

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
679.4(m)(2)	-0513
679.4(m)(4)	-0513
679.5(a)	-0213, -0269, -0272, and -0401
679.5(b), (c), (d), (g), (h), (i), (j), (k) and (m).	-0213
679.5(e), (f), and (o)	-0401
679.5(l)(1), (l)(2), (l)(3), and (l)(5).	-0272
679.5(l)(3)(i), (l)(4)	-0272, -0517
679.5(l)(7)	-0398
679.5(n)	-0269
679.5(p)	-0428
679.5(q)	-0513
679.6	-0206
679.20(a)(8)(iii)	-0206
679.24(a)	-0353
679.24(e)	-0454
679.26	-0316
679.28(b) and (d)	-0330
679.28(f)	-0445
679.28(g)	-0330
679.30	-0269
679.32(c)	-0269 and -0330
679.32(d)	-0269
679.32(f)	-0269 and -0272
679.40	-0272
679.41	-0272
679.42	-0272
679.43	-0272 and -0398
679.45	-0398
679.50	-0318
679.61(c) and (f)	-0401
679.61(d) and (e)	-0393
679.62(b)(3) and (c)	-0401
679.63(a)(2)	-0330
680.4	-0514
680.5	-0515
680.6	-0518
680.20	-0516
680.21	-0514
680.23(d)(1) and (d)(2)	-0445
680.23(e), (f), (g) and (h) ...	-0330
680.40(f), (g), (h), (i), (j), (k), (l), and (m).	-0514
680.41	-0514
680.43	-0514
680.44(a), (b), (c), (d), (e) ..	-0515
680.44(f)	-0514
697.4(a), (d) and (e)	-0202
697.5	-0202
697.6	-0202
697.8	-0350
697.12	-0202
697.21	-0351
697.22	-0309

¹ And -0305.

[60 FR 39248, Aug. 2, 1995]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §902.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 70 FR 67350, Nov. 7, 2005, in §902.1, the table in paragraph (b) under 50 CFR was amended by adding a new entry for §660.704, effective Jan. 6, 2006. For the convenience of the user, the added text is set forth as follows:

§902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

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(b) *Display.*

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
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50 CFR	*
660.704	-0361
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PART 903—PUBLIC INFORMATION

AUTHORITY: 5 U.S.C. 552 as amended by Pub. L. 93-502; 5 U.S.C. 553; Reorg. Plan No. 2 of 1965, 15 U.S.C. 311 note; 32 FR 9734, 31 FR 10752.

§903.1 Access to information.

The rules and procedures regarding public access to the records of the National Oceanic and Atmospheric Administration are found at 15 CFR part 4.

[57 FR 35749, Aug. 11, 1992]

PART 904—CIVIL PROCEDURES

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- 904.3 Filing and service of documents.

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- 904.102 Procedures upon receipt of a NOVA.
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- 904.104 Final administrative decision.
- 904.105 Payment of final assessment.
- 904.106 Compromise of civil penalty.
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- 904.302 Notice of permit sanction (NOPS).
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SANCTIONS FOR NONPAYMENT OF PENALTIES

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- 904.321 Reinstatement of permit.
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Subpart E—Written Warnings

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- 904.401 Written warning as a prior offense.
- 904.402 Procedures.
- 904.403 Review and appeal of a written warning.

Subpart F—Seizure and Forfeiture Procedures

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- 904.501 Notice of seizure.
- 904.502 Bonded release.
- 904.503 Appraisalment.
- 904.504 Administrative forfeiture proceedings.
- 904.505 Summary sale.
- 904.506 Remission and mitigation of forfeiture.
- 904.507 Petition for restoration of proceeds.
- 904.508 Recovery of certain storage costs.
- 904.509 Abandonment.
- 904.510 Disposal of forfeited or abandoned items.

AUTHORITY: 16 U.S.C. 1801–1882; 16 U.S.C. 1531–1543; 16 U.S.C. 1361–1407; 16 U.S.C. 3371–3378; 16 U.S.C. 1431–1439; 16 U.S.C. 773–773k; 16 U.S.C. 951–961; 16 U.S.C. 1021–1032; 16 U.S.C. 3631–3644; 42 U.S.C. 9101 *et seq.*; 30 U.S.C. 1401 *et seq.*; 16 U.S.C. 971–971i; 16 U.S.C. 781 *et seq.*; 16 U.S.C. 2401–2412; 16 U.S.C. 2431–2444; 16 U.S.C. 972–972h; 16 U.S.C. 916–916l; 16 U.S.C. 1151–1175; 16 U.S.C. 3601–3608; 16 U.S.C. 1851 note; 15 U.S.C. 4201 *et seq.*; Pub. L. 102–587, 106 Stat. 5039.

