

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

04/21/2006

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 01/27/2006.

TITLE: Alaska Individual Fishing Quota Cost Recovery
Program Requirements

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0398
EXPIRATION DATE: 04/30/2009

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	2,830	5,504	2
New	2,726	5,452	3
Difference	-104	-52	1
Program Change		0	0
Adjustment		-52	1

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request DOC/NOAA/NMFS	2. OMB control number b. <input type="checkbox"/> None a. <u>0648</u> - <u>0398</u>
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input checked="" type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input checked="" type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 6. Requested expiration date a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title <u>Alaska Individual Fishing Quota Cost Recovery Program Requirements</u>	
8. Agency form number(s) (<i>if applicable</i>) <u>N/A</u>	
9. Keywords <u>"Fishing," "Fishing Vessels," and "Fisheries"</u>	
10. Abstract The Magnuson-Stevens Fishery Conservation and Management Act requires that the Secretary of Commerce maintain a Cost Recovery Program to cover the management and enforcement costs of the Individual Fishing Quotas for Pacific Halibut and Sablefish in the Alaska Fisheries (IFQs) Program. This Cost Recovery Program requires Registered Buyers to submit information about the volume and value of IFQ species landings and for the IFQ permit holders to calculate and submit fees.	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input checked="" type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input checked="" type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input checked="" type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents <u>2,700</u> b. Total annual responses <u>2,726</u> 1. Percentage of these responses collected electronically <u>33</u> % c. Total annual hours requested <u>5452</u> d. Current OMB inventory <u>5504</u> e. Difference <u>(52)</u> f. Explanation of difference 1. Program change _____ 2. Adjustment <u>(52)</u>	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs <u>0</u> b. Total annual costs (O&M) <u>3</u> c. Total annualized cost requested <u>3</u> d. Current OMB inventory <u>2</u> e. Difference <u>1</u> f. Explanation of difference 1. Program change _____ 2. Adjustment <u>1</u>
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input checked="" type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input checked="" type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input checked="" type="checkbox"/> Reporting 1. <input checked="" type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input checked="" type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: <u>Patsy A. Bearden</u> Phone: <u>(907) 586-7228</u>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
ALASKA INDIVIDUAL FISHING QUOTA COST RECOVERY PROGRAM
REQUIREMENTS
OMB CONTROL NO.: 0648-0398**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Section 304(d)(2) of the Magnuson-Stevens Fishery Conservation & Management Act (Magnuson-Stevens Act) requires an Individual Fishing Quota (IFQ) Cost Recovery Plan (Plan) to recover management and enforcement costs for the IFQs for Pacific Halibut and Sablefish in the Alaska Fisheries (see OMB No. 0648-0272). National Marine Fisheries Service, Alaska Region (NMFS), developed the Plan to assess the IFQ participants to pay for these costs through fees based on a percentage of the ex-vessel value of IFQ landings made during a fishing season. An IFQ permit holder incurs a cost recovery fee liability for each pound of IFQ halibut or sablefish landed on his/her permit(s).

The IFQ permit holder is responsible for collecting the fee and for submitting a payment to NMFS by the 31st of January of the year following the year in which landings were made. Three percent of total ex-vessel value of IFQ halibut and sablefish harvested is the maximum annual fee amount authorized by section 304(d)(2)(B) of the Magnuson-Stevens Act.

IFQ permit holders are responsible for fees owed for all landings on their permit(s), regardless of whether their fishable pounds came from their own held Quota Share (QS), or was "leased" in from another QS holder; and regardless of whether the permit holder or hired skippers made the landings.

This action is a request for renewal for this collection.

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

The IFQ Cost Recovery Plan requires the use of two forms: an IFQ Fee Submission Form and a Registered Buyer Value and Volume Form. NMFS publishes standard ex-vessel values during the last quarter of each year (see, for example, 70 FR 74208, December 15, 2005) for use in the calculation of fees by individual IFQ participants.

a. IFQ Permit Holder Fee Submission Form

After each IFQ fishing year, NMFS Restricted Access Program (RAM) mails to each IFQ participant an annual statement that shows the individual's fee liability based on standard ex-vessel values determined through register buyer information submitted. If the participant agrees with the summary and therefore the fee liability, the calculation part of the form is not

completed. The participant would complete Blocks A through E and pay NMFS by check or credit card, submitting payment and information via mail, toll-free telephone, fax or through the Internet, by January 31 of the following year.

NMFS also provides an option for participants to pay amounts during the fishing year toward the fee (called prepayment of fees, see item b, below). The summary which NMFS provides, in this case, would also show the amounts paid and the amount still due, if any.

If the participant disagrees with the fee calculation based on standard value, he or she may calculate the actual ex-vessel value using the calculation section of the form and transferring some information from the summary to the fee submission form. If not in agreement with the summary, the IFQ permit holder would complete Block F (Fee Calculation), in addition to Blocks A through E, to calculate fee liabilities based on the ex-vessel value of a permit holder's IFQ landings. The IFQ permit holder may calculate a revised fee liability for all or part of his or her IFQ landings.

For fee liabilities based on actual ex-vessel value, IFQ permit holders must provide to NMFS the actual value received for their landings, the calculation of their corresponding fees, and (if requested by NMFS) evidence supporting the actual ex-vessel value determination (for example, fish tickets, sales receipts, or check stubs that clearly identify the IFQ landing amount, species, date, time, and ex-vessel value or price). If the permit holder fails to provide adequate documentation by the 30th day after the date of such request, NMFS will determine the IFQ permit holder's fee liability based on standard ex-vessel values.

NMFS provides a toll-free number that can be used by both permit holders and Registered Buyers.

IFQ Permit Holder Fee Submission Form

Block A. Overpayment

If estimated "balance due" for prior year is less than zero (deficit), select one of the following options:

- Apply overpayment to future fee liabilities or
- Issue Refund

Block B. Identification of IFQ permit holder

- Name and NMFS Person ID of IFQ permit holder
- Social Security Number* or tax ID number

*The Debt Collection Improvement Act, Section 7701 of title 31, United States Code, requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the permit holder(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.

