

complying with the observer requirements are minimal (less than \$50 annually), due to the fact that processor reports are mailed with postage-paid envelopes and observer coverage is funded at 100 percent by NMFS (vessel owners are responsible for calling to arrange for observers and to ensure adequate space for observers on their vessels). Based on the above analysis, this proposed rule is not expected to have a significant impact on a substantial number of vessels or dealers. As a result, an initial regulatory flexibility analysis was not required for this action and none was prepared.

Collection-of-Information Requirements under the Paperwork Reduction Act

This proposed rule contains four collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). These requirements have been submitted to OMB for approval. The public's reporting burden for the collection-of-information requirements includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information requirements.

The new and revised reporting requirements and the estimated time for a response are as follows: 2 minutes to request an observer; 4 minutes for a dealer purchase report; 15 minutes and 5 minutes for initial dealer permit application/renewal application, respectively; and 30 minutes for the Annual Processed Products Report.

Public comment is sought regarding: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS and to OMB (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection-of-information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 26, 2006.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.2, a new definition for Atlantic hagfish is added, in alphabetical order, to read as follows:

§ 648.2 Definitions.

\* \* \* \* \*

Atlantic hagfish means Myxine glutinosa.

\* \* \* \* \*

3. In § 648.6, paragraph (a)(1) is revised to read as follows:

§ 648.6 Dealer/processor permits.

(a) \* \* \* (1) All dealers of NE multispecies, monkfish, skates, Atlantic herring, Atlantic sea scallop, Atlantic deep-sea red crab, spiny dogfish, summer flounder, Atlantic surf clam, ocean quahog, Atlantic mackerel, squid, butterfish, scup, bluefish, tilefish, and black sea bass; Atlantic surf clam and ocean quahog processors; Atlantic hagfish dealers and/or processors, and Atlantic herring processors or dealers, as described in § 648.2; must have been issued under this section, and have in their possession, a valid permit or permits for these species.

\* \* \* \* \*

4. In § 648.7, paragraph (a)(3)(iv) is added to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

(a) \* \* \*

(3) \* \* \*

(iv) Atlantic hagfish processors must complete and submit all sections of the Annual Processed Products Report.

\* \* \* \* \*

5. In § 648.11, paragraph (a) is revised to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

(a) The Regional Administrator may request any vessel holding a permit for Atlantic sea scallops, NE multispecies, monkfish, skates, Atlantic mackerel, squid, butterfish, scup, black sea bass, bluefish, spiny dogfish, Atlantic herring,

tilefish, or Atlantic deep-sea red crab; or a moratorium permit for summer flounder; to carry a NMFS-approved sea sampler/observer. Also, any vessel or vessel owner/operator that fishes for, catches or lands hagfish, or intends to fish for, catch, or land hagfish in or from the exclusive economic zone must carry a NMFS-approved sea sampler/observer when requested by the RA in accordance with the requirements of this section.

\* \* \* \* \*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 061024277-6277-01; I.D. 101206C]

RIN 0648-AU94

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Advance Notice of Proposed Rulemaking to Establish a Control Date

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

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: NMFS and the Pacific Fishery Management Council (Council) are beginning to develop a groundfish fishery management plan (FMP) amendment and management measures to reduce harvest capacity in the open access portion of the Pacific Coast groundfish fishery in Federal waters off Washington, Oregon, and California. This document announces a control date for the open access portion of September 13, 2006, and is intended to discourage new entrants into this fishery and increased fishing effort based on economic speculation while the Council determines whether and how access should be controlled. The announcement is intended to promote awareness of potential eligibility criteria for future access to the open access portion of the Pacific Coast groundfish fishery. Vessels entering the fisheries after September 13, 2006, may be subject to restrictions different from those that apply to vessels in the fishery prior to September 13, 2006. If catch history is used as a basis for future participation or allocation, it is likely

that participation in the fishery after September 13, 2006, would not count toward future allocations or participation in a limited access scheme. Because potential eligibility criteria for future management measures may be based on historical participation, fishery participants may need to preserve records that substantiate and verify their participation in the groundfish fishery in Federal waters.

**ADDRESSES:** You may submit comments, on issues and alternatives, identified by 111505A by any of the following methods:

- E-mail: [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov). Include "Open Access Limitation" in the subject line of the message.

- Federal eRulemaking Portal: <http://www.regulations.gov>.

- Fax: 503-820-2299.

- Mail: Dr. Donald McIsaac, Pacific Fishery Management Council, 7700 NE Ambassador Pl., Suite 101, Portland, OR, 97220.

