

require any new information to be provided by the applicant or impose any substantive costs.

Replacement permits are issued by NMFS to vessel owners to replace lost or mutilated permits. Vessel owners with a lost or mutilated permit primarily notify NMFS by telephone when requesting a replacement permit. NMFS has never established a formal process to provide replacement permits, but the number of requests for replacements over the past year (approximately 50) make it clear that such a process is required. NMFS proposes that vessel owners requiring a replacement permit submit a completed application form to NMFS by mail or fax. The estimated reporting burden to prepare the single page, application averages 0.42 hours per vessel, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. NMFS recognizes that the duration of time between the initial application and completing a second one to obtain a replacement permit dictates the reporting burden and certainly the longer the time span between the two, the closer the applicant would come to the 0.42 hour estimate. NMFS has also estimated that of the 1800 permits issued since April, 2005, approximately 50 were replaced in 2006 creating an annualized burden of 21 hours. The permits are currently free and the only cost (other than time) would be that of submitting the application (e.g., up to 39 cents postage).

The revised method for renewing permits will not place any new or additional burdens on HMS vessel owners. For replacing permits, HMS vessel owners will need to take the time to complete a second application form and mail or fax it to NMFS. NMFS also does not anticipate a drop in profitability based on this rule, as it should not have an affect on a vessel owner's ability to harvest HMS. Therefore, the proposed action, if implemented, will not have a significant impact on a substantial number of small entities.

A fishing vessel is considered a "small" business by the U.S. Small Business Administration (SBA) if its annual receipts not in excess of \$3.5 million. Since all of the vessels fishing for West Coast HMS have annual receipts below \$3.5 million they would all be considered small businesses under the SBA standards. Therefore this rule will not create disproportionate costs between small and large vessels/businesses.

Based on the analysis above, the Department of Commerce has determined that there will not be a significant economic impact to a substantial number of these small entities. Therefore, NMFS did not prepare an Initial Regulatory Flexibility Analysis.

As a result, a regulatory flexibility analysis is not required and none has been prepared.

This proposed rule for permit renewals references a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) that was approved by OMB under control number 0648-0204. Public reporting

burden for preparing a HMS Vessel Permit Application is estimated to average 0.42 hours per vessel, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSEES) and by e-mail to David1.Rostker@omb.eop.gov, or fax to (202) 395-7285.

Notwithstanding any other provision of the 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 660

Administrative practice and procedure, Permits.

Dated: November 30, 2006.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.707, paragraphs (b)(4) and (b)(5) are revised to read as follows:

§ 660.707 Permits.

(b) * * *

(4) Permits issued under this subpart will remain valid until the first date of renewal, and permits may be subsequently be renewed for 2-year terms. The first date of renewal will be the last day of the owner's birth month in the second calendar year after the permit is issued (e.g., if the birth month is March and the permit is issued on October 3, 2007, the permit will remain valid through March 31, 2009).

(5) Replacement permits may be issued without charge to replace lost or mutilated permits. Replacement permits may be obtained by submitting to the SFD c/o the Regional Administrator a complete, signed vessel permit application. An application for a

replacement permit is not considered a new application.

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[FR Doc. E6-20721 Filed 12-6-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No 061127309-6309-01; I.D. 110706D]

RIN 0648-AU72

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Reporting Requirements and Conservation Measures

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes a regulation to implement new reporting and conservation measures under the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). These reporting requirements and prohibitive measures would require coastal pelagic species (CPS) fishermen/vessel operators to employ avoidance measures when southern sea otters are present in the area they are fishing and to report any interactions that may occur between their vessel and/or fishing gear and sea otters. The purpose of this proposed rule is to comply with the terms and conditions of an incidental take statement from a biological opinion issued by the U.S. Fish and Wildlife Service regarding the implementation of Amendment 11 to the CPS FMP.

DATES: Comments must be received by January 8, 2007.

ADDRESSES: You may submit comments on this proposed rule, identified by [insert ID] by any of the following methods:

- E-mail: 0648-AU72.SWR@noaa.gov. Include the I.D. number in the subject line of the message.
- Federal e-Rulemaking portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.
- Fax: (562) 980-4047.
- Written comments regarding the burden-hour estimates or other aspects of the collection-of-information

requirements contained in this proposed rule may be submitted to the Southwest Regional Office and by e-mail to David.L.Rostker@omb.eop.gov or fax to (202) 395-7285

Copies of Amendment 11 and its Environmental Assessment/Regulatory Impact Review may be obtained from the Southwest Regional Office (see ADDRESSES).

