

securely sealed, taped, or otherwise fastened or packaged to protect against accidental functioning or leakage of the contents during transport. If lighters are packed vertically in a plastic tray, a plastic, fiberboard or paperboard partition must be used to prevent friction between the ignition device and the inner packaging.

(2) *Outer packaging.* Lighters and their inner packagings must be tightly packed and secured against movement in any rigid specification outer packaging authorized in Subpart L of Part 178 of this subchapter at the Packing Group II performance level.

(d) *Shipping paper and marking requirements.* (1) In addition to the requirements of subpart C of part 172, shipping papers must be annotated with the lighter design test report identifier (see paragraph (b)(4)(i)(C) of this section) traceable to the test report assigned to the lighters or, if applicable, the previously issued approval number (*i.e.*, T***), in association with the basic description.

(2) In addition to the requirements of subpart D of part 172, a lighter design test report identifier (see paragraph (b)(4)(i)(C) of this section) or, if applicable, the previously issued approval number (*i.e.*, T***), must be marked on a package containing lighters.

(3) For transportation by vessel in a closed transport vehicle or a closed freight container, the following warning must be affixed to the access doors:

**WARNING—MAY CONTAIN
EXPLOSIVE MIXTURES WITH AIR—
KEEP IGNITION SOURCES AWAY
WHEN OPENING**

The warning must be on a contrasting background and must be in letters measuring at least 12.7 mm (0.5 inch) in height.

(e) *Exceptions.* (1) *Common or contract carriage.* For highway transportation by common or contract carrier, when no more than 1,500 lighters covered by this section are transported in one motor vehicle, the requirements of subparts C through H of part 172, and Part 177 of this subchapter do not apply. Lighters transported in accordance with this paragraph are also excepted from the specification packaging, shipping paper, and marking requirements specified in §§ 173.308(c) and (d). Inner packagings must conform to paragraph (c)(1) of this section. Lighters must be further packaged in rigid, strong outer packagings meeting the general packaging requirements of subpart B of part 173. Outer packagings must be plainly and durably marked, on two opposing sides or ends, with the

word “LIGHTERS” and the number of devices contained therein in letters measuring at least 20 mm (0.79 in) in height. In addition, the package must include the test report identifier for each lighter design as specified in paragraph (b)(4)(i)(C) of this section or, if applicable, the previously issued approval number (*i.e.*, T***). The test report identifier or approval number must be durable, legible, in English, and located in, attached to, or marked directly on the package. No person may offer for transportation or transport the lighters or prepare the lighters for shipment unless that person has been specifically informed of the requirements of this section.

(2) *Private carriage.* For highway transportation by a private carrier, lighters that have been examined and successfully tested in accordance with this section are not subject to any other requirements of this subchapter under the following conditions:

(i) No person may offer for transportation or transport the lighters or prepare the lighters for shipment unless that person has been specifically informed of the requirements of this section;

(ii) Lighters must be placed in an inner packaging that is designed to prevent accidental activation of the ignition device or valve, release of gas, and movement of the lighters (*e.g.*, tray, blister pack, etc.);

(iii) Inner packagings must be placed in a securely closed rigid outer packaging that limits movement of the inner packagings and protects them from damage;

(iv) The outer package may contain not more than 300 lighters;

(v) A transport vehicle may carry not more than 1,500 lighters at any one time;

(vi) The lighters may not be placed in an outer packaging with other hazardous materials; and

(vii) Outer packagings must be plainly and durably marked with the words “LIGHTERS, excepted quantity.”

Authority: 49 CFR part 1.

Issued in Washington, DC, on January 11, 2006.

Brigham A. McCown,

Acting Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 120805C]

Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Halibut and Sablefish Individual Fishing Quota Cost Recovery Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of standard prices.

SUMMARY: The National Marine Fisheries Service publishes IFQ standard prices for the Individual Fishing Quota (IFQ) Cost Recovery Program in the halibut and sablefish fisheries of the North Pacific. NMFS published a standard price notice for 2005 on December 15, 2005. NMFS subsequently discovered calculation errors in the published standard prices. This notice corrects the calculation errors and replaces the December 15, 2005, **Federal Register** document. This action is intended to provide holders of halibut and sablefish IFQ permits information to calculate the payments required for IFQ cost recovery fees due by January 31, 2006.

DATES: Effective January 23, 2006.

FOR FURTHER INFORMATION CONTACT: Troie Zuniga, Fee Coordinator, 907-586-7231.

SUPPLEMENTARY INFORMATION:

Background

NMFS, Alaska Region, administers the halibut and sablefish IFQ programs in the North Pacific. The IFQ programs are limited access systems authorized by section 303(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Northern Pacific Halibut Act of 1982. Fishing under the IFQ programs began in March 1995. Regulations implementing the IFQ program are set forth at 50 CFR part 679.

