



Federal Register

**Monday,
May 5, 2008**

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

Spring 2008 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 fall 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 spring 2008 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2008, through March 31, 2009.

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 K. Nist, 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 January 31, 2008, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2008 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.

As of 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.

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 significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

The Department's spring 2008 regulatory agenda follows.

John J. Sullivan,
General Counsel.

DOC

International Trade Administration—Long-Term Actions

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

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
41	Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648-AP60
42	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery	0648-AR63
43	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AR72
44	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery	0648-AS25
45	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes	0648-AS49
46	Amendment to Coastal Migratory Pelagics FMP, Red Drum FMP, Reef Fish FMP, Spiny Lobster FMP, and Stone Crab FMP To Provide for Regulation of Marine Aquaculture	0648-AS65
47	Western Pacific Squid Fishery	0648-AS71
48	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission	0648-AT31
49	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648-AT58
50	Subsistence Halibut Program Amendments	0648-AU14
51	BSAI Amendment 73 and GOA Amendment 77 FMP To Revise Management Authority of Dark Rockfish	0648-AU20
52	Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region	0648-AU28
53	Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan	0648-AU36
54	Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean	0648-AU79
55	Fisheries in the Western Pacific; Precious Corals Fisheries; Fishery Management Plan for Amendment 7—Gold and Black Coral Management	0648-AV30
56	South Atlantic Fishery Ecosystem Plan Comprehensive Amendment	0648-AV31
57	Modifying Maximum Retainable Amounts (MRAs) for Selected Groundfish Species Caught by the Non-American Fishing Act Trawl Catcher Processor Sector	0648-AV32
58	Reef Fish Amendment 30A for Greater Amberjack and Gray Triggerfish: Total Allowable Catch (TAC) Adjustments, Measures To End Overfishing and Establish Sustainable Fisheries Act (SFA) Parameters	0648-AV34
59	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure	0648-AV53
60	Guidance for Annual Catch Limits and Accountability Measures To End Overfishing	0648-AV60
61	Rule To Implement a Minimum Possession Size Limit on Spiny Lobster (<i>Panulirus argus</i>)	0648-AV61
62	Collection and Use of Tax Identification Numbers From Holders of and Applicants for National Marine Fisheries Service Permits	0648-AV76
63	American Lobster Data Collection and Broodstock Protection Measures	0648-AV77
64	Gulf Reef Fish Amendment 30B	0648-AV80
65	Amendment 3 to the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 4 to the Reef Fish Fishery Management Plan of Puerto Rico and the U.S.	0648-AV98
66	National Saltwater Angler Registry and State Exemption Program	0648-AW10
67	Amendment 17 to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan ...	0648-AW11
68	Amendment 15B to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan	0648-AW12
69	Amendment 2 to the Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands	0648-AW15
70	Amendment 7 to the South Atlantic Shrimp Fishery Management Plan	0648-AW19
71	Marine Mammal Protection Act Stranding Regulation Revisions	0648-AW22
72	Revise Regulations Governing the North Pacific Groundfish Observer Program	0648-AW24
73	Revise Regulations To Exempt Certain Groundfish Catcher-Processors and Motherships From Check-In Check-Out Requirements With Active Vessel Monitoring Systems (VMS)	0648-AW28
74	Amendment 3 to the Northeast Skate Complex Fishery Management Plan	0648-AW30
75	Amendment 26 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs	0648-AW45
76	Fisheries in the Western Pacific; Western Pacific Pelagic Fisheries; Amendment 18 to the Pelagics Fishery Management Plan; Shallow-Set Longline Swordfish Fishery	0648-AW49
77	Establish a Permit Fee Collection Framework Under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP)	0648-AW50
78	Fisheries in the Western Pacific; Compensation to Northwestern Hawaiian Islands Bottomfish and Lobster Fishermen Due to Fishery Closure in the Papahānaumokuākea Marine National Monument	0648-AW52

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

Sequence Number	Title	Regulation Identifier Number
79	Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act	0648-AV15
80	Designation of Critical Habitat for the Endangered U.S. Distinct Population Segment (DPS) of Smalltooth Sawfish	0648-AV74
81	Marine Mammal Protection Act Permit Regulation Revisions	0648-AV82
82	Rulemaking To Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon	0648-AV94
83	Amendment to Discharge Regulations in Gulf of the Farallones, Monterey Bay, and Cordell Banks National Marine Sanctuaries	0648-AW29

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
84	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery	0648-AK26
85	Revisions to the Scientific Research Activity, Exempted Fishing, and Exempted Educational Activity Regulations ..	0648-AR78
86	Framework 4 to the Fishery Management Plan for Monkfish	0648-AU34
87	Atlantic Highly Migratory Species; Atlantic Shark Management Measures	0648-AU89
88	2008 Summer Flounder, Scup, and Black Sea Bass Recreational Fishery Management Measures	0648-AV41
89	Individual Fishing Quota Omnibus V Action 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
90	General Provisions for Domestic Fisheries; Specifications for Boarding Ladders	0648-AV78
91	Framework Adjustment 19 to the Atlantic Sea Scallop Fishery Management Plan	0648-AV90
92	Amendment 89 to the Fishery Management Plan for the Bering Sea; Bering Sea Habitat Conservation Measures ..	0648-AW06
93	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
94	Right Whale Ship Strike Reduction	0648-AS36
95	Virginia Modified Pound Net Leader Inspection Program	0648-AU98

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
96	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
97	American Lobster Fishery: Broodstock Protection and Trap Effort Control Regulations for Offshore Area 3	0648-AU07
98	Expansion of the Pacific Coast Groundfish Fishery Vessel Monitoring System to the Open Access Fishery	0648-AU08
99	Amendment 14 to the Bottomfish and Seamount Groundfish FMP: Measures To End Bottomfish Overfishing in the Hawaiian Archipelago	0648-AU22
100	Amendment 15A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ..	0648-AU29
101	Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan	0648-AU32
102	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
103	Framework Adjustment to the Bycatch Reduction Criterion for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AU59
104	Amendment 15 to the Pacific Coast Salmon Fishery Management Plan	0648-AU69
105	Bag Limits for Tuna Species Taken in the Recreational Charter Fishery for the United States West Coast Fisheries for Highly Migratory Species	0648-AU77
106	Individual Fishing Quota Processing Restriction Amendments: Processing of IFQ; Non-IFQ Species by Vessels Categories B, C, or D in the GOA, BSAI	0648-AU85
107	Vessel Monitoring System Revision for Bering Sea and Aleutian Islands and Gulf of Alaska Fisheries	0648-AU93
108	Atlantic Highly Migratory Species; North and South Atlantic Swordfish Commercial Management Measures	0648-AV10
109	Framework Adjustment to the Fishery Management Plan for the Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region	0648-AV17
110	Alaska Groundfish Fisheries Seabird Avoidance Measures	0648-AV38
111	Specifications for the 2008 Atlantic Mackerel, Squid, and Butterfish Fisheries	0648-AV40

