

requirement for the provision of Video Relay Service (VRS). *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking (2004 TRS Report & Order), CC Dockets 90–571 and 98–67 and CG Docket 03–123, FCC 04–137; published at 69 FR 53346 and 69 FR 53382, September 1, 2004. VRS is a form of telecommunications relay service (TRS) that allows persons with hearing and speech disabilities to communicate with the TRS communications assistants (CA) in video through sign language, rather than typed text. The term telecommunications relay service means “telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communications by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio.” 47 U.S.C. 225 (a)(3); *see generally* 2004 TRS Report & Order at paragraph 3 n.18. The Commission reviewed comments provided in response to the *FNPRM*, and found that they lacked specificity on certain elements of a speed of answer rule. Therefore, the Commission is seeking additional comment on whether a speed of answer rule should be adopted for VRS, and the following specific points:

(1) What should the speed of answer time be for VRS calls? What percentage of VRS calls should be required to be answered within that period of time?

(2) When should a particular speed of answer rule be effective? Should VRS speed of answer standards be phased in over time? If so, how should the standards be phased in (*i.e.*, what standards should apply at what points in time)?

(3) What should be the starting and ending points for measuring speed of answer? We note, for example, that in the *IP Declaratory Ruling*, we stated that for IP Relay “we will consider the call delivered to the IP Relay center when the IP Relay center’s equipment accepts the call from the Internet.” *See Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking (*IP Declaratory Ruling*), CC Docket 98–67, FCC 02–121; published at 67 FR 39863 and 67 FR 39929, June 11, 2002. The Commission seeks comment on how we should articulate the starting

period from which speed of answer can be measured for each call so that all providers are measuring speed of answer in the same manner.

(4) How should “abandoned” calls be treated in determining a provider’s compliance with a speed of answer standard? The Commission notes that the TRS regulations presently require that abandoned calls be included in the speed of answer calculation. *See* 47 CFR 64.604 (b)(2)(ii)(B); *see also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, (*Improved TRS Order*), CC Docket 98–67, FCC 00–56; published at 65 FR 38432 and 65 FR 38490, June 21, 2000 (addressing abandoned calls and explaining that such calls are those calls answered by a relay center, but never handled by a CA because the customer hangs up). Should the same rule apply to VRS and abandoned calls? If not, what other rule should apply to the treatment of abandoned calls?

(5) How should “call backs”—*i.e.*, calls where the consumer elects to have the provider call the consumer back when a VRS CA becomes available to place the call, rather than have the consumer wait for the next available CA—be treated in the speed of answer calculation? *See Federal Communications Commission Clarifies that Certain Telecommunications Relay Services (TRS) Marketing and Call Handling Practices are Improper and Reminds that Video Relay Service (VRS) May not be Used as a Video Remote Interpreting Service*, Public Notice, CC Docket No. 98–67, CG Docket No. 03–123; DA 05–141 at 4 & n.16 (January 26, 2005) (addressing certain kinds of “call back” arrangements). Should, for example, such “call backs” be treated as abandoned calls? Should such “call backs” be prohibited once a speed of answer rule is adopted for VRS?

(6) Should a provider’s compliance with a speed of answer rule be measured on a daily or monthly basis? (The current speed of answer rule applicable to the other forms of TRS provides that compliance with the speed of answer rule shall be measured on a daily basis.) *See* 47 CFR 64.604 (b)(2)(ii)(C). Or should it be measured on some other basis?

(7) In connection with the adoption of a speed of answer requirement for VRS, should providers be required to submit reports to the Commission detailing call data reflecting their compliance with the speed of answer rule, and if so, how frequently should such reports be filed

(*e.g.*, monthly, quarterly or semi-annually)?

We also seek comment on any other issues relating to the possible adoption of a speed of answer rule for VRS.

Federal Communications Commission.

Jay Keithley,

Deputy Chief, Consumer & Governmental Affairs Bureau.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 030105E]

RIN 0648–AS16

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the South Atlantic Region; Amendment 6

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

ACTION: Notice of availability of Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP); request for comments.

SUMMARY: NMFS announces that the South Atlantic Fishery Management Council (Council) has submitted Amendment 6 to the FMP for review, approval, and implementation by NMFS. Amendment 6 would modify the FMP’s bycatch reduction device (BRD) framework by transferring authority from the Council to NMFS for the BRD testing protocol and by modifying the bycatch reduction criteria established in the BRD framework; require the use of BRDs in the rock shrimp fishery in the exclusive economic zone (EEZ) of the South Atlantic; establish bycatch reporting requirements for the shrimp fishery of the South Atlantic EEZ; require that all shrimp vessels harvesting penaeid shrimp in the South Atlantic EEZ obtain an annually renewable Federal shrimp vessel permit from NMFS; and establish or modify stock status criteria for white, brown, pink, and rock shrimp. The intended effect of Amendment 6 is to enhance the ecological efficiency of the shrimp fishery of the South Atlantic EEZ by better identifying the bycatch taken in the fishery and conserving those species found in the bycatch, while sustaining the viability of the shrimp fishery with

a minimum of economic and social impacts.