In 1996, the Magnuson-Stevens Act was amended by Public Law 104-297 to, among other things, require the Secretary of Commerce to “collect a fee to recover the actual costs directly related to the management and enforcement of any . . . individual fishing quota program” (section 304(d)(2)(A)). Section 304(d)(2) of the Magnuson-Stevens Act specifies an upper limit on these fees, when the fees must be collected, and where the fees

must be deposited. Section 303(d)(4) allows NMFS to reserve up to 25 percent of the fees collected for use in an IFQ loan program to aid in financing the purchase of IFQ or quota share (QS) by entry-level and small-vessel fishermen.

On March 20, 2000, NMFS published regulations implementing the IFQ Cost Recovery Program (65 FR 14919), which are set forth at 50 CFR 679.45. Under the regulations, an IFQ permit holder incurs a cost recovery fee liability for every pound of IFQ halibut and IFQ sablefish that is landed on his or her IFQ permit(s). The IFQ permit holder is responsible for self-collecting the fee liability for all IFQ halibut and IFQ sablefish landings on his or her permit(s). The IFQ permit holder is also responsible for submitting a fee liability payment to NMFS on or before the due date of January 31 following the year in which the IFQ landings were made. The dollar amount of the fee due is determined by multiplying the annual IFQ fee percentage (3 percent or less) by the ex-vessel value of each IFQ landing made on a permit and summing the totals of each permit (if more than one).

Standard Prices

The fee liability is based on the sum of all payments of monetary worth made to fishermen for the sale of the fish during the year. This includes any retro-payments (e.g., bonuses, delayed partial payments, post-season payments) made to the IFQ permit holder for previously landed IFQ halibut or sablefish.

For purposes of calculating IFQ cost recovery fees, NMFS distinguishes between two types of ex-vessel value: "actual ex-vessel value" and "standard ex-vessel value." "Actual ex-vessel value" is the amount of all compensation, monetary or non-monetary, that an IFQ permit holder received as payment for his or her IFQ fish sold. "Standard ex-vessel value" is the default value on which to base fee liability calculations. However, IFQ permit holders have the option of using "actual ex-vessel value" if they can satisfactorily document those values.

Regulations at § 679.45(c)(2)(i) require the Regional Administrator to publish IFQ standard prices during the last quarter of each calendar year. These standard prices are used, along with estimates of IFQ halibut and IFQ

sablefish landings, are used to calculate standard values. The standard prices are described in U.S. dollars, per IFQ equivalent pound, for IFQ halibut and IFQ sablefish landings made during the year. IFQ equivalent pound(s) means the weight, recorded in pounds for an IFQ landing. For sablefish, the IFQ poundage is calculated as round weight. For halibut, the IFQ equivalent poundage is calculated as the headed and gutted ("net") weight.

NMFS calculates the standard prices to reflect, as closely as possible, by month and port or port-group, the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings. NMFS published a standard price notice for 2005 at 70 FR 74208 on December 15, 2005. NMFS subsequently discovered calculation errors in the published standard prices. This notice corrects the calculation errors and replaces the original notice at 70 FR 74208. The corrected standard prices for IFQ halibut and IFQ sablefish are listed in the following table. Data from ports are combined as necessary to protect confidentiality of data submissions.

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2005 IFQ SEASON

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE	SABLEFISH STANDARD EX-VESSEL PRICE
CORDOVA	March 31	—	—
	April 30	—	—
	May 31	\$2.88	\$1.97
	June 30	—	—
	July 31	—	—
	August 31	—	—
	September 30	\$3.08	—
	October 31	\$3.08	—
	November 30	\$3.08	—
DUTCH HARBOR	March 31	—	—
	April 30	—	—
	May 31	—	—
	June 30	\$2.82	—
	July 31	\$2.87	—
	August 31	\$2.89	—
	September 30	\$2.95	—
	October 31	\$2.95	—
	November 30	\$2.95	—
HOMER	March 31	—	—

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2005 IFQ SEASON—
Continued

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE	SABLEFISH STANDARD EX-VESSEL PRICE
	April 30	\$3.01	—
	May 31	—	—
	June 30	\$3.04	—
	July 31	\$3.02	—
	August 31	\$3.07	—
	September 30	\$3.19	—
	October 31	\$3.19	—
	November 30	\$3.19	—
KETCHIKAN	March 31	—	—
	April 30	—	—
	May 31	—	—
	June 30	\$2.96	—
	July 31	—	—
	August 31	\$3.04	—
	September 30	—	—
	October 31	—	—
	November 30	—	—
KODIAK	March 31	\$2.99	\$1.87
	April 30	\$2.84	\$1.87
	May 31	\$2.80	\$2.00
	June 30	\$2.86	\$2.05
	July 31	\$2.86	\$1.89
	August 31	\$2.91	\$2.22
	September 30	\$3.00	\$2.32
	October 31	\$3.00	\$2.32
	November 30	\$3.00	\$2.32
PETERSBURG	March 31	—	—
	April 30	—	—
	May 31	\$2.90	—
	June 30	—	—
	July 31	\$3.11	—
	August 31	\$3.02	—
	September 30	\$3.06	—
	October 31	\$3.06	—
	November 30	\$3.06	—
SEWARD	March 31	\$3.26	—

