



Federal Register

**Monday,
December 10, 2007**

Part IV

**Department of
Commerce**

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Fall 2007 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled "Regulatory Planning and Review," and the Regulatory Flexibility Act, as amended, the Department of Commerce (Department), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 2007 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's fall 2007 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2007, through September 30, 2008.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Jennifer Nist, Acting Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-482-3151.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of June 22, 2007, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2007 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

For this edition of the Department of Commerce's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

In addition, beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Commerce's printed agenda entries include only:

(1) rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available

in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Commerce's Regulatory Plan.

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, an "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the

DOC

significance and timing of some regulatory actions under consideration by the Councils at the time the

semiannual regulatory agenda is published.

The Department's fall 2007 regulatory agenda follows.

John J. Sullivan,
General Counsel.

International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
226	Commercial Availability of Fabric and Yarn	0625-AA59

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
227	American Lobster Data Collection and Broodstock Protection Measures	0648-AV77

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
228	Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648-AP60
229	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery	0648-AR63
230	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AR72
231	Revisions to the Definitions of Exempted Fishing and Scientific Research	0648-AR78
232	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery	0648-AS25
233	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes	0648-AS49
234	Generic Amendment To Provide for Regulation of Offshore Aquaculture of Selected Fish	0648-AS65
235	Establish Management Measures for the Western Pacific Squid Fishery	0648-AS71
236	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission	0648-AT31
237	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648-AT58
238	Joint Amendment to the Fishery Management Plans for the Shrimp (Amendment 14) and Reef Fish Fisheries (Amendment 27) of the Gulf of Mexico	0648-AT87
239	American Lobster Fishery: Broodstock Protection and Trap Effort Control Regulations for Offshore Area 3	0648-AU07
240	BSAI Amendment 73 and GOA Amendment 77 FMP To Revise Management Authority of Dark Rockfish	0648-AU20
241	Amendment 10 to the Bottomfish and Seamount Groundfish Fishery Management Plan: Measures To End Bottomfish Overfishing in the Hawaiian Archipelago	0648-AU22
242	Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ...	0648-AU28
243	Amendment 15 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ...	0648-AU29
244	Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan	0648-AU32
245	Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan	0648-AU36
246	Framework Adjustment to the Bycatch Reduction Criterion for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AU59
247	Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean	0648-AU79
248	Individual Fishing Quota Processing Restriction Amendments	0648-AU85
249	Regulatory Amendment to the Fishery Management Plan for the Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region	0648-AV17
250	South Atlantic Fishery Ecosystem Plan Comprehensive Amendment	0648-AV31
251	Modifying Maximum Retainable Amounts (MRAs) for Selected Groundfish Species Caught by the Non-American Fishing Act Trawl Catcher Processor Sector	0648-AV32
252	Reef Fish Amendment 30A for Greater Amberjack and Gray Triggerfish: TAC Adjustments, Measures To End Overfishing and Establish SFA Parameters	0648-AV34
253	Specifications for the 2008 Atlantic Mackerel, Squid, and Butterfish Fisheries	0648-AV40
254	Specifications for the 2008 Summer Flounder, Scup, and Black Sea Bass Fisheries	0648-AV41
255	Specifications for the 2008-2010 Surfclam and Ocean Quahog Fisheries	0648-AV42
256	Guidance for Annual Catch Limits (ACLs) and Accountability Measures (AMs) To End Overfishing (Reg Plan Seq No. 31)	0648-AV60
257	Rule To Implement a Minimum Size Limit on Spiny Lobster (<i>Panulirus argus</i>) Imports	0648-AV61

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
258	FMP Amendments 88, 23,12, and 9 for Aleutian Islands Habitat Conservation Area Revision	0648-AV62
259	Individual Fishing Quota Omnibus V Actions 2 and 4: Allow Longline Pot Gear in Bering Sea During June; Allow Mobilized Military Personnel To Make Temporary Individual Fishing Quota Transfers	0648-AV64
260	Collection and Use of Tax Identification Numbers From Applicants for National Marine Fisheries Service Permits ..	0648-AV76
261	General Provisions for Domestic Fisheries; Specifications for Boarding Ladders	0648-AV78
262	Gulf Reef Fish Amendment 30B	0648-AV80
263	Framework Adjustment 19 to the Atlantic Sea Scallop Fishery Management Plan	0648-AV90
264	Framework Adjustment 20 to the Atlantic Sea Scallop Fishery Management Plan	0648-AV91
265	Vessel Incentive Program (VIP) Repeal	0648-AV96
266	Revise Fishery Management Plan (FMP) for Reef Fish of Puerto Rico and U.S. Virgin Islands and FMP for Spiny Lobster Fishery of Puerto Rico and U.S. Virgin Islands	0648-AV98
267	Amendment 89 to the Fishery Management Plan to Bering Sea; Bering Sea Habitat Conservation Measures	0648-AW06
268	Designation of Critical Habitat for the Endangered U.S. Distinct Population Segment (DPS) of Smalltooth Sawfish	0648-AV74
269	Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon	0648-AV94

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
270	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery	0648-AK26
271	Expansion of the Pacific Coast Groundfish Fishery Vessel Monitoring System to the Open Access Fishery	0648-AU08
272	Framework 4 to the Fishery Management Plan for Monkfish	0648-AU34
273	Amendment 85 to the Fishery Management Plan for the Groundfish of the Bering Sea and Aleutian Islands (BSAI) Management Area; Pacific Cod Allocations	0648-AU48
274	Amendment 15 to the Pacific Coast Salmon Fishery Management Plan	0648-AU69
275	Atlantic Highly Migratory Species; Atlantic Shark Management Measures 2007	0648-AU89
276	Vessel Monitoring System Revision for Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Fisheries	0648-AU93
277	Atlantic Highly Migratory Species; North and South Atlantic Swordfish Commercial Management Measures	0648-AV10
278	Alaska Groundfish Fisheries Seabird Avoidance Measures	0648-AV38
279	Reef Fish Regulatory Amendment for Vermilion Snapper To Revise Management Measures	0648-AV45
280	Rule To Revise the Gulf of Mexico (Gulf) Reef Fish Vessel Monitoring System (VMS) Reporting Requirements, Power-Down Exemption, and Red Snapper Individual Fishing Quota (IFQ) 3-Hour Notification	0648-AV59
281	2008 Summer Flounder Recreational Coastwide Measure	0648-AV99
282	Provide Regulations for Permits for Capture, Transport, Import, and Export of Protected Species for Public Display, and for Maintaining a Captive Marine Mammal Inventory	0648-AH26
283	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations	0648-AS01
284	Right Whale Ship Strike Reduction (Reg Plan Seq No. 32)	0648-AS36

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
285	Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs	0648-AQ20
286	Amendment 1 to the Atlantic Herring Fishery Management Plan	0648-AQ87
287	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery	0648-AS22
288	Amendment to Regulations Implementing the Antarctic Marine Living Resources Convention Act of 1984	0648-AS75
289	Framework 1 to the Surfclam and Ocean Quahog Fishery Management Plan	0648-AT62
290	Amendment 84-A to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area Implementing Salmon Bycatch Measures	0648-AU03

DOC

National Oceanic and Atmospheric Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
291	Observer Health and Safety	0648-AU46
292	Reconciliation of State and Federal Commercial Fishing Vessel Permit Programs	0648-AU51
293	Recreational Specifications for the 2007 Summer Flounder, Scup, and Black Sea Bass Fisheries	0648-AU60
294	Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands	0648-AU68
295	Atlantic Hagfish Collection of Information Requirements	0648-AU80
296	Regulatory Amendment To Revise Electronic Reporting Software and Hardware Requirements of the Observer Communications System (OCS)	0648-AV13
297	Atlantic Highly Migratory Species (HMS); Sea Turtle Handling Gear; Atlantic Bluefin Tuna Retention Limits	0648-AV16
298	2007 Georges Bank Cod Fixed Gear Sector Operations Plan and TAC Allocation	0648-AV22
299	Atlantic Highly Migratory Species (HMS); Temporary Suspension of Requirement To Use Circle Hooks in Atlantic Billfish Tournaments	0648-AV25
300	Amendment 13; Rule To Permanently Provide for Industry-Funded Observer Coverage in the Atlantic Sea Scallop Fishery Management Plan	0648-AV39
301	Amendment 7 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan	0648-AV43
302	Pacific Coast Groundfish Fishery; Establish Catch Accounting Requirements for Processors/First Receivers Participating in the Pacific Whiting Shoreside Fishery	0648-AV46
303	Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut	0648-AV47
304	2007 Pacific Whiting Harvest Specifications and In-Season Adjustments to Groundfish Management Measures	0648-AV52
305	Restrict Entry to the Pacific Whiting Primary Fishery in 2007 in the Pacific Coast Groundfish Fishery	0648-AV57
306	Amendment 15 to the Pacific Coast Salmon Fishery Management Plan De Minimis Fishing Opportunity for Klamath River Fall Run Chinook Salmon	0648-AV07
307	Rule Amending Gillnet Management Measures To Protect Right Whales in the Southeast U.S. Calving Habitat	0648-AU90

Department of Commerce (DOC)

Long-Term Actions

International Trade Administration (ITA)

226. COMMERCIAL AVAILABILITY OF FABRIC AND YARN

Legal Authority: PL 106–200, sec 112(b)(5)(B); PL 106–200, sec 211; EO 13191; PL 107–210, sec 3103