DATES: Written comments must be received no later than 5 p.m., eastern time, on May 6, 2005.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: 0648-AS16.NOA@noaa.gov. Include in the subject line the following document identifier: 0648-AS16-NOA.
- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Steve Branstetter, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.
- Fax: From March 7, 2005 through March 17, 2005, 727-570-5583. From March 22, 2005 through May 6, 2005, 727-824-5308. Comments cannot be received via fax from March 18 through March 21, 2005.

Copies of Amendment 6, which includes a Supplemental Environmental Impact Statement, a Regulatory Impact Review (RIR), and an Initial Regulatory Flexibility Analysis (IRFA), are available from the South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407-4699; phone: 843-571-4366; fax: 843-769-4520; toll free: 866-SAFMC-10; email: safmc@samfc.net.

FOR FURTHER INFORMATION CONTACT: Dr. Steve Branstetter, 727-570-5305; fax 727-570-5583; e-mail: steve.branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit any fishery management plan or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

Amendment 6, if implemented, would establish a requirement for penaeid shrimp vessels fishing in the South Atlantic EEZ to possess a Federal commercial vessel permit for South Atlantic penaeid shrimp. Currently, there are limited data available to estimate the number of shrimp fishing vessels and fishing effort expended by those vessels in the South Atlantic EEZ. In proposing this action, the Council concluded that information collected via a Federal permit system would aid in the formulation of sound

management measures. Indirectly, in combination with the proposed standardized bycatch reporting methodology (see below), better information can be collected by which to manage those species that are taken as bycatch in the shrimp fishery.

Amendment 6 contains proposed measures to require vessels participating in the rock shrimp fishery in the South Atlantic EEZ to use NMFS-certified BRDs. This action would address the requirements of National Standard 9 of the Magnuson-Stevens Act to (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch, to the extent practicable. The proposed action also supports the Council's efforts to achieve an ecosystem approach in fisheries management.

Amendment 6, if implemented, also would establish a method to regularly monitor, report, and estimate the bycatch in the shrimp fishery of the South Atlantic region, in compliance with section 303(a)(11) of the Magnuson-Stevens Act. Section 303(a)(11) states that any FMP that is prepared by any Council, or by the Secretary of Commerce, with respect to any fishery, shall "establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery...." To support this mandate, the National Standard Guidelines call for development of a database for each fishery in order to house bycatch and bycatch mortality information. The Council proposes to adopt the Atlantic Coastal Cooperative Statistics Program Release, Discard, and Protected Species Module to house bycatch and bycatch mortality information. Until this module is fully implemented and active, the Council proposes to use a variety of sources to assess and monitor bycatch including observer coverage and logbooks aboard Federally permitted commercial shrimp vessels, state cooperative data collection, and grant funded projects.

Amendment 6 proposes to modify the BRD framework procedure, as established in the Shrimp FMP, giving NMFS the authority to maintain and modify the BRD Testing Protocol as necessary. The BRD framework was established in Amendment 2 to the Shrimp FMP and outlines the procedures by which an experimental BRD is to be tested for its ability to reduce bycatch in a shrimp trawl. The intent of this action is to reduce the administrative burden associated with potential revisions of the BRD Testing Protocol and to achieve more timely implementation of any such revisions.

Relatedly, to more effectively address bycatch reduction, the Council is proposing to adjust the criteria for the certification of new BRDs established in the BRD framework. Amendment 2's BRD framework established criteria by which experimental BRDs would be certified for use in the South Atlantic penaeid shrimp fishery. Currently, a BRD is certified if the BRD can be statistically demonstrated to reduce bycatch mortality of juvenile Spanish mackerel and weakfish by a minimum of 50 percent or if it demonstrates a 40-percent reduction in numbers of Spanish mackerel and weakfish. When these criteria were established, both species were considered overfished. Spanish mackerel now is completely recovered, and weakfish is no longer overfished. In addition, sampling for these species has proved to be impractical because it is difficult to encounter Spanish mackerel and weakfish simultaneously while testing BRDs.

To better address the requirements of National Standard 9, the Council is proposing to change the certification criteria to a general finfish reduction requirement. The Council is proposing that for a new BRD to be certified for use in the shrimp fishery, it must be statistically demonstrated that the BRD can reduce the total weight of finfish catch by at least 30 percent. This broader bycatch reduction objective would support the Council's efforts to achieve an ecosystem approach in fisheries management.

