

**COST RECOVERY FEE OR
OBSERVER FEE
APPEAL**

U.S. Dept of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management
P.O. Box 21668
Juneau, Alaska 99802-1668
Telephone: 1-800-304-4846
FAX: 907-586-7354



The Cost Recovery Program provides for appeal on decisions made by NMFS through the National Appeals Office (NAO, formerly known as the Office of Administrative Appeals [OAA]). Any person whose interest is directly and adversely affected by an initial administrative determination (IAD) may file a written appeal. If an applicant appeals an IAD, the appeal must be filed not later than 60 days after the date the determination is issued.

Any representative who receives an IAD for incomplete payment of a cost recovery fee or observer fee may appeal under the appeals procedures set out in 15 CFR part 906.

Instructions for submitting an appeal are provided at <http://www.alaskafisheries.noaa.gov/appeals/default.htm>. Appeals must be in writing and must be submitted

- ◆ By mail to
National Marine Fisheries Service
Office of Administrative Appeals (OAA)
P. O. Box 21668
Juneau, AK 99802-1668

- ◆ Or by courier to
National Marine Fisheries Service
Attention: Appeals (OAA)
709 West 9th St., Room 453
Juneau, AK 99801

Applicants must timely submit a full written statement in support of the appeal, including a concise statement of the reasons the IAD has a direct and adverse effect on the applicant and should be reversed or modified.

If the applicant requests a hearing on any issue presented in the appeal, such request for hearing must be accompanied by a concise written statement raising genuine and substantial issues of adjudicative fact for resolution and a list of available and specifically identified reliable evidence upon which the factual issues can be resolved.

The appellate officer will limit his/her review to the issues stated in the appeal; all issues not set out in the appeal will be waived. The appellate officer will review the applicant's appeal and request for hearing. An appellate officer's decision takes effect 30 days after it is issued and, upon taking effect, is the final agency action for purposes of judicial review.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 4 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 Assistant Regional Administrator, Sustainable Fisheries Division, NOAA, NMFS Alaska Region, 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 part 680 and under section 402(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) (Magnuson-Stevens Act) and North Pacific Halibut Act of 1982; 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.