- Business mailing address, telephone number, FAX number and e-mail address (if any)
- Indicate if business mailing address is permanent or temporary

Block C. Agreement with IFQ Fee Liability Summary

- Indicate (YES or NO) whether agree with indicated IFQ fee liability summary
- If YES, date and sign in Block D and complete Block E
- If NO, complete Block F (Fee Calculation)

Block D. Signature

Printed name and signature of IFQ Permit Holder and date signed

If Authorized Agent, attach authorization

Block E. Method of Payment

Indicate whether paying by personal check, cashiers check or money order

If paying by check, ensure check is signed

If paying for multiple permit holders, include all completed and signed Fee Submission Forms

If paying by credit card, indicate

Charge card type

Card number

Expiration Date

Amount of payment

Name as Printed on card

Signature of card holder

Date signed

Block F. Fee Calculation (if disagree with NMFS summary)

Permit number(s)

Date of landing

Port location

IFQ pounds

Standard ex-vessel price

Actual ex-vessel price

Total

Ex-vessel Value Total

Plus Total Adjustments (retros, bonuses)

Subtotal

Fee liability

Less Pre-payments or Credits (if any)

Balance Due

Enclosed payment amount

IFQ Permit Holder Fee Submission Form, Respondent	
Number of respondents	2,600
Total annual responses	2,600
Total burden time (2,600 x 2 hr)	5,200 hr
Estimated time per response = 2 hr	
Total personnel cost (5,200 hr x \$25)	\$130,000
Personnel cost per hour = \$25	
Total miscellaneous cost	\$3,070
Photocopy 0.10 ea page x 2 pages x 2,600 = 520	
Submit annually by mail 1,205 x 0.74 ea = 891.70	
Prepay by mail 104 x 0.74 ea x 4 times/year = \$307.84	
Submit by FAX 436 x \$3 = 1308	
Submit by Internet = 855 x \$0.05 = 42.75	

IFQ Permit Holder Fee Submission Form, Federal Government	
Total annual responses	2,600
Total time burden	2,600
Estimated time per response = 1 hr	
Total personnel cost (2,600 x \$25)	\$65,000
Personnel cost per hour = \$25	
Total miscellaneous cost	0

b. IFQ Registered Buyer Ex-vessel Value and Volume Report.

This annual report is required from all IFQ Registered Buyers that operate as shoreside processors and that receive and purchase IFQ fish landings from IFQ permit holders. Through this report, Registered Buyers provide monthly IFQ landings information and value paid to IFQ permit holders for those landings. This information enables NMFS to establish annual standard ex-vessel values for halibut and sablefish based on the location (regionality) and timing (seasonality) of the landings.

This report includes landings and value information up to September 30th of each calendar year. The report must be submitted to NMFS on or before October 15th of the same year by mail, FAX, or Internet. Registered buyers also have access to the toll-free telephone number provided by NMFS.

IFQ Registered Buyer Ex-vessel Volume and Value Report

Block A. Identification of Registered Buyer

Indicate (YES or NO) whether Registered Buyer performed shoreside activity this IFQ fishing year

If NO, stop, you are not required to submit this report

If YES, continue this report

Name and NMFS person ID number (if applicable) of Registered Buyer

Registered buyer number

Social Security Number* or tax ID number

*The Debt Collection Improvement Act, Section 7701 of title 31, United States Code, requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the permit holder(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.

Business mailing address, telephone number, FAX number, and e-mail address (if any)

Indicate whether business address is permanent or temporary

Facility or vessel location (port location)

Block B. Pounds purchased and value report

For each of the 10 periods ending: October 31, November 30, December 31, March 31, April 30, May 31, June 30, July 31, August 31, and September 30

Halibut pounds/payments

Pounds purchased (headed/gutted)

Total gross ex-vessel value paid

Sablefish pounds/payments

Pounds purchased (round weight)

Total gross ex-vessel value paid

Block C. Certification

Printed name and signature of IFQ Registered Buyer and date signed

If representative, attach authorization

IFQ Registered Buyer Ex-vessel Value and Volume Report, Respondent	
Number of respondents	100
Total annual responses	100

Total burden time (100 x 2 hr)	200 hr
Estimated time per response = 2 hr	
Total personnel cost (200 hr x \$25)	\$5,000
Personnel cost per hour	
Total miscellaneous cost	\$146
Photocopy @ 0.10 ea page x 1 page x 100 = \$10	
FAX @ \$3 x 36 = \$108	
Mail @ 0.74 ea x 36 = \$26.64	
Internet @ 0.05 x 28 = \$1.40	

IFQ Registered Buyer Ex-vessel Value and Volume Report, Federal Government	
Total annual responses	100
Total time burden (100 x 4 hr)	400 hr
Estimated time per response = 4 hr	
Total personnel cost (400 hr x \$25)	\$10,000
Personnel cost per hour = \$25	
Total miscellaneous cost	0

c. Fee Liability Appeals

IFQ permit holders may appeal the fee liabilities determined by NMFS. No specific information requirements are detailed to request an appeal. However, the respondent would need to provide evidence proving his or her fee liability claim. NMFS estimates that 1% of all applicants will appeal.

Fee Liability Appeals, Respondent	
Number of respondents (1% x 2,600)	26
Total annual responses	26
Total burden time (26 x 2 hr)	52 hr
Estimated time per response = 2 hr	
Total personnel cost (52 hr x \$25)	\$1,300
Personnel cost per hour = \$25	
Total miscellaneous cost	\$19
Mailing @ 0.74 ea x 26 = \$19.24	

Fee Liability Appeals, Federal Government	
Total annual responses	26
Total burden time (26 x 4)	104 hr
Estimated time per response = 4 hr	
Total personnel cost (104 x \$100)	\$10,400
Personnel cost per hour = \$100	
Total miscellaneous cost	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this

Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

An IFQ Permit holder may submit his/her payment by mail, telephone, FAX, or Internet. Collecting information on line will be a benefit for both the IFQ Permit holder and NMFS by providing different payment options for the respondent, and allowing NMFS to have the information entered directly into the database.

