3. Notification of the Experts selected by September 1, 2005. 680.20(e)(6) Page 10263.

**Small Entity Compliance Guide:** NMFS has provided this small entity compliance guide to satisfy the Small Business Regulatory Enforcement Fairness Act of 1996, which requires a plain language guide to assist small entities in complying with this rule. This synopsis provides a general overview as a public service. For exact regulatory language, please refer to the final rule at [www.fakr.noaa.gov](http://www.fakr.noaa.gov).

### 2. Among Arbitration Organizations and the Experts

1. With the Market Analyst to produce the Market report.  
680.20(f) Page 10263.
3. With the Formula Arbitrator to produce the Non-Binding Price Formula. 680.20(g) Page 10264
4. With the Contract Arbitrator to provide Binding Arbitration services.  
680.20(h) Page 10265

This contract also contains the terms that apply to members of the Arbitration Organizations that are using the negotiation approaches – Open Negotiation, Share Matching, Lengthy Season.

This contract also specifies how the members of Arbitration Organizations may collectively negotiate.

### 4. Third Party Data Collection for IPQ/IFQ.

If an Arbitration QS/IFQ Organization wishes to set up a Third Party agent to disseminate data on uncommitted IPQ, it needs a contract with the Third Party.

A PQS/IPQ organization would also need to set up a contract with this Third Party.  
680.20(e)(2)(iv)(C) Page 10263.