

contact the appropriate Regional Administrator or the Director.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

**§ 600.517 Allocations.**

The Secretary of State, in cooperation with the Secretary, determines the allocation among foreign nations of fish species and species groups. The Secretary of State officially notifies each foreign nation of its allocation. The burden of ascertaining and accurately transmitting current allocations and status of harvest of an applicable allocation to fishing vessels is upon the foreign nation and the owner or operator of the FFV.

**§ 600.518 Fee schedule for foreign fishing.**

(a) *Permit application fees.* Each vessel permit application submitted under § 600.501 must be accompanied by a fee of \$354 per vessel, plus the surcharge, if required under paragraph (e) of this section, rounded to the nearest dollar. At the time the application is submitted to the DOS, a check for the fees, drawn on a U.S. bank, made out to "Department of Commerce, NOAA," must be sent to the Director. The permit fee payment must be accompanied by a list of the vessels for which the payment is made.

(b) *Poundage fees*—(1) *Rates.* If a Nation chooses to accept an allocation, poundage fees must be paid at the rate specified in the following table, plus the surcharge required by paragraph (c) of this section.

TABLE—SPECIES AND POUNDAGE FEES  
[Dollars per metric ton, unless otherwise noted]

Species fees	Poundage fees
Northwest Atlantic Ocean fisheries:	
1. Butterfish .....	274.61
2. Hake, red .....	163.97
3. Hake, silver .....	174.63
4. Herring .....	61.76
5. Mackerel, Atlantic .....	58.33
6. Other groundfish .....	119.09
7. Squid, <i>Illex</i> .....	103.98
8. Squid, <i>Loligo</i> .....	245.73

(2) *Method of payment of poundage fees, surcharges and observer fees.* (i) If a Nation chooses to accept an allocation, a revolving letter of credit (L/C) must

be established and maintained to cover the poundage fees for at least 25 percent of the previous year's total allocations at the rate in paragraph (b)(1) of this section, or as determined by the Assistant Administrator, plus the surcharges and observer fees required by paragraphs (c) and (d) of this section. The L/C must—

- (A) Be irrevocable.
  - (B) Be with a bank subscribing to ICC Pub. 290.
  - (C) Designate "Department of Commerce, NOAA" as beneficiary;
  - (D) Allow partial withdrawals.
  - (E) Be confirmed by a U.S. bank.
- (ii) The customer must pay all commissions, transmission, and service charges. No fishing will be allowed until the L/C is established, and authorized written notice of its issuance is provided to the Assistant Administrator.

(3) *Assessment of poundage fees.* Poundage fees will be assessed quarterly for the actual catch during January through March, April through June, July through September, and October through December. The appropriate Regional Administrator will reconcile catch figures with each country following the procedures of § 600.511(d). When the catch figures are agreed upon, NOAA will present a bill for collection as the documentary demand for payment to the confirming bank. If, after 45 days from the end of the quarter, catches have not been reconciled, the estimate of the Regional Administrator will stand and a bill will be issued for that amount. If necessary, the catch figures may be refined by the Regional Administrator during the next 60 days, and any modifications will be reflected in the next quarter's bill.

(c) *Surcharges.* The owner or operator of each foreign vessel who accepts and pays permit application or poundage fees under paragraph (a) or (b) of this section must also pay a surcharge. The Assistant Administrator may reduce or waive the surcharge if it is determined that the Fishing Vessel and Gear Damage Compensation Fund is capitalized sufficiently. The Assistant Administrator also may increase the surcharge during the year to a maximum level of