4. Describe efforts to identify duplication.

The Fee Submission Form is unique to the Plan, so no duplication exists with other information collections on prices obtained. NMFS does have information on the name, address, etc. of IFQ permit holders (see OMB 0648-0272). However, these addresses change during the year, and it is essential to have the accurate address at the time of submission.

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

This collection of information does not impose a significant impact on small entities.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

There would be no cost recovery if there were no annual collection of fees. NMFS requires the fee payment on an annual basis. This is the minimum amount of fee return collection needed to have a successful Cost Recovery Plan.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The IFQ Registered Buyer Ex-vessel Value and Volume Report includes landings and value information up to September 30th of each calendar year. The report will be submitted to NMFS on or before October 15th of the same year by mail, FAX, or Internet. In order to calculate the most accurate and timely standard ex-vessel prices, NMFS must have landings/value information from the latest date possible. The standard ex-vessel summary must be available to IFQ permit holders for fee calculation. During the design of the program in fee collection workgroup meetings, Registered Buyers and their representatives expressed the ability to complete and submit this form by the October 15th deadline. It was their willingness and the programmatic need for the information in a timely manner that caused NMFS to justify this inconsistency with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A *Federal Register* Notice (70 FR 65887, November 1, 2005), copy attached, solicited public comment. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided under this Plan.

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

The information collected is confidential under section 402 (b) of the Magnuson Act (16 U.S.C. 1801 *et seq.*) It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This collection does not include information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

Total estimated respondents: 2,700. Total estimated responses: 2,726. Total estimated burden hours: 5,452, down from 5,504. Total estimated personnel costs: \$136,300, down from \$137,600.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Total miscellaneous costs: \$3,235, up from \$2,358.

14. Provide estimates of annualized cost to the Federal government.

Total estimated burden hours: 3,104. Total estimated personnel costs: \$85,400. Total miscellaneous costs: \$0.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Burden hours decreased because previously the prepay participant burden was added to the total burden, whereas it should have been included within the total burden. Miscellaneous costs increased due to increased postage, incorporation of FAX charges, and incorporation of prepay submittals estimated at 4 times per year.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Some of the information collected will be tabulated and published in the **IFQ Cost Recovery Program Annual Report** on the Internet. Information tabulated may contain, but is not limited to the following: Total amount of fees, ex-vessel values and landings, number of permit holders, number of permit holders using actual prices, number of permit holders using standard prices, and number and description of un-paid fees and payment disputes.

A list of current Standard Ex-vessel Prices is provided on the Internet.

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

In accordance with OMB requirements, the control number and the expiration date of OMB approval will be shown on the fee collection forms.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions to the certification statement exist.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.



**IFQ Permit Holder
 Fee Submission Form**

U.S. Department of Commerce/NOAA
 National Marine Fisheries Service (NMFS)
 Office of Operations, Management and Information (OMI)
 P.O. Box 21668
 Juneau, Alaska 99802-1668
 Telephone: (800) 304-4846 toll free or (907) 586-7202 in Juneau
 FAX: (907) 586-7354

BLOCK A -- OVERPAYMENT

If your estimated "Balance Due" is less than zero (deficit), you **MUST** select one of the following options:

[] Apply Overpayment to Future Fee Liabilities **OR** [] Issue Refund

BLOCK B -- IDENTIFICATION OF IFQ PERMIT HOLDER

1. Name of IFQ Permit Holder	2. NMFS Person ID Number
3. Social Security Number* (required) or Tax ID Number	4. Business E-mail Address (if any)
5. Business Mailing Address Indicate if this address is <u>Permanent</u> [] or <u>Temporary</u> []	6. Business Telephone Number
	7. Business Fax Number

*The Debt Collection Improvement Act, Section 7701 of title 31, United States Code, requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the permit holder(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.

BLOCK C -- AGREEMENT WITH IFQ FEE LIABILITY SUMMARY

Check if you agree with your IFQ Fee Liability Summary. [] YES [] NO

If you have checked YES, please date and sign your name where designated in Block D, complete Block E, and mail this Fee Submission Form with your payment, or as indicated in Block E, in the envelope provided.

If you have checked NO, complete Block F (Fee Calculation) using the fee calculation instructions (pages two and three of the attached instructions). After you have completed Block F, return to Block D on page 1 and print, sign, and date the Fee Submission Form, complete Block E, and mail the form with your payment, in the envelope provided.

BLOCK D -- CERTIFICATION

Under penalties of perjury, I declare that I have examined this submission of material, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Printed Name of IFQ Permit Holder or Authorized Agent (If agent, attach authorization)

2. Signature of IFQ Permit Holder or Authorized Agent

3. Date

STOP!

Have you completed BLOCK E and included payment of your IFQ Fee?
 Have you made a copy of your Fee Submission Form and check/money order for your records?
 RAM does not send verification of payment and strongly recommends you retain copies for your records.

BLOCK E – METHOD OF PAYMENT

1. Personal Check Cashiers Check Money Order made payable to National Marine Fisheries Service (NMFS)
REMINDER! Sign your check and, if paying for multiple permit holders, include their completed/signed Fee Submission Forms.