Abstract: This rule implements certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or AGOA), title II of the Act (the United States-Caribbean Basin Trade Partnership Act or CBTPA), and title XXXI of the Trade Act of 2002 (the Andean Trade Promotion and Drug Eradication Act or ATPDEA) provide for quota- and duty-free treatment for qualifying apparel products from designated beneficiary countries. AGOA and CBTPA authorize quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more designated beneficiary countries from yarn or fabric that is not formed in the United

States or a beneficiary country, provided it has been determined that such yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner. The President has delegated to the Committee for the Implementation of Textile Agreements (the Committee), which is chaired by Commerce, the authority to determine whether yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA, the ATPDEA, and the CBTPA, and has authorized the Committee to extend quota- and duty-free treatment to apparel of such yarn or fabric. The rule provides the procedure for interested parties to submit a request alleging that a yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner, the procedure for public comments, and relevant factors that will be considered in the Committee's determination. The rule also outlines

the factors to be considered by the Committee in extending quota- and duty-free treatment.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Janet Heinzen
Phone: 202 482-4006
Email: janet_heinzen@ita.doc.gov

RIN: 0625-AA59

Department of Commerce (DOC)

Prerule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

227. • AMERICAN LOBSTER DATA COLLECTION AND BROODSTOCK PROTECTION MEASURES

Legal Authority: 16 USC 5101 et seq

Abstract: The National Marine Fisheries Service is considering the implementation of management measures in the Federal lobster fishery, consistent with recommendations for Federal action as specified in the Atlantic States Marine Fisheries Commission's Interstate Fishery

Management Plan for American Lobster. These proposed management measures include: 100 percent mandatory dealer reporting requirements for Federal lobster dealers; implementation of a maximum size limit (maximum carapace length restriction) in several Lobster Management Areas (LMA); and, revision to the definition of a V-notch for protection of egg-bearing female lobsters in several LMAs in the Federal American lobster fishery.

Timetable:

Action	Date	FR Cite
ANPRM	09/21/07	72 FR 53978

Action	Date	FR Cite
ANPRM Comment Period End	11/22/07	
NPRM	03/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AV77

Department of Commerce (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

228. AMENDMENT 9 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 9 contains a variety of management measures, including multiple year specifications, entry into the directed Illex fishery, overfishing definition for Loligo, electronic daily reporting for the Illex fishery, and designating and reducing impacts on essential fish habitat.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AP60

229. MAXIMIZE RETENTION AND MONITORING PROGRAM IN THE SHORE-BASED PACIFIC WHITING FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: The Pacific Fishery Management Council (Pacific Council)

at their October 21-25, 1996, meeting in San Francisco, California, addressed the treatment and disposition of salmon in the groundfish trawl fisheries, specifically the shore-based whiting fishery. At that meeting, the Pacific Council discussed the retention of salmon in the shore-based whiting fishery and took action to maintain a viable shore-based whiting fishery by using exempted fishing permits (EFPs). These EFPs allowed the shore-based whiting fleet to temporarily deliver unsorted catch to processing plants and provided for the monitoring of incidentally taken salmon until a permanent monitoring program could be implemented. In keeping with the Pacific Council's recommendation, the National Marine Fisheries Service is proceeding with implementing a monitoring program for the shore-based whiting fishery. This action will aid in the sustainable management of Pacific Coast salmon and groundfish fisheries while providing an important economic opportunity to those associated with the harvest, processing, and selling of whiting taken by the shore-based whiting fleet. The need for implementing a permanent monitoring program in the shore-based Pacific whiting fishery is to provide for a full retention fishery by enabling the shore-based whiting fleet, comprised exclusively of catcher vessels, to deliver unsorted catch to processing plants. This practice is necessary to ensure that whiting landings are of market quality, while abiding by Federal groundfish regulations and those implementing the Pacific Coast

salmon and groundfish fishery management plans.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070
Phone: 206 526-6150
Fax: 206 526-6426

RIN: 0648-AR63

230. AMENDMENT 72 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq

Abstract: This action would eliminate an existing requirement under the Improved Retention/Improved Utilization (IR/IU) program that groundfish fisheries retain shallow water flatfish in the Gulf of Alaska (GOA). This action may relieve some harvesting and utilization restrictions on GOA groundfish harvesting and processing operations. It follows a parallel action taken in the BSAI to relieve those groundfish fisheries from requirements to retain all IR/IU flatfish

DOC—NOAA

Proposed Rule Stage

species. This FMP has no implementing regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AR72

231. REVISIONS TO THE DEFINITIONS OF EXEMPTED FISHING AND SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq

Abstract: The National Marine Fisheries Service amends the regulations at 50 CFR 600.745. The action is intended to provide clearer guidance to the public for obtaining appropriate acknowledgments and permits and to facilitate the timely conduct of research to address bycatch and habitat issues in the fisheries.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment	12/00/07	
Period End		

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713-2334

RIN: 0648-AR78

232. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE TILEFISH FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 1 to the Fishery Management Plan for the Tilefish Fishery would implement Individual Transferable Quotas in the tilefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment	01/00/08	
Period End		

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AS25

233. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REDUCING SEA TURTLE TAKES

Legal Authority: 16 USC 971; 16 USC 1801 et seq

Abstract: This action would amend the regulations governing the Atlantic pelagic longline fishery based upon a June 1, 2004, Biological Opinion regarding Atlantic sea turtles. This amendment could include framework mechanisms that would allow the Agency to take action, such as partial or rolling closures or gear or effort restrictions, if the number of sea turtle interactions or mortalities exceed anticipated levels during a certain period of time. This action would not change established quotas for target species.

Timetable:

Action	Date	FR Cite
ANPRM	08/12/04	69 FR 49858
ANPRM Comment	10/12/04	
Period End		
NPRM	11/00/07	
NPRM Comment	12/00/07	
Period End		

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713-2334

RIN: 0648-AS49

234. GENERIC AMENDMENT TO PROVIDE FOR REGULATION OF OFFSHORE AQUACULTURE OF SELECTED FISH

Legal Authority: 16 USC 1801 et seq

Abstract: The purpose of the amendment is to develop a regulatory permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf Exclusive Economic Zone. Possible management actions include: (1) Types of aquaculture permits required; (2) duration aquaculture permits are effective; (3) conditions for permit issuance; (4) species allowed for aquaculture; (5) allowable aquaculture systems; (6) designation of sites or areas for conducting aquaculture; (7) buffer zones for aquaculture facilities; (8) recordkeeping and reporting requirements; and (9) regulations to aid in the enforcement of marine aquaculture facilities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	
NPRM Comment	03/00/08	
Period End		

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AS65

235. ESTABLISH MANAGEMENT MEASURES FOR THE WESTERN PACIFIC SQUID FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: Under amendment to the Western Pacific Pelagics Fishery Management Plan, pelagic squid would be designated as a management unit species, and measures would be established governing the pelagic squid fishery in the western Pacific region.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment	12/00/07	
Period End		

DOC—NOAA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 944-2207

RIN: 0648-AS71

236. AMERICAN LOBSTER FISHERY; FISHING EFFORT CONTROL MEASURES TO COMPLEMENT INTERSTATE LOBSTER MANAGEMENT RECOMMENDATIONS BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION

Legal Authority: 16 USC 5101 et seq

Abstract: The National Marine Fisheries Service announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone (EEZ) associated with effort control measures as recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (ASFMC) as outlined in the Interstate Fishery Management Plan (ISFMP) for American Lobster. This action will evaluate effort control measures in certain Lobster Conservation Management Areas including: Limits on future access based on historic participation criteria; procedures to allow trap transfers among qualifiers and impose a trap reduction or conservation tax on any trap transfers; and a trap reduction schedule to meet the goals of the ISFMP.

Timetable:

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
ANPRM Comment Period End	06/09/05	
NPRM	12/00/07	
NPRM Comment Period End	02/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AT31

237. AMENDMENT 10 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq**Abstract:** This action would implement a rebuilding program for butterfish.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AT58

238. JOINT AMENDMENT TO THE FISHERY MANAGEMENT PLANS FOR THE SHRIMP (AMENDMENT 14) AND REEF FISH FISHERIES (AMENDMENT 27) OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

Abstract: Shrimp and reef fish in the Gulf of Mexico are managed under their respective FMPs. Both fisheries contribute to fishing mortality on reef fish, especially juvenile and undersized red snapper. Age-0 and Age-1 red snapper are taken by shrimp trawls, and Age-2 and older red snapper are caught in the directed commercial and recreational red snapper fishery. Red snapper is overfished and undergoing overfishing, and reducing fishing mortality on these younger age classes is needed to help rebuild the stock.

Actions to reduce bycatch of red snapper are anticipated to reduce bycatch fishing mortality for other reef fish species as well. The Gulf Council began work on the joint amendment, which will consider a variety of harvesting and gear restrictions to further reduce fishing mortality and fishing effort in the shrimp and red snapper fisheries. In August 2006, the Gulf Council deferred working on this amendment until new information was available in January 2007. However, by postponing the development of a plan amendment, measures to address overfishing during the 2007 fishing season would not occur, further

delaying progress in stock recovery. Thus, to address overfishing on the red snapper stock for 2007, NMFS is developing this interim rule.

