### III. Ordering Paragraphs

[Order No. 99]
It is Ordered:
2. An informal technical conference to explore and clarify proposals is scheduled for August 27, 2008 at 10 a.m. in the Commission’s hearing room.
3. Interested persons may file initial comments on or before September 8, 2008.
4. Reply comments may be filed on or before September 15, 2008.
5. William C. Miller is designated as the Public Representative representing the interests of the general public in this proceeding.
6. The Secretary shall arrange for publication of this Notice in the Federal Register.

[Order No. 102]
1. The Motion of the United States Postal Service to Supplement the List of Its Proposed Costing Changes for Purposes of Preparing the FY 2008 Annual Compliance Report, filed August 18, 2008, is granted.
2. The proposal described in this Order will be considered under the current procedural schedule in Docket No. RM2008–2.
3. The Secretary shall arrange for publication of this Notice in the Federal Register.


Judith M. Grady,
Acting Secretary.

BILLING CODE 7710–FW–P

### DEPARTMENT OF EDUCATION

34 CFR Chapter VI

Office of Postsecondary Education; Notice of Negotiated Rulemaking for Programs Authorized Under Title IV and Title II of the Higher Education Act of 1965, as Amended

AGENCY: Department of Education.

ACTION: Notice of invitation for public comment and establishment of negotiated rulemaking committees.

SUMMARY: We announce our intention to establish negotiated rulemaking committees to prepare proposed regulations under Title IV and, possibly, Title II of the Higher Education Act of 1965, as amended (HEA). The committees will include representatives of organizations or groups with interests that are significantly affected by the subject matter of the proposed regulations. We also announce six public hearings, at which interested parties may suggest issues that should be considered for action by the negotiating committees. In addition, for anyone unable to attend a public hearing, we announce that the Department will accept written comments.

DATES: The dates, times, and locations of the public hearings are listed under the SUPPLEMENTARY INFORMATION section of this notice. We also receive written comments suggesting issues that should be considered for action by the
negotiating committees on or before October 8, 2008.

**ADDRESSES:** Please send written comments to Wendy Macias, U.S. Department of Education, 1990 K Street, NW., room 8017, Washington, DC 20006, or by fax to Wendy Macias at (202) 502–7874. You may also e-mail your comments to HEOA08@ed.gov.


If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free at 1–800–877–8339. Individuals with disabilities can obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person responsible for information about the public hearings.

**SUPPLEMENTARY INFORMATION:** We intend to develop proposed regulations to implement the changes made to the Higher Education Act of 1965 (HEA) by the Higher Education Opportunity Act of 2008 (HEOA), Public Law 110–315. Section 492 of the HEA, as amended by the HEOA, requires that, before publishing any proposed regulations to implement programs authorized under Title IV of the HEA, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations from the public, the Secretary uses a negotiated rulemaking process to develop the proposed regulations. In addition, section 201(2) of the HEOA added a provision to section 207(c) of the HEA that requires the Secretary to submit to a negotiated rulemaking process any regulations the Secretary chooses to develop under amended section 207(b)(2) of the HEA, regarding the prohibition on a teacher preparation program in general in which the State has withdrawn approval or terminated financial support from accepting or enrolling any student who receives Title IV aid.

We intend to develop proposed regulations by following the negotiated rulemaking procedures in section 492 of the HEA. We anticipate using the negotiated rulemaking procedures in section 492 of the HEA to develop any regulations for the new teacher preparation program provision in section 207(b)(2) of the HEA, although the Secretary is not required to do so.

After a complete review of the HEOA and the public comments presented at the public hearings and through written submission, we will publish a subsequent notice (or notices) announcing the specific subject areas for which we intend to establish negotiated rulemaking committees, and a request for nominations for individual negotiators for those committees who represent the interests significantly affected by the proposed regulations.

We anticipate that we will announce our intent to establish most of the negotiated rulemaking committees by the end of this year, with negotiations beginning in February 2009. For subject areas for which implementation must occur more quickly, the schedule will be expedited.

For general information on the implementation of the HEOA, see [http://www.ed.gov/HEOA](http://www.ed.gov/HEOA).

**Public Hearings**

We will hold six public hearings for interested parties to discuss the agenda for the negotiated rulemaking sessions. The public hearings will be held on:

- September 19, 2008 at Texas Christian University in Fort Worth, Texas;
- September 29, 2008 at the University of Rhode Island, in Providence, Rhode Island;
- October 2, 2008 at Pepperdine University, in Malibu, California;
- October 6, 2008 at Johnson C. Smith University, in Charlotte, North Carolina;
- October 8, 2008 at the U.S. Department of Education in Washington, DC; and
- October 15, 2008 at Cuyahoga Community College, in Cleveland, Ohio.

The public hearings will be held from 9:00 a.m.—4:00 p.m., local time, except for the exception of the hearing at Texas Christian University in Fort Worth, Texas, which will be held from 10:00 a.m.—4:00 p.m., local time. Further information on the public hearing sites, including addresses and directions, is available at [http://www.ed.gov/HEOA](http://www.ed.gov/HEOA).