2. Charge to the following: Visa Mastercard American Express Discover Novus

Card No: _____ Exp. Date: _____

Amount of Payment: _____ Name as Printed on Card: _____

Signature of Card Holder: _____ Date: _____

BLOCK F – FEE CALCULATION

Permit Number	Date of Landing	Port Location	IFQ Pounds	Standard Ex-vessel Price	Actual Ex-vessel Price	Total
<i>Sample</i>	<i>3/20/2005</i>	<i>Sitka</i>	<i>5000</i>		<i>\$2.20</i>	<i>\$11,000</i>
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17. Ex-vessel Value Total (add lines 2-16):						
18. Plus Total Adjustments (retros, bonuses):						
19. Subtotal (add lines 17 and 18):						
20. Fee Liability* (multiply the published fee percentage by line 19):						
21. Less Pre-payments or Credits (if any):						
22. Balance Due (enter result after subtracting line 21 from 20):						
23. Enclosed Payment Amount:						

*Your fee liability is based on the total value received for IFQ halibut or sablefish landed on your IFQ permit during the IFQ fishing year. It should represent the total dollar value of IFQ pounds before any deductions are made for goods and services provided (i.e., bait, ice, fuel, repairs, machinery replacement, etc.), multiplied by the NMFS published fee percentage for the IFQ fishing year.

**Instructions for
IFQ PERMIT HOLDER FEE SUBMISSION FORM**

BLOCK A -- OVERPAYMENT

If you have a credit from prepayments of the previous year or a balance due that is less than zero (deficit), you must choose to receive a refund or a credit on your future IFQ liabilities. All refunds will be issued out of the National Oceanic and Atmospheric Administration, Department of Finance, in Silver Spring, Maryland. **Please allow a minimum of eight weeks for your refund to be issued.** If you do not choose one of these options and have an amount due, it will automatically be credited to your IFQ Fee Liability Account.

BLOCK B -- IDENTIFICATION OF IFQ PERMIT HOLDER

Enter the information requested below in the designated areas on the IFQ Permit Holder Fee Submission Form.

1. Name of IFQ Permit Holder: Full name of the individual, corporation, or partnership that is the holder of the permit.
2. NMFS Person ID Number: Identification number assigned to the permit holder by National Marine Fisheries Service (NMFS), Restricted Access Management (RAM).
3. SSN* or Tax ID Number: **This information is required.**

The Debt Collection Improvement Act, Section 7701 of title 31, United States Code, requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the permit holder(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.

4. Business E-mail Address: E-mail address, if available.
5. Business Mailing Address: Business mailing address where information should be sent; include street or post office box number, state, and zip code. Check whether the address provided is a permanent or temporary address. If the address is a "Permanent Address," the address will be updated in the official RAM database; if the address is checked as a "Temporary Address," it will be used on a one-time-only basis for processing this form and RAM's database will not be changed.
- 6-7. Business Telephone Number and Fax Number: Business telephone and fax numbers, including area codes.

Note: It is important to provide a number where messages can be left to avoid delay in processing the Fee Submission Form if any questions arise.

BLOCK C -- AGREEMENT WITH IFQ FEE LIABILITY SUMMARY

All permit holders must complete Blocks A through E of the IFQ Permit Fee Submission form. If you indicated in Block C that you are not in agreement with the Summary, then Block F (Fee Calculation) must also be completed.

BLOCK D -- CERTIFICATION

1. Printed Name of IFQ Permit Holder or Authorized Agent: Print or type the full name of the permit holder or authorized agent signing on behalf of the permit holder. **Note**: If an agent is acting on behalf of the permit holder, written authorization signed by the permit holder must be submitted with the Fee Submission Form.
2. Signature of IFQ Permit Holder or Authorized Agent: The permit holder or authorized agent must sign and date the application where indicated. The application will not be considered without the signature of the permit holder or authorized agent.
3. Date: Indicate the date on which the Fee Submission Form is signed.

BLOCK E -- METHOD OF PAYMENT

1. If paying by personal check, cashiers check, or money order, check the box that indicates the form of payment being used to pay your IFQ Fee Liability. A copy of your check or money order should be retained for your own records.
2. If paying by credit card, check the box that indicates the type of card used. **Note**: Only the credit cards listed are accepted for payment through NMFS/RAM at this time. The credit card number, expiration date, the name as printed on the card, and the card holder's signature must be completed for RAM to accept this form of payment. **If any of the required credit card information is missing, your payment WILL NOT be accepted.**

BLOCK F -- FEE CALCULATION

Complete this block ONLY if you indicated in Block C that you did not agree with your IFQ Fee Liability Summary.

1-16. Permit Number: Enter permit number(s).

Date of Landing: Enter date(s) the landing(s) was/were made.

Port Location: Enter the port(s) where landing(s) was/were made.

IFQ Pounds: Enter the number of IFQ pounds landed (include any retained pounds "IFQ pounds" is net weight for Halibut and round weight for Sablefish) on permit(s) for specific date(s).

Standard Ex-Vessel Price: Enter the standard ex-vessel price located on your IFQ Fee Liability Summary. You may use either the standard price /or the actual price for each landing in your summary.

Actual Ex-Vessel Price: Enter the actual ex-vessel value for this permit. You may use either the standard price or the actual price for each landing in your summary.

Total: Multiply the total pounds landed on the permit(s) by the standard or actual ex-vessel price to get the total for each landing.

17. Ex-vessel Value Total: Add lines 2 through 16 to get the subtotal of fees owed for all permits.

18. Plus Total Adjustments: Add total adjustments (retros or bonuses paid in current year for previous year).

19. Subtotal: Add lines 17 and 18.

20. Fee Liability: Multiply the permit(s) subtotal (line 19) by the published fee percentage.
21. Less Pre-Payments or Credits: Subtract any pre-payments or credits from line 20. If you have a pre-payment or credit, it will be indicated on your IFQ Fee Liability Summary.
22. Balance Due: This indicates your balance due or credit after subtracting line 21 from 20. If you show a credit, return to Block A and check whether you would like your credit refunded or have it applied to future fee liabilities. If you show a balance owed, fill in line 23.
23. Enclosed Payment Amount: If you show a balance owed, enter the amount of the payment you will be submitting.

Do not forget to sign and enclose your personal or certified check or money order and send it to:

U.S. Dept. of Commerce/NOAA,
National Marine Fisheries Service,
Office of Operations, Management and Information (OMI),
P.O. Box 21668,
Juneau, Alaska 99802-1668.