Timetable:

Action	Date	FR Cite
NPRM	12/14/06	71 FR 75220
NPRM Comment Period End	01/26/07	
Interim Final Rule	04/02/07	72 FR 15617
Interim Final Rule Effective	05/02/07	
Second NPRM	10/23/07	72 FR 59989
Second NPRM Comment Period End	12/07/07	
Final Rule	02/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AT87

239. AMERICAN LOBSTER FISHERY: BROODSTOCK PROTECTION AND TRAP EFFORT CONTROL REGULATIONS FOR OFFSHORE AREA 3

Legal Authority: 16 USC 5101 et seq

Abstract: This rule would modify Federal American lobster regulations based on recommendations to the National Marine Fisheries Service (NMFS) by the Atlantic States Marine Fisheries Commission (Commission) as part of the Commission's Interstate Fishery Management Plan for American Lobster (ISFMP). The modifications to enhance protection to American lobster broodstock and control trap fishing effort would: Increase in the minimum legal lobster size limit from 3-3/8 inches to 3-1/2 inches in Lobster Conservation Management Area (Area) 3; increase the size of rectangular and circular lobster trap escape vents by 1/16-inch effective July 1, 2010, in Area 3; and implement a four-stage schedule of annual trap reductions that would reduce the amount of traps allocated in Area 3 by up to 15 percent.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	12/13/05	70 FR 73717
ANPRM Comment Period End	01/12/06	
NPRM	12/00/07	
NPRM Comment Period End	02/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AU07**240. BSAI AMENDMENT 73 AND GOA AMENDMENT 77 FMP TO REVISE MANAGEMENT AUTHORITY OF DARK ROCKFISH****Legal Authority:** 16 USC 1801 et seq

Abstract: This amendment would remove dark rockfish (*Sebastes ciliatus*) from the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fishery management plans (FMPs). The State of Alaska would then assume management of dark rockfish in the BSAI and GOA. Regulatory amendments are needed to implement these FMP amendments to remove dark rockfish from Table 2a of 50 CFR part 679 (FMP species) to add dark rockfish to Table 2d of 50 CFR part 679 (non-FMP species). The regulations implementing Amendment 73/77 also would revise the scientific name and species code for dusky rockfish on Table 2a to 50 CFR part 679.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AU20**241. AMENDMENT 10 TO THE BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERY MANAGEMENT PLAN: MEASURES TO END BOTTOMFISH OVERFISHING IN THE HAWAIIAN ARCHIPELAGO****Legal Authority:** 16 USC 1801 et seq

Abstract: The Pacific Islands Regional Administrator notified the Western Pacific Council in May 2005 that the bottomfish species complex in the Hawaiian Archipelago is in a state of overfishing. This action would amend the fishery management plan to implement measures to end overfishing in the bottomfish complex.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	
NPRM Comment Period End	02/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 944-2207

RIN: 0648-AU22**242. AMENDMENT 14 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION****Legal Authority:** 16 USC 1801 et seq

Abstract: Amendment 14 would establish a series of 8 Type II Marine Protected Areas (MPAs) in Federal waters in the South Atlantic. The MPAs range in size from 8 square nautical miles to 150 square nautical miles, and would be distributed from North Carolina south to the Florida Keys. Within the MPAs, fishing for or retention of species in the snapper-grouper management complex would be prohibited, as would the use of shark bottom longline fishing gear. Trolling for pelagic species such as tuna, dolphin, and mackerel would be allowed within the MPAs.

Timetable:

Action	Date	FR Cite
Notice	07/20/06	71 FR 41207
NPRM	12/00/07	

Action	Date	FR Cite
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AU28**243. AMENDMENT 15 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION****Legal Authority:** 16 USC 1801 et seq

Abstract: Amendment 15 would: Establish biological reference points and status determination criteria for snowy grouper, black sea bass, and red porgy; and establish rebuilding schedules and strategies, where needed, for snowy grouper, black sea bass, and red porgy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/08	
NPRM Comment Period End	06/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AU29**244. AMENDMENT 11 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801 et seq

Abstract: Amendment 11 would limit access and control effort in the General Category Sector of the scallop fishery.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

DOC—NOAA

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AU32

245. AMENDMENT 15 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 15 would address allocation and other issues in the summer flounder, scup, and black sea bass fisheries.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AU36

246. FRAMEWORK ADJUSTMENT TO THE BYCATCH REDUCTION CRITERION FOR THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

Abstract: The Gulf of Mexico Fishery Management Council (Council) developed Amendment 9 to the Shrimp FMP, which established a requirement for the use of Bycatch Reduction Devices (BRDs) in the shrimp fishery of the western Gulf of Mexico. Amendment 9 also established criteria by which BRDs would be tested and certified for use in the shrimp fishery

of the western Gulf of Mexico. Since that time, many changes have occurred in both the directed red snapper fishery and the shrimp fishery to affect the fishing mortality reduction requirements. Because of changes in the shrimp fishery, existing certified BRDs reduce fishing mortality by a lesser amount than originally documented, and no new BRDs have been developed for use in the shrimp fishery. NMFS is taking this action to modify the existing BRD certification criteria. The intent of this change is to better address reductions in bycatch of red snapper, and to better address National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AU59

247. RESTRICTIONS FOR 2007 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN

Legal Authority: 16 USC 951 to 961; 16 USC 971

Abstract: The National Marine Fisheries Service announces the 2007 conservation and management measures for international tuna fisheries in the eastern tropical Pacific Ocean. The purse seine fishery will be closed for 6 weeks and any national longline fishery which reaches a catch level for bigeye tuna equal to the 2001 catch levels will also be closed. The intended effect of this rule is to establish prohibition of U.S. vessels purse seine fishing for tuna in the Inter-American Tropical Tuna Commission (IATTC) Convention Area from November 20 to December 31 period, and to announce the closure of the U.S. longline fishery. This will conform to

the IATTC recommendation that was approved by the State Department.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	02/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980-4040

RIN: 0648-AU79

248. INDIVIDUAL FISHING QUOTA PROCESSING RESTRICTION AMENDMENTS

Legal Authority: 16 USC 1801 et seq; 16 USC 773 et seq

Abstract: This action would modify the halibut and sablefish Individual Fishing Quota (IFQ) Program regulations to allow: (1) Processing of non-IFQ species on a vessel that is otherwise authorized to process non-IFQ species when any amount of IFQ halibut resulting from catcher vessel quota share (QS) is held by fishermen on board a vessel in the Bering Sea and Aleutian Islands and Gulf of Alaska; and (2) processing catcher/processor QS on board a vessel on which persons possess catcher vessel QS.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AU85

DOC—NOAA

Proposed Rule Stage

249. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES IN THE GULF OF MEXICO AND SOUTH ATLANTIC REGION**Legal Authority:** 16 USC 1801 et seq**Abstract:** The regulatory amendment would adjust the trip limits for Atlantic migratory group Spanish mackerel to track the new fishing year (March 1 to end of February).**Timetable:**

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583

Email: roy.crabtree@noaa.gov

RIN: 0648-AV17**250. SOUTH ATLANTIC FISHERY ECOSYSTEM PLAN COMPREHENSIVE AMENDMENT****Legal Authority:** 16 USC 1801 et seq**Abstract:** The purpose of this action is to develop an ecosystem-based approach to resource management. The South Atlantic Council plans to develop a Fishery Ecosystem Plan (FEP) Comprehensive Amendment, which would modify all its Fishery Management Plan's (FMPs). The initial amendment would include the following actions: (1) Various actions to comply with new essential fish habitat requirements; (2) establishment of deep water coral Habitat Areas of Particular Concern, with possible gear limitations, such as the establishment of allowable trawl areas; and (3) other possible actions necessary to implement ecosystem-based fishery management.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/08	

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Roy Crabtree, Regional Administrator, SoutheastRegion, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305

Fax: 727 570-5583

Email: roy.crabtree@noaa.gov

RIN: 0648-AV31**251. MODIFYING MAXIMUM RETAINABLE AMOUNTS (MRAS) FOR SELECTED GROUND FISH SPECIES CAUGHT BY THE NON-AMERICAN FISHING ACT TRAWL CATCHER PROCESSOR SECTOR****Legal Authority:** 16 USC 1801**Abstract:** The National Marine Fisheries Service issues this action to amend regulations specifying the current interval of time allowed for determining the maximum retainable amount (MRA) of selected groundfish species that can be retained by non-American Fishery Act trawl catcher processors. This action would change MRA regulations located at 50 CFR 679.20(e) that establish the calculation of MRAs for groundfish species that are closed to directed fishing by increasing the interval of time each vessel in this sector would have to retain the MRA specified in regulation for several species in the Bering Sea and Aleutian Islands. This action is intended to promote the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221

Fax: 907 586-7249

RIN: 0648-AV32**252. REEF FISH AMENDMENT 30A FOR GREATER AMBERJACK AND GRAY TRIGGERFISH: TAC ADJUSTMENTS, MEASURES TO END OVERFISHING AND ESTABLISH SFA PARAMETERS****Legal Authority:** 16 USC 1801 et seq**Abstract:** Greater amberjack are under a rebuilding plan. A 2006 stock assessment (SEDAR 9) concluded the stock is not recovering as projected. It continues to be overfished and is undergoing overfishing. Adjustments to TAC and management measures are needed to end overfishing and bring the recovery of the greater amberjack stock back into compliance with its 10-year rebuilding time frame. Gray triggerfish were determined to be undergoing overfishing based on a 2006 stock assessment (SEDAR 9). Management measures are necessary to end overfishing of gray triggerfish. Additionally, the Council has not yet approved post-Sustainable Fisheries Act (SFA) benchmarks and reference points for gray triggerfish.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305

Fax: 727 570-5583

Email: roy.crabtree@noaa.gov

RIN: 0648-AV34**253. SPECIFICATIONS FOR THE 2008 ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES****Legal Authority:** 16 USC 1801**Abstract:** This action would establish fishery specifications for the 2008 Atlantic mackerel, squid, and butterfly fisheries.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

DOC—NOAA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AV40**254. SPECIFICATIONS FOR THE 2008 SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES****Legal Authority:** 16 USC 1801

Abstract: This action would establish fishery specifications for the 2008 summer flounder, scup, and black sea bass fisheries.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AV41**255. SPECIFICATIONS FOR THE 2008-2010 SURFLAM AND OCEAN QUAHOG FISHERIES****Legal Authority:** 16 USC 1801

Abstract: This action would establish fishery specifications for the 2008-2010 surfclam and ocean quahog fisheries.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AV42**256. ● GUIDANCE FOR ANNUAL CATCH LIMITS (ACLS) AND ACCOUNTABILITY MEASURES (AMS) TO END OVERFISHING**

Regulatory Plan: This entry is Seq. No. 31 in part II of this issue of the **Federal Register**.