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National Oceanic and Atmospheric Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
112	Specifications for the 2008 to 2010 Surfclam and Ocean Quahog Fisheries	0648-AV42
113	Reef Fish Regulatory Amendment for Vermilion Snapper To Revise Management Measures	0648-AV45
114	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
115	FMP Amendments BSAI 88, KTC 23, Scallop 12, and Salmon 9 for the Aleutian Islands Habitat Conservation Area Revision	0648-AV62
116	Framework Adjustment 20 to the Atlantic Sea Scallop Fishery Management Plan To Extend Fishing Year 2007 Management Measures for the Elephant Trunk Access Area Through February 2008	0648-AV91
117	2008 Summer Flounder Coastwide Recreational Interim Management Measures	0648-AV99
118	Specification of Total Allowable Catch Levels for Georges Bank (GB) Yellowtail Flounder, Eastern GB Cod, and Eastern GB Haddock, for Fishing Year 2008	0648-AW13
119	Georges Bank Cod Hook Sector Operations Plan Approval and Allocation of Georges Bank Cod Total Allowable Catch for Fishing Year 2008	0648-AW16
120	Georges Bank Cod Fixed Gear Sector Operations Plan Approval and Allocation of Georges Bank Cod Total Allowable Catch for Fishing Year 2008	0648-AW17
121	Pacific Halibut Fisheries; Catch Sharing Plan	0648-AW26
122	Oregon Coho Salmon Critical Habitat Designation	0648-AW39
123	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations	0648-AS01
124	Sea Turtle Conservation; Gear Requirements in the Atlantic Sea Scallop Dredge Fishery	0648-AV84

Department of Commerce (DOC)

Long-Term Actions

International Trade Administration (ITA)

40. 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)
National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

NATIONAL MARINE FISHERIES SERVICE

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

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) was developed by the Mid-Atlantic Fishery Management Council to remedy deficiencies in the FMP and to address other issues that have arisen since Amendment 8 to the MSB FMP became effective in 1998. Amendment 9 to the MSB FMP considers: allowing multi-year specifications and management measures; extending or eliminating the moratorium on entry into the directed Illex fishery; revising current biological reference points for Loligo; designating essential fish habitat (EFH) for Loligo eggs; implementing closures of EFH areas to reduce gear impacts from MSB fisheries; increasing the Loligo possession limit for Illex vessels during a closure of the Loligo fishery; and requiring real-time electronic reporting via a vessel monitoring system in the Illex fishery.

Timetable:

Action	Date	FR Cite
NPRM	04/04/08	73 FR 18483
NPRM Comment Period End	05/19/08	
Final Action	07/00/08	

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

42. 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 to 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, NMFS 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, composed 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 (FMPs).

Timetable:

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

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-AR63

43. 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 amendment would revise the Gulf of Alaska (GOA) Groundfish Fishery Management Plan to state that the Council will annually review the discards of shallow-water flatfish in Gulf of Alaska groundfish fisheries. After review of this annual report, the Council may recommend revisions to the retention and utilization requirements if the discard rate for shallow-water flatfish falls above or below a specified threshold. This fishery management plan has no implementing regulations.

Timetable:

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

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-AR72

44. 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 Fishing Quotas in the tilefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
NPRM Comment Period End	06/00/08	

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-AS25

DOC—NOAA

Proposed Rule Stage

45. 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 Period End	10/12/04	
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

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

46. AMENDMENT TO COASTAL MIGRATORY PELAGICS FMP, RED DRUM FMP, REEF FISH FMP, SPINY LOBSTER FMP, AND STONE CRAB FMP TO PROVIDE FOR REGULATION OF MARINE AQUACULTURE

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 of aquaculture permits; (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	05/00/08	
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 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570-5305
Fax: 727 570-5583
Email: roy.crabtree@noaa.gov

RIN: 0648-AS65

47. WESTERN PACIFIC SQUID FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: Pelagic squid would be designated as a management unit species under the Western Pacific Pelagics Fishery Management Plan, and permitting and reporting requirements would be established.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
NPRM Comment Period End	06/00/08	

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-AS71

48. 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 (ASFC) 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	12/00/08	
NPRM Comment Period End	02/00/09	

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

49. 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	06/00/08	
NPRM Comment Period End	07/00/08	

Regulatory Flexibility Analysis

Required: Yes

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

DOC—NOAA

Proposed Rule Stage

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

RIN: 0648-AT58

50. SUBSISTENCE HALIBUT PROGRAM AMENDMENTS

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

Abstract: The action would amend regulations for the Subsistence Halibut Program by: (1) Revising the subsistence gear restrictions in Kodiak and adding seasonal gear and vessel limits in the Sitka Sound Local Area Management Plan (LAMP) area; (2) adding the village of Naukati to the list of eligible subsistence halibut communities; (3) implementing a possession limit equal to two daily bag limits to enhance enforcement; (4) revising the definition of charter vessel; (5) revising regulations allowing customary trade; and (6) allowing the use of special permits within non-subsistence use areas by tribes eligible for the permits.

Timetable:

Action	Date	FR Cite
NPRM	04/14/08	73 FR 20008
NPRM Comment Period End	05/14/08	
Final Action	07/00/08	

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-AU14

51. 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 (FMP). 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	06/00/08	
NPRM Comment Period End	07/00/08	

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
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RIN: 0648-AU20

52. 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	05/00/08	
NPRM Comment Period End	06/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast

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RIN: 0648-AU28

53. 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	10/00/08	

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

54. 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 six 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.

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Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

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

55. FISHERIES IN THE WESTERN PACIFIC; PRECIOUS CORALS FISHERIES; FISHERY MANAGEMENT PLAN FOR AMENDMENT 7—GOLD AND BLACK CORAL MANAGEMENT

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 7 to the Fishery Management Plan for Precious Coral Fisheries in the Western Pacific would establish the Auau Channel, Hawaii, black coral bed as an established bed with an annual harvest quota of 5,000 kg every 2 years, and would place a 5-year moratorium on the harvest of gold coral in the Western Pacific.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
NPRM Comment Period End	07/00/08	

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-AV30

56. 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, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701

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RIN: 0648-AV31

57. MODIFYING MAXIMUM RETAINABLE AMOUNTS (MRAS) FOR SELECTED GROUND FISH SPECIES CAUGHT BY THE NON-AMERICAN FISHERY 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 (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

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

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

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RIN: 0648-AV32

58. REEF FISH AMENDMENT 30A FOR GREATER AMBERJACK AND GRAY TRIGGERFISH: TOTAL ALLOWABLE CATCH (TAC) ADJUSTMENTS, MEASURES TO END OVERFISHING AND ESTABLISH SUSTAINABLE FISHERIES ACT (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 ten-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 benchmarks and reference points for gray triggerfish.