**FOR FURTHER INFORMATION CONTACT:** Mr. John DeVore, Pacific Fishery Management Council, phone: 503-820-2280, fax: 503-820-2299 and email: [john.devore@noaa.gov](mailto:john.devore@noaa.gov); or Ms. Yvonne deReynier NMFS, Northwest Region, phone: 206-526-6129, fax: 206-526-6426 and email: [yvonne.dereynier@noaa.gov](mailto:yvonne.dereynier@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

This **Federal Register** document is available on the Government Printing Office's website at: [www.gpoaccess.gov/fr/index/html](http://www.gpoaccess.gov/fr/index/html).

**Background**

The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982 (47 FR 43964, October 5, 1982), and has been amended 19 times. Implementing regulations for the FMP and its amendments are codified at 50 CFR part 660. On November 16, 1992, NMFS published final regulations implementing Amendment 6 to the FMP. Amendment 6 and its implementing regulations established a license limitation program and divided the Pacific Coast commercial groundfish fishery into limited entry and open access segments. The limited entry fishery is comprised of permitted vessels using trawl, longline and/or trap (pot) gear. The open access fishery is comprised of unpermitted vessels that use all other gear, as well as vessels that do not have limited entry permits endorsed for use with longline or trap gear but make

small landings with longline or trap gear.

NMFS had previously made an announcement that the Council is considering additional management measures to further limit harvest capacity or to allocate between or within the limited entry commercial and the recreational groundfish fisheries. In order to discourage fishers from intensifying their fishing efforts for the purpose of amassing catch history that they speculate may aid them with any allocation or additional limited access program developed by the Council, the Council announced on April 9, 1998, that any program would not include consideration of catch landed after that date. NMFS announced that the Council was planning to consider catch history through the 1997 season (63 FR 53637, October 6, 1998). At its April 1999 meeting, the Council reviewed a proposal to create a limited entry program to limit new entrants into the open access fishery. At its June 1999 meeting, the Council further examined the proposal to create a limited entry program to limit new entrants into the open access fishery.

Members of the Council expressed concerns that restricting new entrants into the fishery would not adequately address harvest capacity concerns. Even though the need to limit new entrants into the open access fleet was recognized, this measure did not go forward for further development. Limited access and participation in the open access fisheries were further discussed at the November 1999 Council meeting, resulting in establishment of a November 5, 1999, control date notifying the public that the Council was considering the need to impose additional management measures to restrain harvest capacity in the open access fishery. However, other Council initiatives, such as development of rebuilding plans for overfished groundfish species, caused a delay in limiting access in the Pacific Coast groundfish open access fishery.

At its September 2006 meeting, the Council revisited this issue and decided to proceed with an FMP amendment to limit access and participation in the open access fishery. The Council also decided the established November 5, 1999, control date (65 FR 6577, February 10, 2000) was no longer useful for deciding eligibility requirements for a new Federal limited entry permit for the open access fishery. The Council noted the open access fishery had changed dramatically since November 1999 and new participants are not the same as those who have traditionally relied on the open access fishery.

Therefore, at their September 2006 meeting in Foster City, California, the Council recommended a new control date of September 13, 2006, be established to give the public advance notice of the intent to limit entry and participation in the open access groundfish fishery.

If catch history is used as a basis for participation or allocation, it is likely that participation in the fishery after September 13, 2006, would not count toward future allocations in a limited access scheme. Fishermen are not guaranteed future participation in the groundfish fishery, regardless of their date of entry or level of participation in the fishery. This action does not commit the Council to develop any particular management regime or to use any specific criteria for determining entry to the fishery. This action also does not commit the Council to developing a management regime that uses fishing history in 2006 as criteria for determining future entry to the fishery. The Council may choose a different control date, or may choose a management program that does not make use of such a date.

Implementation of any management measures for the fishery will require amendment of the regulations implementing the FMP, and will also require amending the FMP. Any action will require Council development of amendatory and regulatory proposals with public input and a supporting analysis, NMFS approval, and publication of implementing regulations in the **Federal Register**. The Council also announced their intent to further develop a timeline and the next steps in pursuing this FMP amendment next year. Additional information on the time and location for future meetings addressing capacity reduction and limited access in the open access fishery will be provided when these meetings are announced in the **Federal Register**. This information will also be posted on the Council website ([www.pcouncil.org](http://www.pcouncil.org)) (see **ADDRESSES**).

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

Dated: October 26, 2006.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

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