RIN: 0648-AV60**257. ● RULE TO IMPLEMENT A MINIMUM SIZE LIMIT ON SPINY LOBSTER (PANULIRUS ARGUS) IMPORTS****Legal Authority:** 16 USC 1801

Abstract: The United States is a major importer of spiny lobster from the Caribbean, importing over 88,000 tons (over 194 million lbs) over the past 10 years, worth an estimated \$2.27 billion dollars. The United States imports over 90 percent of the spiny lobster harvested in Brazil, Colombia, Central America and the Caribbean countries. The major exporters to the United States are the Bahamas, Brazil, Honduras and Nicaragua. All of these exporting countries have some form of minimum size requirement, but they are not standardized and enforcement is severely lacking. Therefore, NOAA Fisheries Service, in coordination with the Caribbean, South Atlantic, and Gulf of Mexico Fishery Management Councils, is proposing to place a minimum size limit restriction on imports to curtail the flow of undersized lobster harvested in foreign countries.

Timetable:

Action	Date	FR Cite
Notice	07/26/07	72 FR 41063
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AV61**258. ● FMP AMENDMENTS 88, 23,12, AND 9 FOR ALEUTIAN ISLANDS HABITAT CONSERVATION AREA REVISION****Legal Authority:** 16 USC 1801

Abstract: The fishery management plan amendments would revise the Aleutian Islands Habitat Conservation Area to ensure bottom trawling is prohibited in areas of known coral and sponge habitat and little fishing and to allow for fishing in areas historically fished and not known to contain coral and sponge habitat. This action is necessary to ensure the North Pacific Fishery Management Council's intent for protection of sensitive habitat and to allow continued historical bottom trawl-fishing is implemented.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AV62**259. ● INDIVIDUAL FISHING QUOTA OMNIBUS V ACTIONS 2 AND 4: ALLOW LONGLINE POT GEAR IN BERING SEA DURING JUNE; ALLOW MOBILIZED MILITARY PERSONNEL TO MAKE TEMPORARY INDIVIDUAL FISHING QUOTA TRANSFERS****Legal Authority:** 16 USC 1801

Abstract: The regulatory action amends existing commercial fishing regulations at 50 CFR part 679. The amendment would enhance the management of the halibut and sablefish Individual Fishing Quota (IFQ) fisheries, as well as the sablefish Community Development Quota (CDQ) fishery. In June 2006, the North Pacific Fishery Management Council recommended a suite of four amendments to the halibut and sablefish IFQ fishery regulations, otherwise known as OMNI V. This proposed action addresses Action 2 and Action 4 of the Council's proposed regulatory amendments. The action

DOC—NOAA

Proposed Rule Stage

would amend regulations to: (1) Allow the use of longline pot gear in the Bering Sea sablefish IFQ and CDQ fisheries during the month of June; and (2) allow the temporary transfer of IFQ held by mobilized reservists and guardsmen.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AV64

260. • COLLECTION AND USE OF TAX IDENTIFICATION NUMBERS FROM APPLICANTS FOR NATIONAL MARINE FISHERIES SERVICE PERMITS

Legal Authority: 16 USC 1361 et seq; 16 USC 1531 et seq; 16 USC 1801 et seq; 31 USC 7701

Abstract: In conformance with the Debt Collection Improvement Act of 1996 (DCIA), the National Marine Fisheries Service (NMFS) will issue a rule to require that each applicant for a permit, license, endorsement, authorization, transfer or like instrument issued by the Agency to provide a Taxpayer Identification Number (TIN) (Employer Identification Number for business entities or Social Security Number for individuals) and date of incorporation (business) or date of birth (individual), as appropriate. Under the DCIA authority, NMFS will collect the TIN from any permit/license applicant to determine if such a party has any delinquent non-tax debt owed to the Federal Government and inform the applicant that issuance of the permit/license is contingent on the resolution of such debt. NMFS plans to use date-of-incorporation and date-of-birth information for administrative aspects of permitting procedures with appropriate confidentiality safeguards pursuant to the Privacy Act. The rule will specify: (a) The Agency's intended uses of the collected TIN information and provisions for ensuring the

confidentiality of personally identifiable information pursuant to the Privacy Act; (b) the effects on an applicant for permit/license issuance, renewal, or transfer of not providing the required TIN information and when delinquent non-tax debts are owed; (c) the agency's procedure for using the TIN to determine, through the Treasury Department's Debt Check Program, if a permit applicant owes delinquent non-tax debt to the Government pursuant to the DCIA; and (d) the Agency's intended communications with the permit/license applicant concerning the relationship of such delinquent debts to its permitting process and the need to resolve such debts as a basis for completing permit/license issuance, renewal, or transfer. The rule will also refer to parallel Agency actions to establish: (a) A Policy Directive regarding the collection of TIN information from permit/license applicants; and (b) a new NMFS Privacy Act System of Records for permits and non-permit registrations used in a variety of fisheries management programs that will facilitate identifying fishery participants and evaluating permit applicant qualifications as well as an updated System of Record for protected species related permits (issued under the Marine Mammal Protection Act and the Endangered Species Act) to include the TIN collection and an additional routine use concerning the Treasury Department's Debt Check Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Samuel Rauch, Deputy Assistant Administrator for Regulatory Programs, Department of Commerce, National Oceanic and Atmospheric Administration, Room 14657, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2341

RIN: 0648-AV76

261. • GENERAL PROVISIONS FOR DOMESTIC FISHERIES; SPECIFICATIONS FOR BOARDING LADDERS

Legal Authority: 16 USC 773 et seq; 16 USC 951 to 961; 16 USC 971 et seq; 16 USC 973 to 973r; 16 USC 1801 et seq; 16 USC 2431 et seq; 16 USC 3636(b); 16 USC 5501 et seq

Abstract: This regulation would require domestic fishing vessels to have a U.S. Coast Guard-approved pilot ladder on board as a safer means for authorized personnel to board the vessels in carrying out their duties under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act and other applicable laws. This action is necessary to provide for the safety of personnel boarding domestic fishing vessels, as current standards have proven to be inadequate. This action would establish a safer and more enforceable national standard for ladders used by authorized officers for boarding domestic fishing vessels subject to Federal regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713-2334

RIN: 0648-AV78

262. • GULF REEF FISH AMENDMENT 30B

Legal Authority: 16 USC 1801

Abstract: Amendment 30B addresses the findings of Gulf of Mexico red grouper and gag stock assessments. Red grouper is not undergoing overfishing and is not overfished. Gag is undergoing overfishing and whether gag are overfished is still being determined. This action incorporates both red grouper and gag management measures together, as the measures affecting one species invariably affect the other. The amendment would

DOC—NOAA

Proposed Rule Stage

implement management measures to increase red grouper TAC and to end overfishing of gag. The amendment also proposes definitions for gag status criteria and reference points. The amendment also examines grouper accountability measures, closed fishing areas, and ways to reduce discard mortality.

Timetable:

Action	Date	FR Cite
NPRM	02/00/08	
NPRM Comment Period End	04/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AV80

263. • FRAMEWORK ADJUSTMENT 19 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: Framework Adjustment 19 would implement management measures for the Atlantic sea scallop fishery for the 2008 and 2009 fishing years, including days-at-sea and sea scallop access area trip allocations, general category scallop vessel restrictions, and other measures to improve the effectiveness and efficiency of the Scallop FMP.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AV90

264. • FRAMEWORK ADJUSTMENT 20 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: Framework 20 would extend measures implemented by interim rule that delayed the opening of the Elephant Trunk Sea Scallop Access Area (ETAA) until March 1, 2007, reduced the maximum number of trips per vessel in the ETAA from 5 trips to 3, reduced the number of general category fleet trips from 1,360 to 865 trips in the ETAA, and prohibited the retention of more than 50 U.S. bushels of in-shell scallop outside of the boundaries of the sea scallop access areas. Framework 20 would extend these measures from December 2007 through February 2008.