If paying by credit card, make sure ALL requested card information is provided. Do not mail cash.

We will not be sending receipts for payments received by check or money order, so we strongly recommend that you retain a copy of this completed form and your check/money order for your records. Only payments received by credit card will be sent generated computerized receipts after those payments are processed.

If you need assistance in completing this form, or you have questions about the IFQ Cost Recovery Program, or any other RAM program, call toll free at
(800) 304-4846 (#2) or
(907) 586-7202 (#2).


RAM's program information, applications, and reports can also be located on the Alaska Region Internet site at www.fakr.noaa.gov.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to: NOAA National Marine Fisheries Service, Alaska Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) 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 Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

	<p align="center">IFQ REGISTERED BUYER Ex-vessel Volume and Value Report</p>	<p>U.S. Department of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, Alaska 99802-1668 Telephone: (800) 304-4846 toll free or (907) 586-7202 in Juneau FAX: (907) 586-7354</p>
---	---	--

BLOCK A – IDENTIFICATION OF REGISTERED BUYER

1. Did this Registered Buyer perform any shoreside activity this IFQ fishing year? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, continue. This report is due to NMFS by October 15th. If NO, stop. You do not need to submit this report.	
1. Name of Registered Buyer	2. NMFS Person ID No.
3. Facility or Vessel Location (Port Location)	4. Registered Buyer Permit No
5. Social Security Number* (required) or Tax ID Number	6. Business E-mail Address (if any)
7. Business Mailing Address	8. Business Telephone Number
	9. Business Fax Number
Indicate if this address is <u>Permanent</u> [<input type="checkbox"/>] or <u>Temporary</u> [<input type="checkbox"/>]	

*The Debt Collection Improvement Act, Section 7701 of title 31, United States Code, requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the permit holder(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.

BLOCK B – POUNDS PURCHASED AND VALUE REPORT

Period Ending	Halibut Pounds & Payments		Sablefish Pounds & Payments	
	Pounds Purchased (headed/gutted)	Total Gross Ex-vessel Value Paid*	Pounds Purchased (round weight)	Total Gross Ex-vessel Value Paid*
October 31**				
November 30**				
December 31**				
March 31				
April 30				
May 31				
June 30				
July 31				
August 31				
September 30				

*Total Gross Ex-vessel value paid should include the dollar value of purchased pounds before any deductions are made for goods and services (e.g., bait, ice, fuel, repairs, machinery replacement, etc.) provided to the IFQ Permit Holder. It should also include price adjustments (retro payments) made in each month to IFQ permit holders for landings made during the previous calendar year.

**Use prior year calculations for these months: Note that IFQ sablefish harvested incidental to other directed fishing may be retained and sold through December 31.

BLOCK C – CERTIFICATION

Under penalties of perjury, I declare that I have examined this submission of material, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Printed Name of IFQ Registered Buyer or Authorized Agent (If agent, attach authorization)

2. Signature of IFQ Registered Buyer or Authorized Agent

3. Date

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to: NOAA, National Marine Fisheries Service, Alaska Region, Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) 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 Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

**Instructions for
IFQ REGISTERED BUYER EX-VESSEL VOLUME AND VALUE REPORT**

GENERAL INFORMATION

This annual report is required from all IFQ Registered Buyers that operate as shoreside processors and that receive and purchase IFQ fish landings from IFQ permit holders. Through this report, Registered Buyers provide monthly IFQ landings information and value paid to IFQ permit holders for those landings. This information enables NMFS to establish annual standard ex-vessel values for halibut and sablefish based on the location (regionality) and timing (seasonality) of the landings. The standard EX-vessel values will be used to assess a fee from IFQ permit holders who choose not to itemize their landings and receipts.

Note: if no ex-vessel sale occurs (*e.g.*, if the processor accepted fish for special processing) then it should not be included on the form.

This form must include all pounds and associated value of any purchased IFQ landings made from March 15 through **September 30** of the current year. Use prior year calculations for October, November, and December.

The completed form must be received by NMFS/RAM by mail, FAX, or Internet no later than **October 15**.

Send by mail to:

**NMFS Alaska Region,
Attn: RAM Program
P.O. Box 21668
Juneau AK 99802-1668**

Send by FAX to:

(907) 586-7354

BLOCK A - IDENTIFICATION OF REGISTERED BUYER

1. Indicate (YES or NO) whether Registered Buyer performed any shoreside activity during the current IFQ fishing year.
If YES, continue the report. This report is due to NMFS by October 15th.
If NO, stop. You do not need to submit this report.
2. Name of Registered Buyer.
3. Registered Buyer permit number.
4. Social Security number* or Tax ID number.

*The Debt Collection Improvement Act, Section 7701 of title 31, United States Code, requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the permit holder(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.

5. NMFS person ID number is the identifying number assigned to you for the IFQ program.
6. Business Mailing Address, including zip code (**Note:** if you check "Permanent Address," we will update the database; if you choose "Temporary Address," we will use it for this one application and we will not change the RAM database).

- 7 & 8. Business telephone number and FAX number, including area code.
9. Business e-mail address, if any.
10. Enter the port location where landings occurred.

BLOCK B - POUNDS PURCHASED AND VALUE REPORT

Pounds purchased: Enter the total IFQ equivalent pounds purchased for halibut and/or sablefish by month.

All halibut landings must be expressed in pounds of headed and gutted product. If halibut is purchased in any other product form, convert to IFQ equivalent pounds by **multiplying** the purchased pounds by the official NMFS halibut conversion factor (list enclosed). Example if **not** purchased headed and gutted:

<u>Product code</u>	<u>Pounds purchased</u>	<u>(X)Conversion factor</u>	<u>(=)IFQ equivalent pounds</u>
4	10,000	.90	9,000

All sablefish landings must be expressed in **round** pounds. If sablefish is purchased in any other product form, convert to IFQ equivalent pounds by **dividing** the purchased pounds by the official NMFS sablefish product recovery code (list enclosed). Example if **not** purchased in round pounds:

<u>Product code</u>	<u>Pounds purchased</u>	<u>(/)Product recovery code</u>	<u>(=)IFQ equivalent pounds</u>
8	6,300	.63	10,000

Total Gross Ex-Vessel Value Paid: Enter the total dollar value purchased for fish in any product form of IFQ equivalent pounds before any deductions are made for goods and services (*e.g.*, bait, ice, fuel, repairs, machinery replacement, *etc.*) provided to the IFQ permit holder. You must also include price adjustments made in the current year to IFQ permit holders for landings made during the previous calendar year.