Timetable:

Action	Date	FR Cite
NPRM	11/09/07	72 FR 63537
NPRM Comment Period End	12/10/07	
NPRM	04/08/08	73 FR 19040
NPRM Comment Period End	05/23/08	
Final Action	07/00/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701

DOC—NOAA

Proposed Rule Stage

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 RIN: 0648-AV34

59. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT (MSRA) ENVIRONMENTAL REVIEW PROCEDURE

Legal Authority: 16 USC 1801

Abstract: NOAA fisheries amends its regulations to develop procedures pursuant to section 107 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) (Pub. L. 109-479), which requires NOAA Fisheries to revise and update agency procedures for complying with the National Environmental Policy Act (NEPA) in context of fishery management actions. The MSRA provides that the resulting procedures will be the sole environmental impact assessment procedure for fishery management actions, and that they must: Conform to the time lines for review and approval of fishery management plans and plan amendments; and integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear, and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
NPRM Comment Period End	08/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
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RIN: 0648-AV53

60. GUIDANCE FOR ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES TO END OVERFISHING

Legal Authority: 16 USC 1853

Abstract: Section 104(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA), requires that in fishing year 2010, for fisheries determined by the Secretary to be subject to overfishing, and in fishing year 2011, for all other fisheries, that fishery management plans establish annual catch limits (ACLs), including regulations and annual specifications, at a level such that overfishing does not occur in a fishery, including measures to ensure accountability. The National Marine Fisheries Service intends to prepare guidance on how to establish adequate ACLs and AMs by revising its National Standard 1 (NS1) guidelines at 50 CFR 600.310.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
NPRM Comment Period End	06/00/08	

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-AV60

61. RULE TO IMPLEMENT A MINIMUM POSSESSION SIZE LIMIT ON SPINY LOBSTER (PANULIRUS ARGUS)

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	10/00/08	
NPRM Comment Period End	11/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
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RIN: 0648-AV61

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

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

Abstract: In conformance with the Debt Collection Improvement Act of 1996 (Debt Collection Act), the National Marine Fisheries Service (NMFS) will issue a rule to require that each existing holder of and future applicant for a permit, license, endorsement, authorization, transfer, or like instrument issued by the agency to provide a Taxpayer Identification Number (TIN) (business' employer identification number or individual's social security number) and Date of Incorporation or Date of Birth, as appropriate. Under the Debt Collection Act, NMFS is required to collect the TIN to report on and collect any delinquent non-tax debt owed to the Federal Government. NMFS plans to use Date of Incorporation or 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 particular uses that may be made of the reported TIN, (b)

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the effects, if any, of not providing the required information, (c) how the information will be used to ascertain if the permit holder or applicant owes delinquent non-tax debt to the Government pursuant to the Debt Collection Act, (d) the effects on the permit holder or applicant when such delinquent debts are owed and, (e) the agency's intended communications with the permit holder or applicant regarding the relationship of such delinquent debts to its permitting process and the need to resolve such debts as a basis for completing permit issuance or renewal. The rule will amend existing agency permit regulations and contain all appropriate modified and new collections-of-information pursuant to the Paperwork Reduction Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

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-AV76**63. AMERICAN LOBSTER DATA COLLECTION AND BROODSTOCK PROTECTION MEASURES****Legal Authority:** 16 USC 5101 et seq

Abstract: NMFS 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	09/19/07	72 FR 53978
ANPRM Comment	10/22/07	
Period End		
NPRM	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-AV77**64. 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 implement management measures to increase red grouper total allowable catch 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
Notice	03/07/08	73 FR 12393
NPRM	05/00/08	
NPRM Comment	06/00/08	
Period End		

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
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RIN: 0648-AV80**65. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS AND AMENDMENT 4 TO THE REEF FISH FISHERY MANAGEMENT PLAN OF PUERTO RICO AND THE U.S.****Legal Authority:** 16 USC 1801

Abstract: Many species of fish in the reef fish fishery in Puerto Rico and the USVI are believed to be overexploited, largely due to trap fishing and bycatch associated with this fishery. Landings from the trap fishery have continuously decreased since 1990 in Puerto Rico; species composition has changed; and size frequency of some fish has decreased over the last 10 years. These effects have been attributed to excessive trap fishing effort, lack of compliance with trap construction requirements (i.e., fishers often do not use the required biodegradable fasteners on trap doors), use of other gears by commercial fishers (e.g., gill nets), 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. Under current fishing practices, bycatch and the associated mortality of bycatch is not expected to be reduced sufficiently in the reef fish or spiny lobster trap fisheries. Without a reduction in bycatch, those stocks experiencing overfishing may become overfished, and those stocks overfished may not meet the goals of the rebuilding plan set forth in the Sustainable Fisheries Act Amendment of 2005. Therefore, the use of escape panels as a management tool is proposed in this amendment to help achieve the necessary reductions in fishing mortality among the species harvested by traps.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
NPRM Comment	02/00/09	
Period End		

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
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DOC—NOAA

Proposed Rule Stage

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RIN: 0648-AV98

66. • NATIONAL SALTWATER ANGLER REGISTRY AND STATE EXEMPTION PROGRAM

Legal Authority: 16 USC 1881

Abstract: This action would implement Magnuson-Stevens Fishery Conservation and Management Act requirements for a recreational fishing registration program, which includes procedures for exempting recreational fishermen and charter fishing vessels from the registration requirements if they are licensed, permitted, or registered by qualifying states.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Gordon Colvin, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA Fisheries, 1315 East-West Highway, SSMC3, Silver Spring, MD 20910
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RIN: 0648-AW10

67. • AMENDMENT 17 TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: Amendment 17 is intended to: Establish a means to address overages in commercial quotas and recreational allocations; adjust golden tilefish management measures; specify the annual number of black sea bass tags and pots; reduce bycatch of deep water species; and address additional management measures identified by the Council.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
NPRM Comment	01/00/09	
Period End		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast

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RIN: 0648-AW11

68. • AMENDMENT 15B TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: Amendment 15B would assess the practicability of prohibiting the sale of recreationally caught fish; assess the practicability of changes to the renewal period on commercial snapper grouper permits; assess the practicability of allowing one-to-one transfer of commercial permits from an individual to a family-held corporation; implement a plan to monitor and assess bycatch; implement measures to minimize the impacts of incidental take on sea turtles and smalltooth sawfish; update management reference points for golden tilefish; and define allocation for snowy grouper and black sea bass.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
NPRM Comment	06/00/08	
Period End		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
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RIN: 0648-AW12

69. • AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Legal Authority: 16 USC 1801

Abstract: NMFS amends its regulations to implement a change in fishing practices needed to help achieve the

necessary reductions in queen conch fishing mortality. St. Croix queen conch landings by commercial fishermen alone have exceeded sustainable harvest levels since the 2000 to 2001 fishing season. In 2005 to 2006 the commercial harvest was over four times sustainable levels. Additionally, there is an unknown but significant recreational harvest. Overfishing of queen conch has led to resource collapse in other regions and in some cases, long-term resource loss. According to the NMFS Report on the Status of the U.S. Fisheries for 2006, queen conch is overfished and undergoing overfishing. Under current fishing practices, reductions in mortality are not expected to be sufficient in the queen conch fishery. Without a reduction in mortality, queen conch are not expected to achieve the rebuilding goals established in the Sustainable Fisheries Amendment of 2005.

