

aircraft. Micro-torches and gas torches will continue to be prohibited.

#### New Enforcement Policy Regarding Lighters

In sec. 530 of the Department of Homeland Security Appropriations Act, 2007 (Pub. L. 109–295, 120 Stat. 1355, Oct. 4, 2006), Congress provided TSA with the authority to refrain from enforcing the statutory butane lighter ban, if the Assistant Secretary determines that butane lighters are not a significant threat to civil aviation security. If the Assistant Secretary determines that butane lighters are not a significant threat, the Assistant Secretary must notify the Appropriations Committees of the Senate and House of Representatives 15 days in advance of the determination and include a report on whether the effectiveness of screening operations is enhanced by suspending enforcement of the prohibition.

In accordance with this authority granted by Congress, TSA has determined, based on intelligence-driven threat assessments, that the carriage of butane and other types of lighters by passengers on board commercial aircraft does not pose a significant threat to civil aviation security. TSA has further determined that aviation security is better served if TSOs focus their efforts on detecting improvised explosive devices, firearms, and other deadly devices rather than searching for butane and other types of lighters. The search for lighters at screening checkpoints is a time consuming process that ultimately distracts TSOs from efforts to detect the type of deadly weapons likely to be used by terrorists and which could be used to inflict catastrophic damage to an aircraft and loss of lives.

Since TSA prohibited lighters on March 1, 2005, TSA continues to intercept more than 22,000 lighters each day at screening checkpoints across the country. Lighters represent approximately 85 percent of prohibited items discovered by TSA and abandoned by passengers at screening checkpoints. The number of lighters discovered at checkpoints and the time and effort dedicated to positively identifying them is clearly disproportionate to any threat they may pose.

Results from field surveys indicate that the greater the numbers of items TSOs are required to identify and evaluate, the more difficult it is to detect any one item. Accordingly, TSA has determined that aviation security is better served if TSOs are focused on

detecting improvised explosive devices, firearms, and other deadly devices instead of employing resources in the search for lesser threats, such as lighters. Shifting attention from lower security risks to address markedly higher security risks is fundamental to a risk-based approach. TSA believes the effectiveness of screening operations will be enhanced if the time and resources devoted to detecting, collecting, and disposing of lighters is shifted to the search for higher threat items. Freeing TSOs from searching for lighters will not only enable them to focus on finding explosives, it will also enhance their ability to use behavior recognition, conduct random screening procedures, and deploy other measures that increase complexity in the security system and make its security protocols less transparent and predictable to potential terrorists.

It is noteworthy that the United States is currently the only country that bans lighters. Permitting passengers to carry lighters will align the United States with the international security standards on lighters. This will serve as another step in our efforts to harmonize security measures with international partners. Further, this change will better harmonize TSA's regulations with current Department of Transportation (DOT) regulations regarding the carriage of hazardous materials on board aircraft. Under the DOT regulations (49 CFR 175.10), a passenger may carry one lighter for the individual's use on his or her person or in carry-on baggage.

Issued in Arlington, Virginia, on July 19, 2007.

**Kip Hawley,**

*Assistant Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 061020273–6321–02]

**RIN 0648–XB60**

#### Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2007 Winter II Quota

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

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** NMFS adjusts the 2007 Winter II commercial scup quota and possession limit. This action complies with Framework Adjustment 3 (Framework 3) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which established a process to allow the rollover of unused commercial scup quota from the Winter I period to the Winter II period.

**DATES:** Effective July 24, 2007, through December 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Michael Ruccio, Fishery Policy Analyst, (978) 281–9104.

**SUPPLEMENTARY INFORMATION:** NMFS published a final rule in the **Federal Register** on November 3, 2003 (68 FR 62250), implementing a process, for years in which the full Winter I commercial scup quota is not harvested, to allow unused quota from the Winter I period (January 1 through April 30) to be added to the quota for the Winter II period (November 1 through December 31), and to allow adjustment of the commercial possession limits for the Winter II period commensurate with the amount of quota rolled over from the Winter I period. Table 4 of the final 2007 quota specifications for summer flounder, scup, and black sea bass (71 FR 75134, December 14, 2006) presented detailed information regarding Winter II possession limits, based on the amount of scup to be rolled over from Winter I to Winter II.

For 2007, the Winter II quota is 1,417,991 lb (643,201 kg), and the best available landings information indicates that 644,155 lb (292,184 kg) remain of the Winter I quota of 4,012,895 lb (1,820,249 kg). Consistent with the intent of Framework 3, the full amount of unused 2007 Winter I quota is transferred to Winter II, resulting in a revised 2007 Winter II quota of 2,062,146 lb (935,374 kg). In addition to the quota transfer, the 2007 Winter II possession limit is increased, consistent with the rollover specifications established in the 2007 final rule, to 3,500 lb (1,588 kg) per trip to provide an appropriate opportunity for fishing vessels to obtain the increased Winter II quota.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: July 18, 2007.

**Emily Menashes,**

*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 679

[Docket No. 070213032-7032-01]

RIN 0648-XB63

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pelagic shelf rockfish in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2007 total allowable catch (TAC) of pelagic shelf rockfish in the West Yakutat District of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 20, 2007, through 2400 hrs, A.l.t., December 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2007 TAC of pelagic shelf rockfish in the West Yakutat District of the GOA is 307 metric tons (mt) as established by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2007 TAC of pelagic shelf rockfish in the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 297 mt, and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pelagic shelf rockfish in the West Yakutat District of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

## Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pelagic shelf rockfish in the West Yakutat District of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 18, 2007.

The AA also finds good cause to waive the 30 day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: July 18, 2007.

**Emily Menashes**

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

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