BLOCK C - CERTIFICATION

1. Printed name of the Registered Buyer or the Authorized Representative. (if Representative, attach authorization)
2. Signature of Registered Buyer Applicant or the Authorized Representative.
3. Enter the date the application was signed.

§679.5

50 CFR Ch. VI (10-1-01 Edition)

the vessel will obtain prelanding written clearance at that port in a state other than Alaska.

(C) *Foreign port other than Canada.* A vessel operator who lands IFQ species in a foreign port must first obtain a vessel clearance from a clearing officer located at a primary port in the State of Alaska as described in paragraph (1)(5)(vi) of this section.

(D) *Canadian ports.* No person shall make an IFQ landing in Canada other than at the ports of Port Hardy, Prince Rupert, or Vancouver, British Columbia.

(iv) *Permits and cards.* A vessel operator obtaining a vessel clearance must have a registered buyer permit and one or more IFQ cardholders on board with IFQ holdings equal to or greater than all IFQ halibut and IFQ sablefish on board.

(v) *Inspection.* A vessel for which a vessel operator is seeking clearance is subject to inspection of all fish, logbooks, permits, and other documents on board the vessel at the discretion of the clearing officer.

(vi) *Primary ports.* Unless specifically authorized on a case-by-case basis, vessel clearances will be issued only by clearing officers at the primary ports listed in Table 14 to this part.

(6) *Record retention.* A copy of all reports and receipts required by this section must be retained by registered buyers and be made available for inspection by an authorized officer or a clearing officer for a period of 3 years.

(7) *IFQ cost recovery program—(i) IFQ buyer report.*

(A) *Applicability.* An IFQ registered buyer that also operates as a shoreside processor and receives and purchases IFQ landings of sablefish or halibut must submit annually to NMFS a complete IFQ Buyer Report as described in this paragraph (1) and as provided by NMFS for each reporting period, as described at §679.5 (1)(7)(i)(E), in which the registered buyer receives IFQ fish.

(B) *Due date.* A complete IFQ Buyer Report must be postmarked or received by the Regional Administrator not later than October 15 following the reporting period in which the IFQ registered buyer receives the IFQ fish.

(C) *Information required.* A complete IFQ Buyer Report must include the following information:

(1) *IFQ registered buyer identification,* including:

- (i) Name,
- (ii) Registered buyer number,
- (iii) Social Security number or tax identification number,
- (iv) NMFS person identification number (if applicable),
- (v) Business address,
- (vi) Telephone number,
- (vii) Facsimile telephone number,
- (viii) Primary registered buyer activity,
- (ix) Other registered buyer activity, and
- (x) Landing port location;

(2) *Pounds purchased and values paid.*

(i) The monthly total weights, represented in IFQ equivalent pounds by IFQ species, that were landed at the landing port location and purchased by the IFQ registered buyer;

(ii) The monthly total gross ex-vessel value, in U.S. dollars, of IFQ pounds, by IFQ species, that were landed at the landing port location and purchased by the IFQ registered buyer;

(3) *Value paid for price adjustments.* (i) The monthly total U.S. dollar amount of any IFQ retro-payments (correlated by IFQ species, landing month(s), and month of payment) made in the current year to IFQ permit holders for landings made during the previous calendar year;

(ii) *Certification,* including the signature of the individual authorized by the IFQ registered buyer to submit the IFQ Buyer Report, and date of signature.

(D) *Submission address.* A complete IFQ Buyer Report must be received at the following address by mail or facsimile transmission: Administrator, Alaska Region, NMFS, Attn: RAM Program, P.O. Box 21668, Juneau, AK 99802-1668, Facsimile: (907) 586-7354.

(E) *Reporting period.* The reporting period of the IFQ Buyer Report shall extend from October 1 through September 30 of the following year, inclusive.

(ii) *IFQ permit holder Fee Submission Form—(A) Applicability.* An IFQ permit holder who holds an IFQ permit against which a landing was made must submit to NMFS a complete IFQ

permit holder Fee Submission Form provided by NMFS.

(B) *Due date and submittal.* A complete IFQ permit holder Fee Submission Form must be postmarked or received by the Regional Administrator not later than January 31 following the calendar year in which any IFQ landing was made.

(C) *Contents of an IFQ Fee Submission Form.* For each of the sections described here, a permit holder must provide the specified information.

(1) *Identification of the IFQ permit holder.* An IFQ permit holder with an IFQ landing must accurately record on the identification section of the IFQ Fee Submission Form the following information:

- (i) The printed name of the IFQ permit holder;
- (ii) The NMFS person identification number;
- (iii) The Social Security number or tax ID number of the IFQ permit holder;
- (iv) The business mailing address of the IFQ permit holder; and
- (v) The telephone and facsimile number (if available) of the IFQ permit holder.

(2) *IFQ landing summary and estimated fee liability.* NMFS will provide to an IFQ permit holder an IFQ Landing Summary and Estimated Fee Liability page as required by § 679.45(a)(2). The IFQ permit holder must either accept the accuracy of the NMFS estimated fee liability associated with his or her IFQ landings for each IFQ permit, or calculate a revised IFQ fee liability in accordance with paragraph (1)(7)(ii)(C)(2)(i) of this section. The IFQ permit holder may calculate a revised fee liability for all or part of his or her IFQ landings.