Individuals desiring to present comments at the public hearings are encouraged to do so. It is likely that each participant choosing to make a statement will be limited to five minutes. Individuals interested in making oral statements will be able to register to make a statement beginning at 8:30 a.m. on the day of the public hearing (9:30 a.m. on the day of the public hearing for the hearing at Texas Christian University) at the Department’s on-site registration table on a first-come, first-served basis. If additional time slots remain, individuals may be given additional time to speak. If no time slots remain, the Department has reserved one additional hour at the end of the day for individuals who were not able to register to speak. The amount of time available will depend upon the number of individuals who register to speak. Speakers may also submit written comments. In addition, for anyone unable to attend a public hearing, the Department will accept written comments through October 8, 2008. (See the ADDRESSES sections of this notice for submission information.)

The public hearing sites are accessible to individuals with disabilities. Individuals needing an auxiliary aid or service to participate in a meeting (e.g., interpreting service, assistive listening device, or materials in alternative format), should notify the contact person for information about hearings listed under FOR FURTHER INFORMATION CONTACT in this notice in advance of the scheduled meeting date. Although we will attempt to meet any request we receive, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

**Electronic Access to This Document**

You may view this document, in text or Adobe Portable Document Format (PDF), on the Internet at the following site: [http://www.ed.gov/news/fedregister](http://www.ed.gov/news/fedregister). To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

**Note:** The official version of this document is the document published in the Federal Register. Free Internet access to the official citation of the Federal Register and the Code of Federal Regulations is available on GPO Access at: [http://www.gpoaccess.gov/nara/index.html](http://www.gpoaccess.gov/nara/index.html).

**Program Authority:** 20 U.S.C. 1098a; Pub. L. 110–315, §201(2).
Fisheries that depend on them.

stocks in the CNMI, and to sustain the locally-caught bottomfish to CNMI for sustained community participation, commercial bottomfish fishery, provide of information about the CNMI intended to ensure adequate collection catch reports. This proposed rule is Federal sales reports in addition to vessels would be required to submit units would be installed on these bottomfish fishing by vessels over 40 ft EEZ waters around the CNMI to proposed rule would also close certain Northern Mariana Islands (CNMI). The commercial bottomfish vessels fishing established Federal permitting and provisions recommended in rule would implement the management (Magnuson-Stevens Act). This proposed Council has submitted Bottomfish FMP and proposed Amendment 10 are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or www.wpcouncil.org.

FOR FURTHER INFORMATION CONTACT: Bob Harmon, NMFS PIR, 808–944–2271.

SUPPLEMENTARY INFORMATION: This Federal Register document is also accessible at the Office of the Federal Register web site www.gpoaccess.gov/fr.

The bottomfish fishery around the Northern Mariana Islands is managed under the Bottomfish FMP, which was developed by the Council, and approved and implemented by NMFS. The Council has submitted Bottomfish FMP Amendment 10 to NMFS for review under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This proposed rule would implement the management provisions recommended in Amendment 10, if the amendment is approved by the Secretary of Commerce. CNMI nearshore areas have been fished for years by bottomfish fishermen who engage in a mix of subsistence, recreational, and small-scale commercial fishing. These fishermen typically operate small vessels (less than 25 ft (7.6 m)), and tend to fish more in the summer months when weather and sea conditions are calmer. Most of these small vessels target shallow-water bottomfish, but some also target deep-water species. The catch from these small vessels is destined for local markets and consumers in the CNMI, and is usually not exported.

In addition to small vessels, several larger vessels (over 40 ft (12.2 m) in length) also target deep-water bottomfish at offshore seamounts and banks. In 2006, for example, there were six large vessels targeting bottomfish around the CNMI. Landings from these large vessels are offloaded on Saipan and in other CNMI commercial ports, and are often exported by air to Japan. Thus, the catch from these large vessels does not enter local markets as a food supply for CNMI residents. If these vessels were to target bottomfish in nearshore waters around CNMI, the resulting fishing pressure could be excessive on bottomfish stocks at nearshore banks, potentially threatening both the fish stocks and the fisheries that have historically been dependent on these resources.

The CNMI is relatively close to Guam, and it is possible for large bottomfish vessels based in Guam to travel to fishing grounds in the CNMI. NMFS recently implemented a final rule that prohibits large vessels (i.e., greater than 50 ft (15.2 m)) from bottomfish fishing within 50 nm (80.5 km) around Guam (71 FR 64474; November 2, 2006). Without similar closed areas around the CNMI, operators of these large Guam-based vessels may choose to fish for bottomfish within U.S. EEZ waters around the CNMI. This could result in excessive fishing pressure on bottomfish stocks at nearshore banks, potentially threatening both the fish stocks and the fisheries that have historically been dependent on these resources.

In addition to the possibility of Guam-based vessels entering the CNMI bottomfish fishery, the Council is concerned about several other issues regarding bottomfish fishing in the CNMI. First, existing data collection programs in the CNMI are insufficient to monitor catches and determine the impacts of the fishery on the bottomfish stocks being harvested, or to determine the species composition and amount of discarded catch. Second, large bottomfish vessels need to harvest relatively large catches to cover operational costs, and these large catches could deplete nearshore stocks. Stock depletion would threaten the sustainability of the CNMI bottomfish fishery, and if catch rates were significantly reduced, small vessels would not be able to continue operating. Finally, because the catches from large vessels are typically exported, traditional patterns of supply and consumption of bottomfish in the local community would be disrupted.

In response to these concerns, the Council developed Amendment 10 with the following objectives: (1) ensure that adequate information is routinely collected for the CNMI offshore...