SOURCE: 52 FR 10325, Mar. 31, 1987, unless otherwise noted.

Subpart A—General

§ 904.1 Purpose and scope.

(a) This part sets forth the procedures governing NOAA’s administrative proceedings for assessment of civil penalties, suspension, revocation, modification, or denial of permits, issuance and use of written warnings, and release or forfeiture of seized property.

(b) This subpart defines terms appearing in the part and sets forth rules for the filing and service of documents in administrative proceedings covered by this part.

(c) The following statutes authorize NOAA to assess civil penalties, impose permit sanctions, issue written warnings, and/or seize and forfeit property in response to violations of those statutes:

- (1) Antarctic Conservation Act of 1978, 16 U.S.C. 2401–2412;
- (2) Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. 2431–2444;
- (3) Atlantic Salmon Convention Act of 1982, 16 U.S.C. 3601–3608;

(4) Atlantic Striped Bass Conservation Act, 16 U.S.C. 1851 note;

(5) Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971i;

(6) Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1401 *et seq.*;

(7) Eastern Pacific Tuna Licensing Act of 1984, 16 U.S.C. 972-972h;

(8) Endangered Species Act of 1973, 16 U.S.C. 1531-1543;

(9) Fur Seal Act Amendments of 1983, 16 U.S.C. 1151-1175;

(10) Lacey Act Amendments of 1981, 16 U.S.C. 3371-3378;

(11) Land Remote-Sensing Commercialization Act of 1981, 15 U.S.C. 4201 *et seq.*;

(12) Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801-1882;

(13) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407;

(14) Marine Protection, Research, and Sanctuaries Act, 16 U.S.C. 1431-1439;

(15) Northern Pacific Halibut Act of 1982, 16 U.S.C. 773-773k;

(16) North Pacific Fisheries Act of 1954, 16 U.S.C. 1021-1032;

(17) Ocean Thermal Energy Conversion Act of 1980, 42 U.S.C. 9101 *et seq.*;

(18) Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3631-3644;

(19) Sponge Act, 16 U.S.C. 781 *et seq.*;

(20) Tuna Conventions Act of 1950, 16 U.S.C. 951-961; and

(21) Whaling Convention Act of 1949, 16 U.S.C. 916-916l.

The procedures set forth in this part are intended to apply to administrative proceedings under these and later-enacted statutes administered by NOAA.

§ 904.2 Definitions.

Unless the context otherwise requires, or as otherwise noted, terms in this part have the meanings prescribed in the applicable statute or regulation. In addition, the following definitions apply:

Administrator means the Administrator of NOAA or a designee.

Agency means the National Oceanic and Atmospheric Administration (NOAA).

Applicable statute means a statute cited in § 904.1(c), and any regulations issued by NOAA to implement it.

Applicant means any person who applies or is expected to apply for a permit.

Citation means a written warning (see section 311(c) of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1861(c), and section 11(c) of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773i(c)).

Decision means an initial or final decision of the Judge.

Ex parte communication means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include inquiries regarding procedures, scheduling, and status.

Final administrative decision means an order or decision of NOAA assessing a civil penalty or permit sanction which is not subject to further Agency review under this part, and which is subject to collection proceedings or judicial review in an appropriate Federal district court as authorized by law.

Forfeiture includes, but is not limited to, surrender or relinquishment of any claim to an item by written agreement, or otherwise; or extinguishment of any claim to, and transfer of title to an item to the Government by court order or by order of the Administrator under a statute.

Initial decision means a decision of the Judge which, under applicable statute and regulation, is subject to review by the Administrator, but which becomes the final administrative decision in the absence of such review.

Judge means Administrative Law Judge.

NOAA (see *Agency*) means either the Administrator or a designee acting on behalf of the Administrator.

Party means the respondent and the Agency as represented by counsel; if they enter an appearance, a joint and several respondent, vessel owner, or permit holder; and any other person allowed to participate under § 904.204(a).

Payment agreement means any promissory note, security agreement, settlement agreement, or other contract specifying the terms according to which a permit holder agrees to pay a civil penalty.