(i) *Revised fee liability calculation.* To calculate a revised fee liability, an IFQ permit holder must multiply the IFQ percentage in effect by either the IFQ actual ex-vessel value or the IFQ standard ex-vessel of the IFQ landing. If parts of the landing have different values, the permit holder must apply the appropriate values to the different parts of the landings.

(ii) *Documentation.* If NMFS requests in writing that a permit holder submit documentation establishing the factual

basis for a revised IFQ fee liability, the permit holder must submit adequate documentation by the 30th day after the date of such request. Examples of such documentation regarding initial sales transactions of IFQ landings include valid fish tickets, sales receipts, or check stubs that clearly identify the IFQ landing amount, species, date, time, and ex-vessel value or price.

(3) *Fee calculation section—(i) Information required.* An IFQ permit holder with an IFQ landing must record the following information on the Fee Calculation page: The name of the IFQ permit holder; the NMFS person identification number; the fee liability amount due for each IFQ permit he or she may hold; the IFQ permit number corresponding to such fee liability amount(s) due; the total price adjustment payment value for all IFQ halibut and/or sablefish (e.g., IFQ retro-payments) received during the reporting period for the IFQ Fee Submission Form as described in § 679.5(1)(7)(ii)(D); and the fee liability amount due for such price adjustments.

(ii) *Calculation of total annual fee amount.* An IFQ permit holder with an IFQ landing must perform the following calculations and record the results on the Fee Calculation page: add all fee liability amount(s) due for each IFQ permit and record the sum as the sub-total fee liability for all permits; multiply price adjustment payment(s) received for each IFQ species by the fee percentage in effect at the time the payment(s) was received by the IFQ permit holder; add the resulting fee liability amounts due for all price adjustment payments for each IFQ species, then enter the sum as the sub-total fee for price adjustments; add the sub-total fee liability for all permits and the sub-total fee for price adjustments, then enter the resulting sum as the total annual fee amount on the Fee Calculation page and on the Fee Payment page.

(4) *Fee payment and certification section—(i) Information required.* An IFQ permit holder with an IFQ landing must provide his or her NMFS person identification number and must sign and date the Fee Payment section and record the following: his or her printed name; the total annual fee amount as

calculated and recorded on the Fee Calculation page; the total of any pre-payments submitted to NMFS that apply to the total annual fee amount; the remaining balance fee; and the enclosed payment amount.

(ii) *Calculation of balance fee payment.*

An IFQ permit holder with an IFQ landing must perform the following calculation on the Fee Payment section of the Fee Submission Form: Subtract from the total annual fee amount the total of all pre-payments made (if any) to NMFS and any credits held by NMFS that are applicable to that year's total IFQ cost recovery fees, and record the result as the balance of the fee amount due.

(D) *Reporting Period.* The reporting period of the IFQ Fee Submission Form shall extend from January 1 to December 31 of the year prior to the January 31 due date described in § 679.5(1)(7)(ii)(B).

(m) *Consolidated weekly ADF&G fish tickets from motherships—(1) Requirement.* (i) In addition to requirements described in paragraphs (a) and (b) of this section, the operator of a mothership must ensure that the combined catch for each catcher vessel is summarized at the end of each weekly reporting period by species on a minimum of one ADF&G groundfish fish ticket when the mothership receives any groundfish from a catcher vessel that is issued a federal fisheries permit under § 679.4. (An ADF&G fish ticket is further described (see § 679.3) at Alaska Administrative Code, 5 AAC Chapter 39.130.)

(ii) Only that information listed here need be completed on the fish ticket for purposes of federal groundfish requirements. Some of the fish ticket fields are defined differently for purposes of federal groundfish requirements.

(2) *Information required from the catcher vessel.* The operator of a mothership must ensure that the following information is written legibly or imprinted from the catcher vessel operator's State of Alaska, Commercial Fisheries Entry Commission (CFEC) permit card on the consolidated weekly ADF&G fish ticket:

(i) *Vessel name.* Name of the catcher vessel delivering the groundfish.

(ii) *Name.* Name of CFEC permit holder aboard the catcher vessel delivering the groundfish. If there is a change in the operator of the same catcher vessel during the same weekly reporting period, complete a fish ticket for each operator.

(iii) *Permit number.* CFEC permit number of CFEC permit holder aboard the catcher vessel delivering the groundfish.

(iv) *ADF&G No.* ADF&G vessel number of the catcher vessel delivering the groundfish.

(v) *ADF&G Statistical area.* The six-digit ADF&G groundfish statistical area denoting the actual area of catch.

(vi) *Permit holder's signature.* The signature of the catcher vessel CFEC permit holder.

(3) *Information required from the mothership.* The operator of a mothership must ensure that the following information is written legibly or imprinted from the mothership's CFEC processor plate card on the consolidated weekly ADF&G fish ticket:

(i) *Processor code.* ADF&G processor code of mothership.

(ii) *Company.* Name of mothership.

(iii) *Port of landing or vessel transhipped to.* Enter "FLD", a code which means floating domestic mothership.

(iv) *Fish received by.* The signature of the mothership operator.

(4) *Information required about the catch.* The operator of a mothership must record on the consolidated weekly ADF&G groundfish fish ticket the following information:

(i) *Date landed.* The week-ending date of the weekly reporting period during which the mothership received the groundfish from the catcher vessel.

(ii) *Type of gear used.* Write in one of the following gear types used by the catcher vessel to harvest the groundfish received: Hook and line, pot, non-pelagic trawl, pelagic trawl, jig/troll, other.

(iii) *Code.* Species code for each species from Table 2 to this part, except species codes 120, 144, 168, 169, or 171.

(iv) *Condition code.* The product code from Table 1 to this part which describes the condition of the fish received by the mothership from the catcher vessel. In most cases, this will be product code 01, whole fish.