Timetable:

Action	Date	FR Cite
Notice of Intent	10/11/07	72 FR 58057
NPRM	05/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
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RIN: 0648-AW15

70. • AMENDMENT 7 TO THE SOUTH ATLANTIC SHRIMP FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: The South Atlantic Fishery Management Council (Council) in conjunction with NMFS intends to prepare a DEIS to assess the impacts on the natural and human environment of the management measures proposed in its draft Amendment 7 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the South Atlantic Region. Options will address the 15,000-pound landings requirement for permits, permits that may have been lost due to not meeting the 15,000-pound requirement or failure to renew the limited entry permit, and requirements

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for all shrimp permit holders to provide economic data if selected.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
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RIN: 0648-AW19

71. • MARINE MAMMAL PROTECTION ACT STRANDING REGULATION REVISIONS

Legal Authority: 16 USC 1379; 16 USC 1382; 16 USC 1421

Abstract: The National Marine Fisheries Service (NMFS) is considering proposing changes to its implementing regulations (50 CFR 216) governing the taking of stranded marine mammals under section 109(h), section 112(c), and title IV of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends to clarify the requirements and procedures for responding to stranded marine mammals and for determining the disposition of rehabilitated marine mammals, which includes the procedures for the placement of non-releasable animals and for authorizing the retention of releasable rehabilitated marine mammals for scientific research, enhancement, or public display.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5786
ANPRM Comment Period End	03/31/08	
Second ANPRM	03/28/08	73 FR 16617
Second ANPRM Comment Period End	04/30/08	
NPRM	07/00/08	

Regulatory Flexibility Analysis

Required: Yes

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RIN: 0648-AW22

72. • REVISE REGULATIONS GOVERNING THE NORTH PACIFIC GROUND FISH OBSERVER PROGRAM

Legal Authority: 118 Stat 110; 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 3631 et seq; PL 108-199

Abstract: This rulemaking would revise Federal regulations relevant to numerous administrative and procedural requirements applicable to observer providers, observers, and industry participating in the North Pacific Groundfish Observer Program. Specifically, the proposed actions would: Modify the current permit issuance process so that observer and observer provider permit issuance is a discretionary NMFS decision; amend current Federal regulations addressing observer behavior involving drugs, alcohol, and physical sexual conduct to remove NMFS oversight of observer behavior that does not affect job performance; require that observer providers submit policies related to these activities and continue to notify NMFS upon learning of an incident; revise Federal regulations so that observer providers are allowed to provide observers or technical staff for purposes of exempted fishing permits, scientific research permits, or other scientific research activities; revise the definition of "fishing day" in Federal regulations; require observer providers to annually submit detailed economic information to NMFS; specify a date by which observers who have collected data in the previous fishing year would be required to be available for debriefing; and implement housekeeping issues related to errors or clarifications in existing regulations at 50 CFR 679.50.

Timetable:

Action	Date	FR Cite
NPRM	08/00/08	

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
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RIN: 0648-AW24

73. • REVISE REGULATIONS TO EXEMPT CERTAIN GROUND FISH CATCHER-PROCESSORS AND MOTHERSHIPS FROM CHECK-IN CHECK-OUT REQUIREMENTS WITH ACTIVE VESSEL MONITORING SYSTEMS (VMS)

Legal Authority: 16 USC 1801 et seq

Abstract: This regulatory amendment would exempt groundfish catcher-processors (CPs) and motherships carrying a transmitting vessel monitoring system (VMS) unit from check-in and check-out requirements in Alaska Region groundfish fishing regulations. The current check-in/out regulation requires CPs and motherships to submit check-in/out reports before they deploy gear in, or begin to process fish from, Federal management areas off Alaska. Additional reports are required for the use of additional gears, or for changes in the status (e.g., community development quota, exempted permit) of the fish being targeted. For many years the Alaska Region has required groundfish CPs and mothership vessels to file check-in check-out reports. This information was used for in-season management. However, in recent years new sources of information have become available, such as VMS, which make check in/out reports unnecessary.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
NPRM Comment Period End	06/00/08	

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
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RIN: 0648-AW28

74. • AMENDMENT 3 TO THE NORTHEAST SKATE COMPLEX FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: Amendment 3 is intended to address the overfished status of winter

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and thorny skates, and prevent other skate species in the complex from becoming overfished. It will establish a rebuilding program for winter skate, and modify the Skate FMP to reduce fishing mortality on the entire skate complex.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	
NPRM Comment	11/00/08	
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-AW30

75. ● AMENDMENT 26 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 26 to the FMP would amend the FMP to exempt quota share issued to crew members, and the annual harvest privileges derived from that quota share, from requirements for: Delivery to specific processors; delivery within specific geographic regions; and participation in an arbitration system to resolve price disputes. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law. This FMP has no implementing regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
NPRM Comment	06/00/08	
Period End		

Regulatory Flexibility Analysis

Required: Yes

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RIN: 0648-AW45

76. ● FISHERIES IN THE WESTERN PACIFIC; WESTERN PACIFIC PELAGIC FISHERIES; AMENDMENT 18 TO THE PELAGICS FISHERY MANAGEMENT PLAN; SHALLOW-SET LONGLINE SWORDFISH FISHERY

Legal Authority: 16 USC 1801

Abstract: The Hawaii-based shallow-set longline fishery currently operates under regulations that limit fishing effort and interactions with sea turtles. This action would increase fishing opportunities, while continuing to protect turtles and other protected resources.

Timetable:

Action	Date	FR Cite
NPRM	08/00/08	
NPRM Comment	10/00/08	
Period End		

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-AW49

77. ● ESTABLISH A PERMIT FEE COLLECTION FRAMEWORK UNDER THE FISHERY MANAGEMENT PLAN FOR U.S. WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES (HMS FMP)

Legal Authority: 16 USC 1801

Abstract: Development of a proposed rule to establish the authority to collect permit fees under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. This rule would amend the FMP regulations under 50 CFR 660.707 to establish a permit fee collection framework for HMS commercial and recreational charter vessels operating off the West Coast. The action is consistent with and implements elements of the NMFS Permit Fee National Policy Directive 30-120.