Timetable:

Action	Date	FR Cite
NPRM	10/30/07	72 FR 61320
NPRM Comment Period End	11/14/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AV91

265. • VESSEL INCENTIVE PROGRAM (VIP) REPEAL

Legal Authority: 16 USC 1801

Abstract: This regulatory amendment would repeal regulations that authorize a Vessel Incentive Program (VIP) to reduce bycatch rates of halibut and red king crab in trawl fisheries of the Bering Sea and Aleutian Islands and Gulf of Alaska.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric

Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AV96

266. • REVISE FISHERY MANAGEMENT PLAN (FMP) FOR REEF FISH OF PUERTO RICO AND U.S. VIRGIN ISLANDS AND FMP FOR SPINY LOBSTER FISHERY OF PUERTO RICO AND U.S. VIRGIN ISLANDS

Legal Authority: 16 USC 1801 et seq

Abstract: Many species of fish in the reef fish fishery in Puerto Rico and the U.S. Virgin Islands (USVI) are believed to be overexploited, largely due to unrestricted trap fishing. Landings from the trap fishery have seen a continuous decrease since 1990 in Puerto Rico (e.g., Matos-Caraballo, See Section 2.1) and a change in species composition and size of fish landed over the last 10 years. This effect has been attributed to excess trap fishing effort, the lack of compliance with regard to trap construction (i.e., fishers often do not used the required biodegradable fasteners on trap doors), use of other gears by commercial fishers, and the lack of escape panels in traps which would allow smaller fishes to escape, resulting in high mortality of juveniles and a loss of long-term potential yield.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AV98

267. • AMENDMENT 89 TO THE FISHERY MANAGEMENT PLAN TO BERING SEA; BERING SEA HABITAT CONSERVATION MEASURES

Legal Authority: 16 USC 1801 et seq

Abstract: This regulatory amendment would implement Amendment 89 to

DOC—NOAA

Proposed Rule Stage

the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. The regulations would prohibit nonpelagic trawling in certain areas of the Bering Sea subarea to protect bottom habitat and certain nearshore bottom habitat areas that provide subsistence resources. The amendment also would provide for a Northern Bering Sea research area where the effects of nonpelagic trawling may be studied.

The cost to the regulated community is limited to an average of \$330,000 annually based on the closure of the Northern Bering Sea research area. Other closures under this action are not anticipated to result in lost revenue because the closures are located in areas not currently fished, or the closure areas are small enough that the industry is likely to be able to recover any potential lost revenue by shifting fishing into other locations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AW06

268. • DESIGNATION OF CRITICAL HABITAT FOR THE ENDANGERED U.S. DISTINCT POPULATION SEGMENT (DPS) OF SMALLTOOTH SAWFISH

Legal Authority: 16 USC 1531 et seq

Abstract: This action would designate critical habitat for the U.S. DPS of smalltooth sawfish, which was listed as endangered on April 1, 2003. The designation would be located in Florida, within the current geographic range of the species. Comments from the public on the proposal, including information on the economic impacts, national security, and other relevant documents, as well as the benefits to the species from the designation will be solicited during a 60-day comment period. A draft economic analysis and section 4(b)(2) report will be conducted in support of this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	02/00/08	
NPRM Comment Period End	04/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Shelley L. Norton, Smalltooth Sawfish and Johnson's Seagrass Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 253 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 551-5781
Fax: 727 524-5309
Email: shelley.norton@noaa.gov

RIN: 0648-AV74

269. • ESTABLISH TAKE PROHIBITIONS FOR THE THREATENED SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON

Legal Authority: 16 USC 1531 to 1543

Abstract: Under section 4(d) of the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. This proposed ESA 4(d)

rule represents the regulations that the National Marine Fisheries Service (NMFS) believes necessary and advisable to conserve the threatened Southern Distinct Population Segment of North American green sturgeon (Southern DPS of green sturgeon). NMFS proposes to apply the prohibitions listed under ESA sections 9(a)(1)(A) and 9(a)(1)(D) through 9(a)(1)(G) for the Southern DPS of green sturgeon and to apply ESA section 9(a)(1)(B) and 9(a)(1)(C) prohibitions (called the "take prohibitions") to specific activities that take Southern DPS fish or alter its habitat in a manner detrimental to the continued existence of the species. NMFS also describes exceptions to the take prohibitions for activities conducted in a way that NMFS deems adequate to protect or conserve the Southern DPS. In addition, NMFS is announcing the availability of an environmental assessment (EA) that analyzes the impacts of promulgating these 4(d) regulations for the Southern DPS of green sturgeon. NMFS solicits comments regarding the draft EA and this proposed ruling.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Lisa Manning, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-1401
Email: lisa.manning@noaa.gov

RIN: 0648-AV94

Department of Commerce (DOC)

Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

270. REQUIRE MANDATORY OBSERVER COVERAGE IN THE AT-SEA PROCESSING SECTOR OF THE WHITING FISHERY

Legal Authority: 16 USC 1801 et seq**Abstract:** This action amends the regulations implementing the Pacific Coast Groundfish Fishery Management Plan to provide for a mandatory, vessel-financed observer program on at-sea processing vessels.**Timetable:**

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53334
NPRM Comment Period End	10/10/03	
Interim Final Rule	06/07/04	69 FR 31751
Interim Final Rule Comment Period End	07/07/04	
Final Action	11/00/07	

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070
Phone: 206 526-6150
Fax: 206 526-6426**RIN:** 0648-AK26

271. EXPANSION OF THE PACIFIC COAST GROUND FISH FISHERY VESSEL MONITORING SYSTEM TO THE OPEN ACCESS FISHERY

Legal Authority: 16 USC 1851, sec 301**Abstract:** This action expands the current vessel monitoring system (VMS) program by requiring all vessels fishing pursuant to the harvest guidelines, quotas, and other management measures governing the open access groundfish fishery to provide declaration reports and to activate and use a VMS transceiver while fishing off the coasts of Washington, Oregon, and California. Any commercial fishing vessel that is not registered to a limited entry groundfish permit and that is used to take and retain groundfish in the Exclusive Economic Zone (EEZ) (3-200 nm from shore) that possess groundfish while transiting the EEZ, or

that lands groundfish taken in the EEZ is considered to be participating in the open access groundfish fishery. Vessel using non-groundfish trawl gear to fish in the EEZ will be included, whether or not groundfish is retained, for the purpose of monitoring vessel activity in relation to essential fish habitat.

Timetable:

Action	Date	FR Cite
NPRM	08/08/07	72 FR 44469
NPRM Comment Period End	09/07/07	
Final Action	11/00/07	

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070
Phone: 206 526-6150
Fax: 206 526-6426**RIN:** 0648-AU08

272. FRAMEWORK 4 TO THE FISHERY MANAGEMENT PLAN FOR MONKFISH

Legal Authority: 16 USC 1801 et seq**Abstract:** This framework adjustment would establish target TACs of 5,000 mt and 5,100 mt for the Northern Fishery Management Area (NFMA) and Southern Fishery Management Area (SFMA), respectively, for the final 3 years of the rebuilding plan (FY 2007-FY 2009), unless otherwise modified by the Monkfish Monitoring Committee (MFMC) during their annual review process. Essentially, this framework adjustment would remove the Framework 2 control rule and replace it with target TACs that were developed based upon an analysis conducted by the Monkfish Plan Development Team (PDT). This framework would also implement monkfish Days-at-Sea requirements for vessels fishing in the NFMA, and addresses other minor issues raised by industry.**Timetable:**

Action	Date	FR Cite
NPRM	03/20/07	72 FR 13069
NPRM Comment Period End	04/19/07	
Interim Final Rule	04/27/07	72 FR 20952
Interim Final Rule	09/21/07	72 FR 53942

Action	Date	FR Cite
Interim Final Rule Comment Period End	10/22/07	
Final Rule	05/00/08	

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200**RIN:** 0648-AU34

273. AMENDMENT 85 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS (BSAI) MANAGEMENT AREA; PACIFIC COD ALLOCATIONS

Legal Authority: 16 USC 1801**Abstract:** This rulemaking would modify the current Bering Sea and Aleutian Island (BSAI) Pacific cod allocations among the jig, trawl, hook-and-line, and pot gear sectors. The current harvest patterns vary significantly from sector allocations that have been in place since 1997. This action is necessary to establish allocations that better reflect actual use by sector, while considering socioeconomic and community factors.**Timetable:**

Action	Date	FR Cite
NOA	12/07/06	71 FR 70943
NOA Comment Period End	02/05/07	
NPRM	02/07/07	72 FR 5654
NPRM Comment Period End	03/26/07	
Final Action	11/00/07	

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249**RIN:** 0648-AU48

DOC—NOAA

Final Rule Stage

274. AMENDMENT 15 TO THE PACIFIC COAST SALMON FISHERY MANAGEMENT PLAN**Legal Authority:** 16 USC 1801 et seq

Abstract: Amendment 15 to the Pacific Coast Salmon Fishery Management Plan (FMP) would implement provisions that provide de minimis fishing opportunity during periods when the status of Klamath River fall Chinook is such that no fishing opportunities would be allowed under the current FMP without use of the emergency rule process, as was necessary for the 2006 salmon season. The conservation objective for Klamath River fall Chinook, which includes an annual natural spawning escapement floor of 35,000 adults, with respect to determining when stock status would trigger a Conservation Alert or an Overfishing Concern, will not change.

Timetable:

Action	Date	FR Cite
NPRM	12/20/06	71 FR 76270
NPRM Comment Period End	02/20/07	
Final Action	02/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070
Phone: 206 526-6150
Fax: 206 526-6426

RIN: 0648-AU69**275. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SHARK MANAGEMENT MEASURES 2007****Legal Authority:** 16 USC 1801 et seq

Abstract: This rule would reevaluate the management measures for large coastal sharks (LCS) and pelagic sharks based on the 2005/2006 LCS stock assessment, the 2006 dusky shark stock assessment, and the Canadian 2005 porbeagle shark stock assessment. This rulemaking could consider, among other things, changes to existing rebuilding plans for overfished species, commercial quotas and trip limits, recreational minimum size and bag limits, and the public display quota. In addition, this rule would likely reevaluate the Mid-Atlantic shark

closure and its role in the rebuilding plan for LCS. This action is necessary in light of recent stock assessments, which have determined that dusky and sandbar sharks are overfished with overfishing occurring, the status is unknown for the Atlantic blacktip shark population, and porbeagle sharks are likely overfished. In addition, the 2005/2006 LCS stock assessment determined it is inappropriate to assess the LCS complex as a whole, which has been the basis of managing these species since 1993.