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2005 IFQ SEASON—
Continued

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE	SABLEFISH STANDARD EX-VESSEL PRICE
	April 30	\$2.95	\$2.00
	May 31	—	—
	June 30	—	—
	July 31	—	—
	August 31	—	—
	September 30	—	—
	October 31	—	—
	November 30	—	—
SITKA	March 31	\$3.34	—
	April 30	\$3.04	\$2.05
	May 31	\$2.95	\$2.10
	June 30	\$2.98	\$2.30
	July 31	\$3.02	\$2.36
	August 31	\$3.02	\$2.43
	September 30	\$3.03	\$2.57
	October 31	\$3.03	\$2.57
	November 30	\$3.03	\$2.57
YAKUTAT	March 31	—	—
	April 30	\$2.70	—
	May 31	\$3.00	—
	June 30	\$2.68	—
	July 31	\$2.80	—
	August 31	—	—
	September 30	\$3.07	—
	October 31	\$3.07	—
	November 30	\$3.07	—

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY PORT GROUP FOR 2005 IFQ SEASON

PORT GROUP	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE	SABLEFISH STANDARD EX-VESSEL PRICE
BERING SEA ¹	March 31	—	—
	April 30	—	—
	May 31	\$2.83	\$1.85
	June 30	\$2.87	\$2.09
	July 31	\$2.91	\$2.07
	August 31	\$2.91	\$2.22
	September 30	\$2.95	\$2.10

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY PORT GROUP FOR 2005 IFQ SEASON—Continued

PORT GROUP	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE	SABLEFISH STANDARD EX-VESSEL PRICE
	October 31	\$2.95	\$2.10
	November 30	\$2.95	\$2.10
CENTRAL GULF ²	March 31	\$3.20	\$1.97
	April 30	\$2.92	\$1.97
	May 31	\$2.87	\$2.01
	June 30	\$2.96	\$2.16
	July 31	\$2.98	\$2.14
	August 31	\$3.27	\$2.50
	September 30	\$3.05	\$2.40
	October 31	\$3.05	\$2.40
	November 30	\$3.05	\$2.40
SOUTHEAST ³	March 31	\$3.27	\$2.10
	April 30	\$3.43	\$1.97
	May 31	\$2.82	\$2.09
	June 30	\$2.98	\$2.22
	July 31	\$3.07	\$2.62
	August 31	\$3.11	\$2.39
	September 30	\$3.10	\$2.44
	October 31	\$3.10	\$2.44
	November 30	\$3.10	\$2.44
ALL ⁴	March 31	\$3.22	\$1.99
	April 30	\$3.13	\$1.95
	May 31	\$2.85	\$2.02
	June 30	\$2.95	\$2.17
	July 31	\$2.99	\$2.27
	August 31	\$3.12	\$2.40
	September 30	\$3.04	\$2.40
	October 31	\$3.04	\$2.40
	November 30	\$3.04	\$2.40

1. *Landing locations Within Port Group - Bering Sea:* Adak, Akutan, Akutan Bay, Atka, Bristol Bay, Chefornak, Dillingham, Captains Bay, Dutch Harbor, Egegik, Ikatan Bay, Hooper Bay, King Cove, King Salmon, Kipnuk, Mekoryuk, Naknek, Nome, Quinhagak, Savoonga, St. George, St. Lawrence, St. Paul, Togiak, Toksook Bay, Tununak, Beaver Inlet, Ugadaga Bay, Unalaska.

2. *Landing Locations Within Port Group - Central Gulf of Alaska:* Anchor Point, Anchorage, Alitak, Chignik, Cordova, Eagle River, False Pass, West Anchor Cove, Girdwood, Chinitna Bay, Halibut Cove, Homer, Kasilof, Kenai, Kenai River, Alitak, Kodiak, Port Bailey, Nikiski, Ninilchik, Old Harbor, Palmer, Sand Point, Seldovia, Resurrection Bay, Seward, Valdez, Whittier.

3. *Landing Locations Within Port Group - Southeast Alaska:* Angoon, Baranof Warm Springs, Craig, Edna Bay, Elfin Cove, Excursion Inlet, Gustavus, Haines, Hollis, Hoonah, Hyder, Auke Bay, Douglas, Tee Harbor, Juneau, Kake, Ketchikan, Klawock, Metlakatla, Pelican, Petersburg, Portage Bay, Port Alexander, Port Graham, Port Protection, Point Baker, Sitka, Skagway, Tenakee Springs, Thorne Bay, Wrangell, Yakutat.

4. *Landing Locations Within Port Group - All:* **For Alaska:** All landing locations included in 1, 2, and 3. **For California:** Eureka, Fort Bragg, Other California. **For Oregon:** Astoria, Aurora, Lincoln City, Newport, Warrenton, Other Oregon. **For Washington:** Anacortes, Bellevue, Bellingham, Nagai Island, Edmonds, Everett, Granite Falls, Ilwaco, La Conner, Port Angeles, Port Orchard, Port Townsend, Ranier, Fox Island, Mercer Island, Seattle, Standwood, Other Washington. **For Canada:** Port Hardy, Port Edward, Prince Rupert, Vancouver, Haines Junction, Other Canada.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 11, 2006.

John H. Dunnigan,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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