Timetable:

Action	Date	FR Cite
NPRM	08/00/08	
NPRM Comment	09/00/08	
Period End		

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Craig Heberer, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 760 431-9440

Fax: 562 980-4047

Email: craig.heberer@noaa.gov

RIN: 0648-AW50

78. ● FISHERIES IN THE WESTERN PACIFIC; COMPENSATION TO NORTHWESTERN HAWAIIAN ISLANDS BOTTOMFISH AND LOBSTER FISHERMEN DUE TO FISHERY CLOSURE IN THE PAPA HANAUMOKUAKEA MARINE NATIONAL MONUMENT

Legal Authority: PL 110-161

Abstract: The Consolidated Appropriations Act of 2008 authorizes the Secretary of Commerce to provide compensation to bottomfish and lobster fishery participants who will be displaced by the 2011 fishery closure resulting from the establishment by Presidential Proclamation of the Papahānaumokuākea Marine National Monument, Northwestern Hawaiian Islands. NMFS (designee of the Secretary) is required to promulgate regulations to implement a voluntary capacity reduction program that: (1) Identifies eligible participants as those individuals holding Federal fishing permits for lobster or bottomfish in the designated waters within the monument, (2) provides a mechanism to compensate eligible participants for no more than the economic value of their permits, and (3) at the option of each eligible permit holder, provides an optional mechanism for additional compensation based on the value of the fishing vessel and gear of eligible participants who decide to receive these additional funds, provided that the vessels of such participants will not be used for fishing. For this purpose, \$6,697,500 is authorized to be appropriated to the NMFS for FY-2008.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Alvin Katekaru, Assistant Regional Administrator,

DOC—NOAA

Proposed Rule Stage

Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 944-2207

RIN: 0648-AW52

79. PROTECTIVE REGULATIONS FOR KILLER WHALES IN THE NORTHWEST REGION UNDER THE ENDANGERED SPECIES ACT AND MARINE MAMMAL PROTECTION ACT

Legal Authority: 16 USC 1361 et seq; 16 USC 1531 to 1543

Abstract: NMFS is considering whether to propose regulations to protect killer whales (*Orcinus orca*) in the Pacific Northwest. The Southern Resident killer whale distinct population segment (DPS) was listed as endangered under the Endangered Species Act (ESA) on November 18, 2005 (70 FR 69903). In the final rule announcing the listing, NMFS identified vessel effects, including direct interference and sound, as a potential contributing factor in the recent decline of this population. Both the Marine Mammal Protection Act (MMPA) and the ESA prohibit take, including harassment, of killer whales, but these statutes do not prohibit specified acts. NMFS is now considering whether to propose regulations that would prohibit certain acts, under our general authorities under the ESA and MMPA and their implementing regulations. The Proposed Recovery Plan for Southern Resident killer whales (71 FR 69101, November 29, 2006) includes as a management action the evaluation of current guidelines and the need for regulations and/or protected areas. The scope of this action encompasses the activities of any person or conveyance that may result in the unauthorized taking of killer whales and/or that may cause detrimental individual-level and population-level impacts. NMFS requests comments on whether—and if so, what type of—conservation measures, regulations, and, if necessary, other measures would be appropriate to protect killer whales from the effects of these activities.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/07	72 FR 13464
ANPRM Comment Period End	04/23/07	
NPRM	12/00/08	

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-AV15

80. 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	06/00/08	
NPRM Comment Period End	07/00/08	

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

81. MARINE MAMMAL PROTECTION ACT PERMIT REGULATION REVISIONS

Legal Authority: 16 USC 1374

Abstract: The National Marine Fisheries Service (NMFS) is considering changes to its implementing regulations (50 CFR part 216) governing the

issuance of permits for scientific research and enhancement activities under section 104 of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends to streamline and clarify general permitting requirements and requirements for scientific research and enhancement permits, simplify procedures for transferring marine mammal parts, possibly apply the General Authorization (GA) to research activities involving Level A harassment of non-endangered marine mammals, and implement a "permit application cycle" for application submission and processing of all marine mammal permits. NMFS intends to write regulations for marine mammal photography permits and is considering whether this activity should be covered by the GA.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/07	72 FR 52339
ANPRM Comment Period End	11/13/07	
NPRM	07/00/08	

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-AV82

82. RULEMAKING TO 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 Federal Endangered Species Act (ESA), the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. This rulemaking would establish an ESA 4(d) rule representing regulations that NMFS believes necessary and advisable to conserve the threatened Southern Distinct Population Segment of North American green sturgeon (Southern DPS of green sturgeon). The 4(d) rule would apply the prohibitions listed under ESA

DOC—NOAA

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section 9(a)(1)(A) and 9(a)(1)(D) through 9(a)(1)(G) for the Southern DPS and apply ESA section 9(a)(1)(B) and (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. The 4(d) rule would include exceptions to the take prohibitions for activities

conducted in a way that NMFS deems adequate to protect or conserve the Southern DPS.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	
NPRM Comment Period End	12/00/08	

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

NATIONAL OCEAN SERVICE

83. • AMENDMENT TO DISCHARGE REGULATIONS IN GULF OF THE FARALLONES, MONTEREY BAY, AND CORDELL BANKS NATIONAL MARINE SANCTUARIES

Legal Authority: 16 USC 1434 et seq

Abstract: This rule, part of the Joint Management Plan Review for the three northern California sanctuaries, addresses the need to revise NOAA’s discharge regulations for large vessels to be consistent with California law. The rule would prohibit discharge of treated waste from vessels 300 gross registered tons or more (that are not

cruise ships) while within the sanctuaries. If the vessel does not have the capacity to hold the waste while in the sanctuaries, it can discharge sewage like any other vessel in the sanctuary other than cruise ships. The rule also prohibits discharge of graywater from vessels 300 gross registered tons or more (that are not cruise ships while within the Monterey Bay National Marine Sanctuary (MBNMS). (The Gulf of the Farallones and Cordell Bank National Marine Sanctuaries already prohibit discharge of graywater.) If the vessel does not have the capacity to hold the waste while in the MBNMS, it can discharge

graywater like any other vessel in the MBNMS other than cruise ships.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sean Morton, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910
Phone: 301 713–7264
Email: sean.morton@noaa.gov

RIN: 0648–AW29

Department of Commerce (DOC)

Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

84. 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	10/00/08	

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–AK26

85. REVISIONS TO THE SCIENTIFIC RESEARCH ACTIVITY, EXEMPTED FISHING, AND EXEMPTED EDUCATIONAL ACTIVITY REGULATIONS

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	03/18/08	73 FR 14428
NPRM Comment Period End	04/04/08	
Final Action	06/00/08	