Timetable:

Action	Date	FR Cite
NPRM	10/03/07	72 FR 56330
NPRM Comment Period End	10/10/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713-2334

RIN: 0648-AU89**276. VESSEL MONITORING SYSTEM REVISION FOR BERING SEA AND ALEUTIAN ISLANDS (BSAI) AND GULF OF ALASKA (GOA) FISHERIES****Legal Authority:** 16 USC 1801

Abstract: The regulatory amendment is necessary to clarify the requirements for vessel monitoring systems (VMS) for vessels operating in the fisheries of the Bering Sea and Aleutian Islands management area and Gulf of Alaska. The revision would require all federally permitted vessels to operate a VMS when the fishery is open for which the vessel is endorsed. In addition, the revision would require all federally permitted vessels to operate a VMS in State of Alaska waters when VMS operation is also required in Federal waters.

Timetable:

Action	Date	FR Cite
NPRM	06/19/07	72 FR 33732
NPRM Comment Period End	07/19/07	
NPRM Comment Period Extended	09/04/07	
Final Action	11/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AU93**277. ATLANTIC HIGHLY MIGRATORY SPECIES; NORTH AND SOUTH ATLANTIC SWORDFISH COMMERCIAL MANAGEMENT MEASURES****Legal Authority:** 16 USC 1801 et seq; 16 USC 971 et seq

Abstract: This rule will modify the 2006 fishing season quotas for North and South Atlantic Swordfish based on recent updated landings information. This action will also establish initial North and South Atlantic quotas and seasons for 2007, and will implement recommendations from the 2006 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). This proposed rule is necessary to ensure that current swordfish quotas account for underharvests from the 2005 fishing year, consistent with regulations at 50 CFR part 635, and implement ICCAT recommendations that establish the U.S. North and South Atlantic swordfish allocations.

Timetable:

Action	Date	FR Cite
NPRM	06/18/07	72 FR 33436
NPRM Comment Period End	07/18/07	
Final Action	11/00/07	
Final Action Effective	12/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713-2334

RIN: 0648-AV10**278. ALASKA GROUND FISH FISHERIES SEABIRD AVOIDANCE MEASURES****Legal Authority:** 16 USC 1801

Abstract: This regulatory amendment would revise Alaska groundfish fisheries regulations affecting seabird avoidance gear standards to hook-and-line vessels operating in the Exclusive Economic Zone and portions of inside waters where birds of concern occur. The revision would remove seabird avoidance gear requirements in portions of inside waters where birds of concern do not occur. A weather safety exemption would be added to the regulations for small vessels, and the Seabird Avoidance Plan requirement would be deleted because it was found to be an unnecessary measure to ensure the proper use of seabird avoidance gear.

Timetable:

Action	Date	FR Cite
NPRM	09/19/07	72 FR 53516
NPRM Comment Period End	10/19/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AV38

279. REEF FISH REGULATORY AMENDMENT FOR VERMILION SNAPPER TO REVISE MANAGEMENT MEASURES

Legal Authority: 16 USC 1801 et seq

Abstract: The purpose of the regulatory amendment is to revise management measures implemented through Amendment 23 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico. These management measures need to be revised because a recent stock assessment resulted in a change of stock status to “not overfished” or “undergoing overfishing.” The regulatory amendment contains two management alternatives. Alternative 1 is the no action alternative and would maintain the regulations implemented by Amendment 23. Preferred Alternative 2 reverses management measures originally implemented by Amendment 23. Specifically, the actions in Preferred Alternative 2

include: Reducing the recreational and commercial minimum size limit from 11 to 10 inches total length; ending the April 22-May 31 commercial seasonal closure; eliminating the 10-fish bag limit for vermilion snapper; and retaining vermilion snapper in the current 20-fish aggregate bag limit for those reef fish species without species to specific bag limits.

Timetable:

Action	Date	FR Cite
NPRM	03/22/07	72 FR 20980
Final Rule	11/00/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AV45

280. • RULE TO REVISE THE GULF OF MEXICO (GULF) REEF FISH VESSEL MONITORING SYSTEM (VMS) REPORTING REQUIREMENTS, POWER-DOWN EXEMPTION, AND RED SNAPPER INDIVIDUAL FISHING QUOTA (IFQ) 3-HOUR NOTIFICATION

Legal Authority: 16 USC 1801

Abstract: This action would revise NOAA Fisheries Service requirements applicable to the commercial reef fish fishery in the Gulf and to incorporate a minor revision to the 3-hour notification requirement in the Gulf red snapper IFQ program. Because some VMS units draw more power than anticipated, an unintended consequence of this action is that a vessel's battery can be drained while in port and not fishing, unless hooked up to an external power source. To alleviate this problem, NOAA Fisheries Service is proposing an in-port exemption allowing a VMS unit to send a position report once every four hours, rather than every hour. This would reduce the power requirements of the VMS unit and allow other important safety equipment (e.g., bilge pumps) on a vessel to operate. In addition, this problem would also be addressed by adding “in port” as a qualifier for the power-down exemption should a vessel be inactive for 72 consecutive hours or

more. Thus the proposed rule would revise current regulations to reflect revisions made in the NOAA Office of Law Enforcement's Vessel Monitoring System Requirements document to address this vessel power issue. The rule would clarify the requirements of VMS in the reef fish fishery. This includes requirements for owners/operators of qualified vessels to apply for and obtain a VMS power-down exemption and add a grandfather clause to address VMS units approved for use in the Gulf reef fish fishery. The rule would also expand the allowable methods for communicating the 3-hour advance notification of landing in the IFQ program. Currently, the 3-hour notification can only be conducted by phone, which has proven to be impracticable in some cases.

Timetable:

Action	Date	FR Cite
NPRM	08/06/07	72 FR 43583
NPRM Comment Period End	08/21/07	
Final Action	11/00/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AV59

281. • 2008 SUMMER FLOUNDER RECREATIONAL COASTWIDE MEASURE

Legal Authority: 16 USC 1801

Abstract: This rule establishes the default coastwide recreational summer flounder management measures (i.e., minimum fish size, possession limit, season) that will be in place on January 1, 2008, and will remain effective until replaced in late spring/early summer by measures based on the updated 2007 assessment.

Timetable:

Action	Date	FR Cite
NPRM	09/28/07	72 FR 55166
NPRM Comment Period End	10/15/07	
Final Action	12/00/07	

DOC—NOAA

Final Rule Stage

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AV99

282. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY

Legal Authority: 16 USC 1372 (c)

Abstract: This rule will revise and simplify criteria and procedures specific to permits for taking, transporting, importing, and exporting protected species for public display and provide convenient formats for reporting marine mammal captive holdings and transports as required by amendments made in 1994 to the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209

Action	Date	FR Cite
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Final Action	11/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2289

RIN: 0648-AH26

283. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS

Legal Authority: 16 USC 1361 et seq

Abstract: This action would implement modifications of the Atlantic Large Whale Take Reduction Plan (ALWTRP). The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act. The commercial fishery

requirements provided in this rule are intended to implement the additional requirements recommended by the Atlantic Large Whale Take Reduction Team and NMFS.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35894
Comment Period Extended	07/13/05	70 FR 40301
NPRM Comment Period End	07/21/05	
Final Action	11/00/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AS01

284. RIGHT WHALE SHIP STRIKE REDUCTION

Regulatory Plan: This entry is Seq. No. 32 in part II of this issue of the **Federal Register**.

RIN: 0648-AS36

Department of Commerce (DOC)

Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

285. REGULATORY AMENDMENT TO ADJUST PERMIT RENEWAL REQUIREMENTS AND TRANSFERABILITY RESTRICTIONS IN NWHI'S HOOMALU ZONE AND MAU LIMITED ACCESS PROGRAMS

Legal Authority: 16 USC 1801 et seq

Abstract: This regulatory amendment under the Bottomfish Fishery Management Plan would remove annual landings requirement for permit renewal, revise permit transferability restrictions, establish permit eligibility for the Mau Zone, and establish a mechanism to facilitate permits through a community development program in the Northwestern Hawaiian Islands bottomfish limited access programs.

Timetable:

Action	Date	FR Cite
Withdrawn	10/05/07	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 944-2207

RIN: 0648-AQ20

286. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: This action would implement a limited access program, implement management measures to management area 1A, and make other adjustments to the Atlantic Herring Fishery Management Plan.

Timetable:

Action	Date	FR Cite
Notice	09/06/06	71 FR 52521
NPRM	09/27/06	71 FR 56446
Comment Period End	11/06/06	
NPRM Comment Period End	11/13/06	
Final Rule	06/01/07	72 FR 11252

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AQ87

DOC—NOAA

Completed Actions

287. AMENDMENT 14 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY**Legal Authority:** 16 USC 1801 et seq**Abstract:** Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management would establish a rebuilding plan for scup.**Timetable:**

Action	Date	FR Cite
NPRM	04/24/07	72 FR 20344
NPRM Comment Period End	05/24/07	
Final Action	07/23/07	72 FR 40077

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200**RIN:** 0648-AS22**288. AMENDMENT TO REGULATIONS IMPLEMENTING THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT OF 1984****Legal Authority:** 16 USC 2431 et seq**Abstract:** This amendment to regulations for Antarctic Marine Living Resources (AMLR) implements measures agreed to by the parties to the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). More specifically, it would require the use of the centralized satellite-linked vessel monitoring system (VMS) by all U.S. vessels harvesting AMLR and would be a condition of export for all dealers seeking to import shipments of toothfish. It would also exempt all shipments of fresh toothfish from the National Marine Fisheries Service preapproval process and allow importers of frozen toothfish to submit the U.S. Customs 7501 entry number subsequent to their initial application for preapproval. The rule would require the use of Electronic Catch Documents, after a 60-day transition period, for all U.S. dealers seeking to import shipments of toothfish into the United States. The rule would also amend certain definitions including "import" and "export." Use of a seal excluder device would be required on krill vessels using trawl gear in CCAMLR

waters. Regulations governing scientific observers and vessel information would be modified.