Finally, to better comply with the Magnuson-Stevens Act requirements, the Council is proposing to establish or modify the current stock status criteria established for white, brown, pink, and rock shrimp. The Magnuson-Stevens Act requires that each FMP define reference points in the form of maximum sustainable yield (MSY) and optimum yield (OY), and specify objective and measurable criteria for identifying when the fishery is overfished and/or undergoing overfishing. Status determination criteria include a minimum stock size threshold (MSST) to indicate when a stock is overfished, and a maximum fishing mortality threshold (MFMT) to indicate when a stock is undergoing overfishing. Together, these four parameters (MSY, OY, MSST, and MFMT) provide fishery managers with the tools to determine the status of a fishery at any given time and assess whether management measures are achieving established goals. In the Council's 1998 comprehensive amendment to the FMP that addressed SFA definitions, the Council concluded

its established definitions were consistent with the best available scientific information at the time. Based on more recent information, the Council is proposing to either modify existing criteria or to establish new criteria.

A proposed rule that would implement measures outlined in Amendment 6 has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Comments received by May 6, 2005, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: March 2, 2005.

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 030105D]

RIN 0648-AS53

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic; Amendment 15

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

ACTION: Notice of availability of Amendment 15 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic (FMP); request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico and South Atlantic

Fishery Management Councils (Councils) have submitted Amendment 15 to the FMP for review, approval, and implementation by NMFS. Amendment 15 would establish a limited access system for the commercial fishery for Gulf and Atlantic group king mackerel, and change the fishing year for Atlantic migratory groups of king and Spanish mackerel to March 1 through February 28-29. The intended effect of Amendment 15 is to support the Council's efforts to achieve optimum yield in the fishery, and provide social and economic benefits associated with maintaining stability in the fishery.

DATES: Written comments must be received no later than 5 p.m., eastern time, on May 6, 2005.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: 0648-AS53.NOAA@noaa.gov. Include in the subject line the following document identifier: 0648-AS53-NOA.
- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Steve Branstetter, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

- Fax: From March 7, 2005 through March 17, 2005, 727-570-5583. From March 22, 2005 through May 6, 2005, 727-824-5308. Comments cannot be received via fax from March 18 through March 21, 2005.

Copies of Amendment 15, which includes an Environmental Assessment, a Regulatory Impact Review (RIR), and an Initial Regulatory Flexibility Analysis (IRFA), are available from the Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000, Tampa, FL 33619-2272; email: gulfcouncil@gulfcouncil.org; or from the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; telephone: 843-571-4366; fax: 843-769-4520; e-mail: safmc@noaa.gov.
FOR FURTHER INFORMATION CONTACT: Dr. Steve Branstetter, 727-570-5305; fax 727-570-5583; e-mail: steve.branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico only, dolphin and bluefish) is managed under the FMP. The FMP was prepared by the Councils and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The Magnuson-Stevens Act requires each Regional Fishery Management Council to submit any fishery management plan or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

Amendment 15, if implemented, would establish a limited access system for the commercial fishery for Gulf and Atlantic group king mackerel. A commercial king mackerel vessel permit moratorium was established by Amendment 8 to the FMP in March 1998, and Amendment 12 extended the expiration date of the moratorium through October 15, 2005, or until the moratorium could be replaced with a license limitation, limited access, and/or individual fishing quota (IFQ) or individual transferable quota (ITQ) system, whichever occurred earlier. The intended effect of the moratorium was to prevent increases in effort, to possibly reduce the number of permittees in the king mackerel fishery, and to stabilize the economic performance of current participants, while protecting king mackerel from overfishing. The existing restricted number of fishery participants, especially in the Gulf of Mexico, has demonstrated the capability of harvesting their total allowable catch (TAC) well in advance of the end of the various fishing seasons. Allowing the fishery to revert to open access would probably hasten these closures. The proposed limited access system would maintain the existing restricted access to the fishery for an indefinite period, with the intent to provide continued social and economic stability to the king mackerel fishery.

Amendment 15 contains a second action, which, if implemented, would change the fishing year for Atlantic migratory groups of king and Spanish mackerel to March 1 through February 28-29. The current fishing year for Atlantic migratory groups of both king and Spanish mackerel extends from April 1 through March 31. Under the existing fishing year, the commercial quota for Atlantic group king mackerel has only been met three times. However, should TAC need to be reduced in the future, there is a potential for the commercial quota to be met, and the fishery would be closed by the end of the season (i.e., in March). A March closure could adversely affect the social and economic stability of South Atlantic fisheries due to other commercial closures for alternative target species