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

86. FRAMEWORK 4 TO THE FISHERY MANAGEMENT PLAN FOR MONKFISH

Legal Authority: 16 USC 1801 et seq

DOC—NOAA

Final Rule Stage

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 to 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 and Proposed Interim Rule	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
Interim Final Rule Comment Period End	10/22/07	
Final Action	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**87. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SHARK MANAGEMENT MEASURES****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	07/27/07	72 FR 41392
NPRM Comment Period Extended	10/03/07	72 FR 56330
NPRM Comment Period End	10/10/07	
Comment Period End	11/02/07	
Final Action	08/00/08	

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**88. 2008 SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS RECREATIONAL FISHERY MANAGEMENT MEASURES****Legal Authority:** 16 USC 1801

Abstract: This action would establish the recreational management measures (minimum fish size, possession limits, and fishing seasons) for the 2008 summer flounder, scup, and black sea bass recreational fisheries. The annual recreational management measures are considered to be annual specifications. This action was initially assigned to the 2008 fluke, scup, and BSB specifications; that action published under 0648-XC84 because the action contained no implementing regulations. This action was reassigned to the recreational management measures on January 23, 2008.

Timetable:

Action	Date	FR Cite
NPRM	03/21/08	73 FR 15111
NPRM Comment Period End	04/21/08	
Final Action	07/00/08	

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-AV41**89. INDIVIDUAL FISHING QUOTA OMNIBUS V ACTION 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 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	03/05/08	73 FR 11851
NPRM Comment Period End	04/04/08	
Final Action	06/00/08	

Regulatory Flexibility Analysis**Required:** Yes

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

DOC—NOAA

Final Rule Stage

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

RIN: 0648-AV64

90. GENERAL PROVISIONS FOR DOMESTIC FISHERIES; SPECIFICATIONS FOR BOARDING LADDERS

Legal Authority: 16 USC 1801 et seq; 16 USC 2431 et seq; 16 USC 3636(b); 16 USC 5501 et seq; 16 USC 773 et seq; 16 USC 951 to 961; 16 USC 973 to 973r; 16 USC 971 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	12/11/07	72 FR 70286
NPRM Comment Period End	01/10/08	
Second NPRM	01/25/08	73 FR 4514
Second NPRM Comment Period End	02/25/08	
Final Action	05/00/08	

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

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

Legal Authority: 16 USC 1801

Abstract: Framework 19 would establish management measures for the scallop fishery for the 2008 and 2009 fishing years. It will include measures to implement new management measures developed and implemented under Amendment 11 to the Scallop FMP, if approved. Management measures in Framework 19 would include scallop days-at-sea and trip allocations, new area closures and/or access areas, and allocations for scallop fishing in the groundfish closed areas. It would also include improvements to some current management measures to make management of the scallop fishery more efficient and effective.

Timetable:

Action	Date	FR Cite
NPRM	03/19/08	73 FR 14748
NPRM Comment Period End	04/08/08	
Final Action	07/00/08	

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-AV90

92. AMENDMENT 89 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA; BERING SEA HABITAT CONSERVATION MEASURES

Legal Authority: 16 USC 1801 et seq

Abstract: This regulatory amendment would implement Amendment 89 to 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.

Timetable:

Action	Date	FR Cite
NPRM	03/07/08	73 FR 12357
NPRM Comment Period End	04/21/08	
Final Action	06/00/08	

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-AW06

93. 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
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
NPRM Comment Period Extended	11/02/01	
Final Action	12/00/08	

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

DOC—NOAA

Final Rule Stage

94. RIGHT WHALE SHIP STRIKE REDUCTION

Legal Authority: 16 USC 1361

Abstract: These regulations would establish speed restrictions to reduce the number of deaths to North Atlantic right whales as a result of collisions with vessels, which account for more confirmed right whale deaths than any other anthropogenic cause. Speed restrictions would be limited to areas and times when North Atlantic right whales and ships overlap to reduce the likelihood of ship strikes to the extent practicable.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/04	69 FR 30857
ANPRM Comment Period Extended	07/09/04	69 FR 41446
ANPRM Comment Period Extended	09/13/04	69 FR 55135
NPRM	06/26/06	71 FR 36299
NPRM Comment Period Extended	08/14/06	71 FR 46440
NPRM Comment Period End	08/25/06	
NPRM Comment Period End	10/05/06	
Final Action	11/00/08	

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-AS36

95. VIRGINIA MODIFIED POUND NET LEADER INSPECTION PROGRAM

Legal Authority: 16 USC 1531 et seq

Abstract: With this action, NMFS issues a rule to implement an inspection program for modified pound net leaders in the Virginia waters of the mainstem Chesapeake Bay. Previous regulations (71 FR 36024, June 23, 2006) required modified pound net leaders in a portion of the Virginia Chesapeake Bay from May 6 to July 15 each year, and this action would ensure that leaders used in that area do in fact meet the definition of a modified pound net leader. To comply with the inspection program, a pound net fisherman intending to set a modified

leader must call NMFS to arrange for an inspection meeting. Then, the fisherman must meet NMFS and allow for the inspection of his or her gear to ensure the modified leader meets the definition of a modified pound net leader, as described in the regulations. The purpose of this action is to help protect threatened and endangered sea turtles, while enabling fishermen to use leaders, an important component of pound net gear, during the regulated period.

Timetable:

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9297
NPRM Comment Period End	04/02/07	
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Carrie Upite, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9300
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RIN: 0648-AU98

**Department of Commerce (DOC)
National Oceanic and Atmospheric Administration (NOAA)**

Completed Actions

96. 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 an 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

Action	Date	FR Cite
Second NPRM Comment Period End	12/07/07	
Interim Final Rule	09/24/07	72 FR 54233
Correction	02/29/08	73 FR 11051
Final Action	01/29/08	73 FR 5117

Regulatory Flexibility Analysis Required: Yes

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

RIN: 0648-AT87

DOC—NOAA

Completed Actions

97. 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 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 4 stage schedule of annual trap reductions that would reduce the amount of traps allocated in Area 3 by up to 15 percent.