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 304. ACTION BY THE SECRETARY

16 U.S.C. 1854

97-453, 104-297

(d) ESTABLISHMENT OF FEES.--

(1) The Secretary shall by regulation establish the level of any fees which are authorized to be charged pursuant to section 303(b)(1). The Secretary may enter into a cooperative agreement with the States concerned under which the States administer the permit system and the agreement may provide that all or part of the fees collected under the system shall accrue to the States. The level of fees charged under this subsection shall not exceed the administrative costs incurred in issuing the permits.

(2)(A) Notwithstanding paragraph (1), the Secretary is authorized and shall collect a fee to recover the actual costs directly related to the management and enforcement of any--

(i) individual fishing quota program; and

(ii) community development quota program that allocates a percentage of the total allowable catch of a fishery to such program.

(B) Such fee shall not exceed 3 percent of the ex-vessel value of fish harvested under any such program, and shall be collected at either the time of the landing, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested.

(C) (i) Fees collected under this paragraph shall be in addition to any other fees charged under this Act and shall be deposited in the Limited Access System Administration Fund established under section 305(h)(5)(B), except that the portion of any such fees reserved under section 303(d)(4)(A) shall be deposited in the Treasury and available, subject to annual appropriations, to cover the costs of new direct loan obligations and new loan guarantee commitments as required by section 504(b)(1) of the Federal Credit Reform Act (2 U.S.C. 661c(b)(1)).

(ii) Upon application by a State, the Secretary shall transfer to such State up to 33 percent of any fee collected pursuant to subparagraph (A) under a community development quota program and deposited in the Limited Access System Administration Fund in order to reimburse such State for actual costs directly incurred in the management and enforcement of such program.

Material, a producer and exporter of superalloy degassed chromium from Japan and mandatory respondent in this investigation, did not act to the best of its ability. Thus, the Department continues to find that the use of adverse facts available is warranted under section 776(a)(2) of the Act. See *Preliminary Determination*, 70 FR at 48539–48540.

Final Determination of Investigation

We determine that the following weighted average dumping margins exist for the period January 1, 2004, through December 31, 2004:

Manufacturer or Exporter	Weighted-Average Margin (percent)
JFE Material Co., Ltd. ..	129.32
All Others	129.32

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.211(b)(1), we will instruct Customs and Border Protection (CBP) to continue to suspend liquidation of all imports of subject merchandise from Japan entered, or withdrawn from warehouse, for consumption on or after August 18, 2005, the date of the publication of our preliminary determination. CBP shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown above. These instructions suspending liquidation will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative and in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or

after the effective date of the suspension of liquidation (*i.e.*, August 18, 2005).

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: October 25, 2005.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. 05–21769 Filed 10–31–05; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Individual Fishing Quota Cost Recovery Program Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 3, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, 907–586–7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Magnuson-Stevens Fishery Conservation and Management Act requires that the Secretary of Commerce conduct a Cost Recovery Program to cover the management and enforcement costs of the Alaska Individual Fishing Quota (IFQ) Program. This Cost Recovery Program requires IFQ permit holders to submit information about the value of landings of IFQ species and to calculate and submit fees. The Cost Recovery Program requires Registered Buyers to submit information about the value and volume of landings of IFQ species.

II. Method of Collection

Paper fee submission forms (mailed with payment) or report and payment online.

III. Data

OMB Number: 0648–0398.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; and business or other for-profits organizations.

Estimated Number of Respondents: 2,700.

Estimated Time per Response: 2 hours to complete IFQ Permit Holder Fee Submission Form; 2 hours to complete IFQ Registered Buyer Ex-vessel Value and Volume Report; 2 hours to complete the appeal process; and 30 minutes for prepayment of fees.

Estimated Total Annual Burden Hours: 5,504.

Estimated Total Annual Cost to Public: \$2,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 26, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-21686 Filed 10-31-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Coastal and Estuarine Land Conservation Planning, Protection or Restoration

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 3, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Elaine Vaudreuil, 301-713-3155 ext. 103 or Elaine.Vaudreuil@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The FY 2002 Commerce, Justice, State Appropriations Act directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program (CELCP) to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion, and to issue guidelines for this program delineating the criteria for grant awards. The guidelines establish procedures for eligible applicants who choose to participate in the program to use when developing state conservation plans, proposing or soliciting projects under this program, applying for funds, and carrying out projects under this program in a manner

that is consistent with the purposes of the program. Guidelines for the CELCP can be found on NOAA's Web site at: <http://www.ocrm.nos.noaa.gov/landconservation.html> or may be obtained upon request via the contact information listed above. NOAA also has, or is given, authority under the Coastal Zone Management Act, annual appropriations or other authorities, to issue funds to coastal states, localities or other recipients for planning, conservation, acquisition, protection, restoration, or construction projects. This information collection enables NOAA to implement the CELCP, under its current or future authorization, and facilitate the review of similar projects under different, but related, authorities.

II. Method of Collection

The Project Application Checklist, paper or electronic grant applications and performance reports, are required from participants. Other supporting information is submitted in accordance with guidance. The information can be submitted in paper or electronic format.

III. Data

OMB Number: 0648-0459.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, local, or tribal government; not-for-profit institutions.

Estimated Number of Respondents: 50.

Estimated Time per Response: 35 hours for a CELCP plan; 10 hours for a project application and checklist; and 5 hours for semi-annual and annual reporting.

Estimated Total Annual Burden Hours: 1,007.

Estimated Total Annual Cost to Public: \$516.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Dated: October 26, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-21687 Filed 10-31-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Seabird Avoidance Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 3, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, 907-586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service Alaska Region actively seeks reduction of seabird incidental take in longline (hook-and-line) fisheries off Alaska through the Seabird Avoidance Program. The primary requirements of the Seabird Avoidance Program are: (1) Seabird avoidance gear must be onboard, made available for inspection upon request by specified persons, and must be used while hook-and-line gear is being deployed; (2) Use of a line or lines designed to deter seabirds from taking baited hooks (paired streamer line, single streamer line, or buoy bag line); (3) Offal discharge methods, including removal of hooks from any offal that is discharged;