FOR FURTHER INFORMATION CONTACT: Joshua B. Lindsay, Southwest Region, NMFS, (562) 980-4034.

SUPPLEMENTARY INFORMATION: This action proposes to implement new reporting requirements and conservation measures under the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The purpose of the proposed rule is to comply with the terms and conditions set forth in the incidental take statement section of a biological opinion issued by the U.S. Fish and Wildlife Service (USFWS) regarding the implementation of Amendment 11 and to provide further conservation efforts for the threatened southern sea otter. These reporting requirements and conservation measures would require all coastal pelagic species (CPS) fishermen and vessel operators to employ avoidance measures when sea otters are present in the fishing area and to report any interactions that may occur between their vessel and/or fishing gear and the otters.

In accordance with the regulations implementing the Endangered Species Act (ESA), the National Marine Fisheries Service (NMFS) initiated an ESA section 7 consultation with USFWS regarding the possible effects of implementing Amendment 11 to the CPS FMP. The purpose of the Amendment was to achieve optimal utilization of the resource and equitable allocation of Pacific sardine harvest opportunity. On June 16, 2006, USFWS completed a biological opinion on Amendment 11 and concluded that it was not likely to jeopardize the continued existence of the southern sea otter. The final rule to implement Amendment 11 was then published on June 29, 2006 (71 FR 36999) and changed the framework for annual apportionment of the Pacific sardine harvest guideline along the U.S. Pacific coast.

These new measures and regulations would include:

1. CPS fishing boat operators and crew would be prohibited from deploying their nets if a southern sea otter is observed within the area that would be encircled by the purse seine.

2. If a southern sea otter is entangled in a net, regardless of whether the animal is injured or killed, such an occurrence must be reported within 24 hours to the Regional Administrator, NMFS Southwest Region.

3. While fishing for CPS, vessel operators must record all observations of otter interactions (defined as otters within encircled nets or coming into contact with nets or vessels, including but not limited to entanglement) with their purse seine net(s) or vessel(s). With the exception of an entanglement, which will be initially reported as described in 2 above, all other observations must be reported within 20 days to the Regional Administrator.

When contacting NMFS after an interaction, fishermen would be required to provide information regarding the location (latitude and longitude) of the interaction and a description of the interaction itself. If available, location information should also include: Water depth, distance from shore, and relation to port or other landmarks. Descriptive information of the interaction should include: whether or not the otters were seen inside or outside the net, if inside the net, had the net been completely encircled, did contact occur with net or vessel, the number of otters present, duration of interaction, otter's behavior during interaction, and measures taken to avoid interaction.

Classification

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. Public reporting burden for this otter interaction requirement is estimated to average 10 minutes per individual per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: whether this 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 Southwest Region at the ADDRESSES above, and e-mail to David.L.Rostker@omb.eop.gov or fax to (202) 395-7285.

Notwithstanding any other provision of the 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.

These proposed specifications are issued under the authority of, and NMFS has preliminarily determined that it is in accordance with, the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and the regulations implementing the FMP.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

A fishing vessel is considered a "small" business by the U.S. Small Business Administration (SBA) if its annual receipts are not in excess of \$3.5 million. Since all of the vessels fishing for CPS have annual receipts below \$3.5 million they would all be considered small businesses under the SBA standards. Therefore this rule will not create disproportionate costs between small and large vessels/businesses.

Otter interactions as described in this proposed rule are extremely rare; therefore the burden to small businesses as a result of these new regulations is expected to be minimal. The only expected cost to the respondents will be the cost associated with contacting NMFS, which may be made through mail, phone, fax, or email. NMFS also does not anticipate a drop in profitability based on this rule, as the proposed action should not have a substantial effect on the methods fishermen use or the areas in which they fish. The overlap between the distribution of the southern sea otter and CPS fishing grounds is very limited. Where overlap does occur, a small portion of Monterey Bay, otter interactions with CPS fishermen have been very rare. Due to the limited potential for overlap the fishermen's ability to harvest CPS will not be effected.