Timetable:

Action	Date	FR Cite
ANPRM	12/13/05	70 FR 73717
ANPRM Comment Period End	01/12/06	
NPRM	06/20/07	72 FR 33955
NPRM Comment Period End	08/06/07	
Final Action	10/05/07	72 FR 56935

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

98. 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 possesses 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	12/07/07	72 FR 69162

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

99. AMENDMENT 14 TO THE BOTTOMFISH AND SEAMOUNT GROUND FISH FMP: 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
NOA	12/27/07	72 FR 73308
NPRM	02/01/08	73 FR 6101
NOA Comment Period End	02/25/08	

Action	Date	FR Cite
NPRM Comment Period End	03/07/08	
Final Action	04/04/08	73 FR 18450

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

100. AMENDMENT 15A TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 15A 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
NOA	12/28/07	72 FR 73747
Final Action	03/20/08	73 FR 14942

Regulatory Flexibility Analysis Required: Yes

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

RIN: 0648-AU29

101. 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
NOA	11/30/07	72 FR 67691

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Action	Date	FR Cite
NPRM	12/17/07	72 FR 71315
Comment Period End	01/29/08	
NPRM Comment Period End	01/31/08	
Final Action	04/14/08	73 FR 20090

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

102. 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 socio-economic and community factors.

Timetable:

Action	Date	FR Cite
NOA	12/07/06	71 FR 70943
NOA Comment Period End	02/05/07	
Proposed Rule	02/07/07	72 FR 5654
Proposed Rule Comment Period End	03/26/07	
Final Action	09/04/07	72 FR 50788
Correction	10/24/07	72 FR 60285

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

103. 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	10/12/07	72 FR 58031
NPRM Comment Period End	11/13/07	
Final Action	02/13/08	73 FR 8219

Regulatory Flexibility Analysis**Required:** Yes

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

RIN: 0648-AU59

104. 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	02/25/08	73 FR 9960

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

105. BAG LIMITS FOR TUNA SPECIES TAKEN IN THE RECREATIONAL CHARTER FISHERY FOR THE UNITED STATES WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES

Legal Authority: 16 USC 1801

Abstract: This action implements bag limits for tuna species taken by West Coast recreational fisheries. This regulation will also institute a daily bag limit for albacore and bluefin tuna harvested in State and Federal waters off California, Oregon, and Washington. The bag limited is needed to address resource conservation efforts.

Timetable:

Action	Date	FR Cite
NPRM	06/27/07	72 FR 35213
NPRM Comment Period End	07/27/07	
Final Action	10/15/07	72 FR 58258

Regulatory Flexibility Analysis**Required:** Yes

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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-AU77

106. INDIVIDUAL FISHING QUOTA PROCESSING RESTRICTION AMENDMENTS: PROCESSING OF IFQ; NON-IFQ SPECIES BY VESSELS CATEGORIES B, C, OR D IN THE GOA, BSAI

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	11/14/07	72 FR 64034
NPRM Comment Period End	12/14/07	
Final Action	02/15/08	73 FR 9922

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

107. VESSEL MONITORING SYSTEM REVISION FOR BERING SEA AND ALEUTIAN ISLANDS AND GULF OF ALASKA 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	08/02/07	72 FR 42369
NPRM Comment Period End	09/04/07	
Final Action	11/09/07	72 FR 63500

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

108. 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 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	10/05/07	72 FR 56929
Final Action Effective	11/05/07	

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

109. FRAMEWORK ADJUSTMENT 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	01/03/08	73 FR 439
NPRM Comment Period End	02/04/08	
Final Action	02/11/08	73 FR 7676

Regulatory Flexibility Analysis

Required: Yes

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

RIN: 0648-AV17

110. ALASKA GROUND FISH FISHERIES SEABIRD AVOIDANCE MEASURES

Legal Authority: 16 USC 1801

Abstract: This regulatory amendment would revise Alaska groundfish fisheries regulations effecting seabird avoidance gear standards to hook-and-

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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	12/18/07	72 FR 71601

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**111. 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 butterfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	01/08/07	
NPRM	12/28/07	72 FR 73749
NPFM Comment Period Reopened	01/29/08	73 FR 5153
Comment Period End	02/05/08	
Final Action	04/04/08	73 FR 18443

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**112. SPECIFICATIONS FOR THE 2008 TO 2010 SURFLAM AND OCEAN QUAHOG FISHERIES****Legal Authority:** 16 USC 1801

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

Timetable:

Action	Date	FR Cite
NPRM	11/15/07	72 FR 64187
NPRM Comment Period End	12/17/07	
Final Action	01/04/08	73 FR 820

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**113. 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 to 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-specific bag limits.

Timetable:

Action	Date	FR Cite
NPRM	03/22/07	72 FR 20980
NPRM Comment Period End	05/14/07	
Final Rule	01/03/08	73 FR 406

Regulatory Flexibility Analysis**Required:** Yes

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

RIN: 0648-AV45**114. 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 4 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 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

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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	12/27/07	72 FR 73270

Regulatory Flexibility Analysis**Required:** Yes

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

RIN: 0648-AV59

115. FMP AMENDMENTS BSAI 88, KTC 23, SCALLOP 12, AND SALMON 9 FOR THE 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 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	11/21/07	72 FR 65539
NPRM Comment Period End	01/07/08	
Final Action	02/19/08	73 FR 9035

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

116. FRAMEWORK ADJUSTMENT 20 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN TO EXTEND FISHING YEAR 2007 MANAGEMENT MEASURES FOR THE ELEPHANT TRUNK ACCESS AREA THROUGH FEBRUARY 2008

Legal Authority: 16 USC 1801

Abstract: Framework 20 would extend the management measures of an interim action implemented in December of 2006. The interim action delayed the opening of the Elephant Trunk Sea Scallop Access Area (ETAA), reduced the number of ETAA trips per vessel, reduced the number of general category vessel trips, and prohibited vessels fishing in the ETAA from leaving the ETAA with more than 50 U.S. bu of in-shell scallops. The interim action expires on December 26, 2007, and Framework 20 would continue the measures through February 29, 2008.

Timetable:

Action	Date	FR Cite
NPRM	10/30/07	72 FR 61320
NPRM Comment Period End	11/14/07	
Final Action	12/21/07	72 FR 72626

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

117. 2008 SUMMER FLOUNDER COASTWIDE RECREATIONAL INTERIM MANAGEMENT MEASURES

Legal Authority: 16 USC 1801 et seq

Abstract: The action would implement coastwide management measures (i.e., minimum fish size, possession limit, and season) as the 2008 regulatory default for the recreational summer

flounder fishery until new measures, either state-by-state conservation equivalency or different coastwide measures based on the updated 2007 assessment, are put in place in late spring/early summer 2008.