Timetable:

Action	Date	FR Cite
NPRM	07/13/06	71 FR 39642
NPRM Comment Period End	08/14/06	
Final Action	08/23/07	72 FR 48496

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713-2334**RIN:** 0648-AS75**289. FRAMEWORK 1 TO THE SURFLAM AND OCEAN QUAHOG FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801 et seq**Abstract:** Framework adjustment 1 to the Atlantic Surfclam and Ocean Quahog FMP requires the use of a vessel monitoring system (VMS) for vessels participating in the surfclam and ocean quahog fishery. The VMS requirement replaces the current telephone-based notification requirement necessary prior to departure on a surfclam or ocean quahog fishing trip and facilitates monitoring of closed areas and State/Federal jurisdictional boundaries. The intent of this action is to implement management measures that will improve the management and enforcement of regulations governing the Atlantic surfclam and ocean quahog fishery in the U.S. Exclusive Economic Zone.**Timetable:**

Action	Date	FR Cite
NPRM	03/05/07	72 FR 9719
NPRM Comment Period End	04/04/07	
Final Action	09/11/07	72 FR 51699

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930

Phone: 978 281-9200

RIN: 0648-AT62**290. AMENDMENT 84-A TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA IMPLEMENTING SALMON BYCATCH MEASURES****Legal Authority:** 16 USC 1801**Abstract:** This rule would exempt Pollock and CDQ vessels that participate in a voluntary rolling hotspot closure system (VRHS) from chum and Chinook salmon savings area closures. The VRHS utilizes inseason data and a private contractor to determine and avoid high salmon bycatch areas. The VRHS encourages salmon bycatch reduction through internal enforcement of a civil agreement between cooperatives and third party groups. This rulemaking would also exempt vessels participating in the trawl cod and/or flatfish targets from closures of the chum salmon savings area.**Timetable:**

Action	Date	FR Cite
NPRM	04/18/07	72 FR 19454
NPRM Comment Period End	06/04/07	
Final Action	10/29/07	72 FR 61070

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249**RIN:** 0648-AU03**291. OBSERVER HEALTH AND SAFETY****Legal Authority:** 16 USC 1801 et seq; 5 USC 561**Abstract:** This rule would enhance the safety of observers and the efficiency of their deployment. These amendments would clarify prohibited actions regarding observers, reinforce that an observer may not be deployed nor stay aboard an unsafe vessel, clarify when a fishing vessel is inadequate for observer deployment and how an owner or operator can resolve

DOC—NOAA

Completed Actions

discrepancies, improve communications between observer programs and fishing vessel owners and operators, and provide for a National Marine Fisheries Service alternate safety equipment examination of certain small fishing vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/30/07	72 FR 4226
NPRM Comment Period End	03/01/07	
Final Action	11/01/07	72 FR 61815

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Bonnie Ponwith, Acting Director, Office of Science and Technology, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2367

RIN: 0648-AU46**292. RECONCILIATION OF STATE AND FEDERAL COMMERCIAL FISHING VESSEL PERMIT PROGRAMS****Legal Authority:** 16 USC 1801

Abstract: This action would implement a limit to the amount of days that a federally-permitted commercial fishing vessel can fish. Although, in the case of the Northeast (NE) multispecies fisheries, it is estimated that less than 5 percent of vessels are currently exploiting what amounts to a regulatory loophole, fishing part of the permit year exclusively under State regulations and then later renewing their Federal permit, their impact to fishing mortality objectives could potentially be significant especially as reductions in DAS continue in New England. This action is needed to address the aforementioned situation, that is exploited by a small number of people, before others begin to regard this as an advantage that should be utilized to stay competitive. The purpose of this action is to remove an unintended consequence of having a Federal permit renewal system that effectively allows for a temporary relinquishment of a Federal limited access permit. This action would reinforce commercial fishing vessel permit renewal procedures currently practiced by over 90 percent of all limited access permit holders. Furthermore, this action may

facilitate the development of corresponding State permit regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/06/07	72 FR 17085
Final Action	08/03/07	72 FR 43188

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AU51**293. RECREATIONAL SPECIFICATIONS FOR THE 2007 SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES****Legal Authority:** 16 USC 1801 et seq

Abstract: This action implements recreational management measures for the summer flounder, scup, and black sea bass fisheries for 2007.

Timetable:

Action	Date	FR Cite
NPRM	03/15/07	72 FR 12158
NPRM Comment Period End	03/30/07	
Final Action	06/01/07	72 FR 30492

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AU60**294. AMENDMENT 80 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS****Legal Authority:** 16 USC 1801

Abstract: Amendment 80 would provide specific groundfish allocations to the non-AFA trawl catcher/processor sector and allow the formation of fishing cooperatives within the sector. Sector allocations and associated cooperatives would allow participants to focus less on harvest maximization and more on optimizing their harvest.

This in turn could allow reduction of incidental catch, improve retention, and improve utilization, while still improving the economic health of the harvesting and processing, all of which address the problem statement for Amendment 80. Additional monitoring and enforcement provisions will ensure that the allocations are properly accounted. The costs of these monitoring provisions would be less than the benefits from improved economic efficiency.

Timetable:

Action	Date	FR Cite
Notice	04/30/07	72 FR 21198
NPRM	05/30/07	72 FR 30052
NPRM Comment Period End	06/29/07	
Final Action	09/14/07	72 FR 52668

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AU68**295. ATLANTIC HAGFISH COLLECTION OF INFORMATION REQUIREMENTS****Legal Authority:** 16 USC 1801 et seq

Abstract: This rule will implement changes to the Northeast fishery regulations, at 50 CFR part 648, to require that any vessel owner/operator who intends to fish for, catch, and/or land hagfish in or from the exclusive economic zone be required to take an observer on board their vessel when requested to do so, and requires dealers who purchase hagfish to obtain a permit and report on their hagfish purchases.

Timetable:

Action	Date	FR Cite
NPRM	11/01/06	71 FR 64214
NPRM Comment Period End	12/01/06	
Final Rule	04/23/07	72 FR 20036

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of

DOC—NOAA

Completed Actions

Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AU80

296. REGULATORY AMENDMENT TO REVISE ELECTRONIC REPORTING SOFTWARE AND HARDWARE REQUIREMENTS OF THE OBSERVER COMMUNICATIONS SYSTEM (OCS)

Legal Authority: 16 USC 773 to 773k; 16 USC 1801; 16 USC 3631

Abstract: This regulatory action is necessary to revise regulations at section 679.50(g)(1) and section 679.50(g)(2), which describe vessel and shoreside processor minimum software and hardware requirements for the Observer Communications System (OCS). The OCS consists of custom software and communications equipment that groundfish observers use to enter data collected in the course of their duties and communicate this data by satellite link to observer program staff. Additionally, the OCS is capable of sending text messages and observer program staff uses this function to provide support to observers while in the field. Since its implementation, OCS requirements have been periodically upgraded through proposed and final rulemaking. These upgrades have been necessary as commercially available software becomes obsolete or unsupported by its manufacturer, or NMFS must upgrade the software component of the OCS to increase the overall data quality and efficiency of the OCS system. Rather than propose upgrades to specific hardware and software components necessary to support new OCS software, we propose to remove these specific requirements, and replace them with a requirement that each catcher vessel, catcher/processor, mothership, and shoreside or stationary floating processor already subject to OCS requirements provide hardware and software that is fully functional and operational with the NMFS supplied software.

Timetable:

Action	Date	FR Cite
NPRM	03/29/07	72 FR 14764
NPRM Comment Period End	04/27/07	
Final Rule	07/06/07	72 FR 36896

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AV13

297. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); SEA TURTLE HANDLING GEAR; ATLANTIC BLUEFIN TUNA RETENTION LIMITS

Legal Authority: 16 USC 1801 et seq

Abstract: This rule would make mandatory the possession and use of additional sea turtle handling gear to facilitate dehooking of sea turtles (endangered or threatened depending on species) caught incidentally in pelagic or bottom longline gear for Atlantic HMS. The benefit of this action is to maximize safe and efficient gear removal from incidentally captured sea turtles, minimizing the potential for serious injury or mortality potential from remaining gear.

This rule would also modify the retention limit for Atlantic bluefin tuna (BFT) taken incidental to fishing for other species while in the Northeast Distant gear restricted area. The intent of this change would be to simplify the management regime by implementing consistent regulations among management areas.

The measures in this action are consistent with the BFT rebuilding plan and with the HMS Fishery Management Plan. This action is not significant under the meaning of E.O. 12866 since it is below the economic threshold of impact and has no novel policy issues associated with it.