NMFS has determined that there will not be a significant economic impact to a substantial number of these small entities. Therefore, NMFS did not prepare an Initial Regulatory Flexibility Analysis.

As a result, a regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: December 4, 2006.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.505, add paragraph (n) to read as follows:

§ 660.505 Prohibitions.

* * * * *

(n) When fishing for CPS, deploy a net if a southern sea otter is observed within the area that would be encircled by the purse seine net.

3. Section 660.520 is added to read as follows:

§ 660.520 Reporting requirements.

(a) *Otter interaction.* (1) If a southern sea otter is entangled in a net, regardless of whether the animal is injured or killed, the vessel operator must report this interaction within 24 hours to the Regional Administrator.

(2) While fishing for CPS, vessel operators must record all observations of otter interactions (defined as otters within encircled nets or coming into contact with nets or vessels, including but not limited to entanglement) with their purse seine net(s) or vessel(s). With the exception of an entanglement, which must be initially reported as described in paragraph (a)(1) of this section, all other observations must be reported within 20 days to the Regional Administrator.

(3) When contacting NMFS after an interaction, vessel operators must provide the location (latitude and longitude) of the interaction and a description of the interaction itself. If available, location information should also include water depth, distance from shore, and relation to port or other landmarks. Descriptive information of the interaction should include: whether or not the otters were seen inside or outside the net; if inside the net, had the net been completely encircled; whether any otters came in contact with either

the net or the vessel; the number of otters present; duration of interaction; otter's behavior during interaction; measures taken to avoid interaction.

(b) [Reserved]

[FR Doc. E6-20770 Filed 12-6-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[I.D. 112006I]

RIN 0648-AU48

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Notice of availability; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 85 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) to NMFS for review. If approved, Amendment 85 would revise the current Bering Sea and Aleutian Islands management area (BSAI) Pacific cod allocations of total allowable catch (TAC) among various harvest sectors, modify the management of Pacific cod incidental catch in other non-target fisheries, eliminate the groundfish reserve for Pacific cod, increase the percentage of the BSAI Pacific cod TAC apportioned to the Community Development Quota (CDQ) Program, and add a new appendix to the FMP that summarizes the Consolidated Appropriations Act of 2005. Amendment 85 is necessary to reduce uncertainty about the availability of yearly harvests within sectors caused by reallocations, and to maintain stability between sectors in the BSAI Pacific cod fishery. This would be accomplished by establishing allocations that more closely reflect actual use by sector than do current allocations while considering socioeconomic and community factors, thus reducing the need for reallocations during the fishing year. This proposed amendment also is necessary to implement recent changes to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) that require a

directed fishing allocation of 10 percent to the CDQ Program upon the establishment of a sector allocation. This action is intended to promote the goals and objectives of the Magnuson-Stevens Act, the FMP, and other applicable laws. The amendment is available for public review and comment.

DATES: Comments on Amendment 85 must be received on or before February 5, 2007.

ADDRESSES: Send written comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Walsh, Records Officer. Comments may be submitted by:

• Hand delivery: 709 West 9th Street, Room 420A, Juneau, AK;

• E-mail: 0648-AU48-BSA85-

NOA@noaa.gov. Include in the subject line the following document identifier:

"Pacific cod RIN 0648 AU48." E-mail comments, with or without attachments, are limited to 5 megabytes;

• Fax: 907-586-7557;

• Mail: P.O. Box 21668, Juneau, AK 99802-1668; or

• Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments.

Copies of the Amendment 85 Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action are available from the NMFS Alaska Region website at www.fakr.noaa.gov or from the mailing and street addresses listed above.

FOR FURTHER INFORMATION CONTACT: Becky Carls, 907-586-7228 or becky.carls@noaa.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP amendment, immediately publish a notice in the **Federal Register** that the FMP or amendment is available for public review and comment. This requirement is satisfied by this notice of availability for Amendment 85.

The BSAI Pacific cod TAC, after subtraction of reserves, currently is subdivided, or allocated, among eight non-CDQ fishing industry sectors based on the type of fishing gear used pursuant to regulations at 50 CFR 679.20(a)(7). Basically, these gear