Timetable:

Action	Date	FR Cite
NPRM	09/28/07	72 FR 55166
NPRM Comment Period End	10/15/07	
Final Action	11/21/07	72 FR 65466
Final Action Effective	12/18/07	

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-AV99

118. • SPECIFICATION OF TOTAL ALLOWABLE CATCH LEVELS FOR GEORGES BANK (GB) YELLOWTAIL FLOUNDER, EASTERN GB COD, AND EASTERN GB HADDOCK, FOR FISHING YEAR 2008

Legal Authority: 16 USC 1801 et seq

Abstract: Under the Northeast (NE) Multispecies Fishery Management Plan (FMP) and the U.S./Canada Resource Sharing Understanding, three Georges Bank (GB) stocks are managed in coordination with Canada: GB yellowtail flounder, Eastern GB cod, and Eastern GB haddock. For these three shared stocks, on an annual basis, the New England Fishery Management Council recommends Total Allowable Catch (TAC) levels for vessels fishing in the U.S./Canada Management Area. This action would implement U.S. TACs for the 2008 Fishing Year of 667 mt, 8,050 mt, and 1,950 mt (for Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder, respectively). These TACs are based upon best available science (Transboundary Resource Assessment Committee (TRAC)), and the recommendations of the Transboundary Management Guidance Committee (TMGC).

Timetable:

Action	Date	FR Cite
NPRM	01/03/08	73 FR 441

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Action	Date	FR Cite
NPRM Comment Period End	02/04/08	
Final Action	03/28/08	73 FR 16571

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-AW13

119. • GEORGES BANK COD HOOK SECTOR OPERATIONS PLAN APPROVAL AND ALLOCATION OF GEORGES BANK COD TOTAL ALLOWABLE CATCH FOR FISHING YEAR 2008

Legal Authority: 16 USC 1801

Abstract: Under the Northeast (NE) Multispecies Fishery Management Plan (FMP), the Georges Bank Cod Hook Sector must submit an annual Operations Plan in order to be allocated a Total Allowable Catch (TAC) of Georges Bank Cod, and in order to be exempted from certain requirements of the FMP. If approved by the Regional Administrator, the Sector would be allocated a GB cod TAC, and would be exempt from the GB cod trip limit; GB seasonal closure area; limits on the number of hooks; the Days-at-Sea (DAS) Leasing Program size restrictions; differential DAS counting (in the Gulf of Maine and Southern New England Differential DAS Areas); and the Western U.S./Canada Management Area 72-hour observer notification.

Timetable:

Action	Date	FR Cite
NPRM	03/03/08	73 FR 11376
NPRM Comment Period End	03/18/08	
Final Action	04/03/08	73 FR 18215

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-AW16

120. • GEORGES BANK COD FIXED GEAR SECTOR OPERATIONS PLAN APPROVAL AND ALLOCATION OF GEORGES BANK COD TOTAL ALLOWABLE CATCH FOR FISHING YEAR 2008

Legal Authority: 16 USC 1801

Abstract: Under the Northeast (NE) Multispecies Fishery Management Plan (FMP), the Georges Bank Cod Fixed Gear Sector must submit an annual Operations Plan in order to be allocated a Total Allowable Catch (TAC) of Georges Bank Cod, and in order to be exempted from certain requirements of the FMP. If approved by the Regional Administrator, the Sector would be allocated a GB cod total allowable catch (TAC), and would be exempt from the GB cod trip limit; GB seasonal closure area when fishing with hook gear; and limits on the number of hooks that may be fished.

Timetable:

Action	Date	FR Cite
NPRM	03/11/08	73 FR 12941
NPRM Comment Period End	03/26/08	
Final Action	04/10/08	73 FR 19439

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-AW17

121. • PACIFIC HALIBUT FISHERIES; CATCH SHARING PLAN

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

Abstract: NMFS proposes to approve and implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) regulatory Area 2A off Washington, Oregon, and California (Area 2A). NMFS proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC, which includes the sport fishery management measures for Area 2A. These actions are intended to enhance the conservation of Pacific halibut, to provide greater angler opportunity where available, and to

protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 140
NPRM Comment Period End	02/01/08	
Final Action	03/07/08	73 FR 12280

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jamie Goen, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Seattle, WA 98115 Phone: 206 526-4646 Email: jamie.goen@noaa.gov

RIN: 0648-AW26

122. • OREGON COHO SALMON CRITICAL HABITAT DESIGNATION

Legal Authority: 16 USC 1531 to 1543 and 16 USC 1361 et seq

Abstract: This rule would list the Oregon Coast coho salmon ESU as threatened under the Endangered Species Act (ESA), issue protective regulations under Section 4(d) of the ESA, and designate critical habitat.

Timetable:

Action	Date	FR Cite
Final Action	02/11/08	73 FR 7816

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910 Phone: 301 713-1401 Fax: 301 427-2523 Email: marta.nammack@noaa.gov

RIN: 0648-AW39

123. 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

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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 the National Marine Fisheries Service.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35894
NPRM Comment Period Extended	07/13/05	70 FR 40301
NPRM Comment Period End	07/21/05	
Final Action	10/05/07	72 FR 57134
Final Action— Correction	04/09/08	73 FR 19171

Regulatory Flexibility Analysis

Required: Yes

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RIN: 0648-AS01

**124. SEA TURTLE CONSERVATION;
GEAR REQUIREMENTS IN THE
ATLANTIC SEA SCALLOP DREDGE
FISHERY**

Legal Authority: 16 USC 1531 et seq

Abstract: NMFS is preparing a proposed rule regarding the sea turtle conservation measures in the Atlantic sea scallop dredge fishery. This action is necessary to correct a procedural error in the original rulemaking, to clarify the regulatory text related to the chain-mat requirements, and to add a transiting provision. In addition, the action will request public comment on an emergency rule issued in November 2006.

First, this action would address a procedural error regarding the timing of the signing of the National Environmental Policy Act (NEPA) document in the rulemaking that required chain mats on dredges in the Atlantic sea scallop fishery in 2006 (71 FR 50361, August 25, 2006) by ensuring that NMFS follows all of the NEPA procedures in the proper sequence. Second, this rule, if implemented, would add a transiting provision to allow vessels to be exempted from the requirements provided certain conditions are met. Third, the rule proposes to clarify the current regulatory text at 50 CFR 223.206 to make the intent of the regulation clearer. The revision would clarify that the U.S. Coast Guard and enforcement agents may board a vessel that has entered the waters described to check for compliance with the requirement to have a chain mat affixed to the dredge,

regardless of whether that vessel is still in the waters described. Fourth, this action will request public comment on an emergency rulemaking completed in November 2006 (71 FR 66466, November 15, 2006). The emergency rulemaking was conducted to correct a discrepancy in the options included in the August 2006 rulemaking for configuring the gear. In that rulemaking, the Assistant Administrator for Fisheries found good cause under 5 U.S.C. 553(b)(B) to waive the requirement for prior notice and opportunity for public comment on the emergency regulation. This current rulemaking will specifically request public comment on the change made by the November 2006 emergency rule.

Timetable:

Action	Date	FR Cite
Final Action	04/08/08	73 FR 18984

Regulatory Flexibility Analysis

Required: Yes

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[FR Doc. E8-7348 Filed 05-02-08; 8:45 am]

BILLING CODE 3510-BW-S