Timetable:

Action	Date	FR Cite
Withdrawn	10/18/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

RIN: 0648-AV16

298. 2007 GEORGES BANK COD FIXED GEAR SECTOR OPERATIONS PLAN AND TAC ALLOCATION

Legal Authority: 16 USC 1801 et seq

Abstract: Framework Adjustment 42 to the Northeast Multispecies Fishery Management Plan approved creation of the Georges Bank Cod Fixed Gear Sector (Fixed Gear Sector) in 2006, and created a process wherein the Sector is required to submit an annual operations plan in order to be approved to operate in a specific manner during a specific fishing year, and be allocated a total allowable catch (TAC) of Georges Bank cod for a fishing year. This proposed rule would not implement regulations, but would solicit public comment on the proposed management measures under which the sector would operate during fishing year 2007, and propose a specific 2007 Georges Bank cod TAC. The Fishery Management Plan authorizes the Regional Administrator (NER) to approve the proposed operations plan after soliciting public comment through publication of a proposed rule in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	04/16/07	72 FR 18937
Final Rule	05/10/07	72 FR 26325

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200

RIN: 0648-AV22

299. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); TEMPORARY SUSPENSION OF REQUIREMENT TO USE CIRCLE HOOKS IN ATLANTIC BILLFISH TOURNAMENTS

Legal Authority: 16 USC 1801 et seq

Abstract: This rule would temporarily suspend regulations finalized in the Final Highly Migratory Species (HMS) Consolidated Fishery Management Plan (October 2, 2006; 71 FR 58058) that limits all HMS permitted vessels

DOC—NOAA

Completed Actions

participating in Atlantic billfish tournaments to deploying only non-offset circle hooks when using natural baits or natural bait/artificial lure combinations. The rule was effective January 1, 2007. The purpose of this rule—to temporarily suspend the requirement to use circle hooks in Atlantic billfish tournaments—is to provide an additional fishing season for recreational anglers to become more familiar with circle hooks. This action is not significant under the meaning of EO 12866 since it is below the economic threshold of impact and has no novel policy issues associated with it.

Timetable:

Action	Date	FR Cite
NPRM	03/15/07	72 FR 12154
NPRM Comment Period End	03/30/07	
Final Action	05/11/07	72 FR 26735

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

RIN: 0648-AV25

300. AMENDMENT 13; RULE TO PERMANENTLY PROVIDE FOR INDUSTRY-FUNDED OBSERVER COVERAGE IN THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: The purpose of this rulemaking is to permanently implement the observer service provider mechanism first implemented by emergency action in June 2006.

Timetable:

Action	Date	FR Cite
NPRM	04/06/07	72 FR 17076
Final Rule	06/13/07	72 FR 32549

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930

Phone: 978 281-9200

RIN: 0648-AV39

301. AMENDMENT 7 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

Timetable:

Action	Date	FR Cite
Duplicate of AV21	07/28/07	

RIN: 0648-AV43

302. PACIFIC COAST GROUND FISH FISHERY; ESTABLISH CATCH ACCOUNTING REQUIREMENTS FOR PROCESSORS/FIRST RECEIVERS PARTICIPATING IN THE PACIFIC WHITING SHORESIDE FISHERY

Legal Authority: 16 USC 1801

Abstract: The rulemaking is to establish catch accounting requirements for persons who receive, buy, or accept Pacific whiting (whiting) deliveries of 4,000 pounds (lb) or more from vessels using mid-water trawl gear during the primary whiting season. The action would improve NMFS's ability to effectively monitor the whiting fishery such that catch of whiting and incidentally caught species, including overfished groundfish species, do not result in a species' optimum yield (OY), harvest guideline, allocations, or bycatch limits being exceeded. The action would also provide for timely reporting of Chinook salmon take as specified in the Endangered Species Act, section 7 Biological Opinion for Chinook Salmon Catch in the Pacific Groundfish Fishery.

Timetable:

Action	Date	FR Cite
NPRM	04/09/07	72 FR 17469
NPRM Comment Period End	04/24/07	
NPRM Comment Period Extended to 5/14/2007	04/27/07	72 FR 20980
Final Action	09/05/07	72 FR 50906

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Becky Renko, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115
Phone: 206 526-6140
Fax: 206 526-6736
Email: becky.renko@noaa.gov

RIN: 0648-AV46

303. PACIFIC HALIBUT FISHERIES; GUIDED SPORT CHARTER VESSEL FISHERY FOR HALIBUT

Legal Authority: 16 USC 773 et seq

Abstract: NMFS proposes regulations that would restrict the harvest of halibut by persons fishing on a guided sport charter vessel in international Pacific Halibut Commission Regulatory Area 2C. The current sport-fishing catch or bag limit of two halibut per day is proposed to be changed for a person sport-fishing on a charter vessel in Area 2C to require that at least one of the two fish taken in a day be no more than 32 inches in length. This proposed regulatory change is necessary to reduce the halibut harvest in the charter vessel sector while minimizing negative impacts on this sector, its sport fishing clients, and the coastal communities that serve as home ports for the fishery.

Timetable:

Action	Date	FR Cite
NPRM	04/06/07	72 FR 17071
NPRM Comment Period End	04/23/07	
Final Action	06/04/07	72 FR 30714

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AV47

304. • 2007 PACIFIC WHITING HARVEST SPECIFICATIONS AND IN-SEASON ADJUSTMENTS TO GROUND FISH MANAGEMENT MEASURES

Legal Authority: 16 USC 1801

Abstract: This action would implement the 2007 Pacific Whiting Acceptable Biological Catch (ABC) and Optimum Yield (OY) for the U.S. West Coast Exclusive Economic Zone. A proposed range of Pacific whiting ABC/OY was published as part of the 2007-2008 West Coast groundfish harvest specifications and management measures package (71 FR 57764, September 29, 2006.) At its March 2007 meeting, the Pacific Fishery Management Council reviewed the

DOC—NOAA

Completed Actions

Pacific whiting stock assessment for 2007 and made its final recommendations for the 2007 ABC/OY. NMFS is finalizing that recommendation through this action, which amends Table 1a to 50 CFR 660, subpart G to implement a 2007 U.S. ABC of 452,196 mt, and a 2007 U.S. OY of 242,591 mt.

Timetable:

Action	Date	FR Cite
Final Specs Split From	04/18/07	72 FR 19390
16-4		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070
Phone: 206 526-6150
Fax: 206 526-6426

RIN: 0648-AV52

305. • RESTRICT ENTRY TO THE PACIFIC WHITING PRIMARY FISHERY IN 2007 IN THE PACIFIC COAST GROUND FISH FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: Prohibition of new entry to the directed whiting fishery is critical to ensuring that there will not be serious conservation and management problems in the fishery in 2007. New entry to the fishery would likely lead to a "race for fish" with excessive bycatch of overfished rockfish and endangered and threatened salmonids as well as serious disruption of established other groundfish fishery sectors. Several species of rockfish are overfished, and there are very low incidental catch limits on them in the whiting fishery; if the limit is reached for any such species, all whiting fishing must cease. If there is excessive catch, then further restraints must be imposed on other groundfish fishing sectors, which are already under major economic stress. New entry to the whiting fishery would lead to more

fishing early in the season, when salmonid interception rates are much higher, so that the limit on salmon catch would likely be exceeded as well. Therefore, it is necessary to prohibit new entry in 2007 while the Pacific Fishery Management Council completes an amendment to its Groundfish Fishery Management Plan to resolve the long-term capacity issue for the whiting fishery. The action will maintain the status quo, resulting in a healthier whiting fishery, no excessive bycatch, and no further restriction of other groundfish sectors. No vessels that participated in the fishery prior to 2007 will be forced out of the fishery, and only one vessel that made investments in 2006 for prospective entry to the fishery in 2007 will be restricted; for this party, there is a special provision to allow recapture of much if not all of that investment if desired. Most coastal interests (including the States) supported this action. There are no administrative or management costs to this action.

Timetable:

Action	Date	FR Cite
Final Rule	05/17/07	72 FR 27759

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AV57

306. AMENDMENT 15 TO THE PACIFIC COAST SALMON FISHERY MANAGEMENT PLAN DE MINIMIS FISHING OPPORTUNITY FOR KLAMATH RIVER FALL RUN CHINOOK SALMON**Timetable:**

Action	Date	FR Cite
Duplicate of 0648-AU69	02/08/07	

RIN: 0648-AV07

307. RULE AMENDING GILLNET MANAGEMENT MEASURES TO PROTECT RIGHT WHALES IN THE SOUTHEAST U.S. CALVING HABITAT

Legal Authority: 16 USC 1361et seq; 16 USC 1531 et seq

Abstract: With this action, NMFS issues a rule to revise regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) by expanding the Southeast U.S. Restricted Area to include waters within 35 nautical miles of the South Carolina coast; dividing the Southeast U.S. Restricted Area into Southeast U.S. Areas North and South; and modifying regulations pertaining to gillnetting within the Southeast U.S. Restricted Area. NMFS issues this rule under the ALWTRP regulations at 50 CFR 229.32 (g)(1) and (2). These amendments are in response to a January 2006 death of a right whale calf from gillnet gear entanglement, and recommendations from the Atlantic Large Whale Take Reduction Team's Mid-Atlantic Southeast Subgroup and the Marine Mammal Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/15/06	71 FR 66482
NPRM Comment Period End	12/15/06	
Final Action	06/25/07	72 FR 34632

Regulatory Flexibility Analysis Required: Yes

Agency Contact: James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2332

RIN: 0648-AU90

[FR Doc. 07-04540 Filed 12-07-07; 8:45 am]

BILLING CODE 3510-BW-S