



# Federal Register

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**Monday,  
May 11, 2009**

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**Part IV**

**Department of  
Commerce**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF COMMERCE (DOC)

## DEPARTMENT OF COMMERCE

## Office of the Secretary

## 13 CFR Ch. III

## 15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

## 19 CFR Ch. III

## 37 CFR Chs. I, IV, and V

## 48 CFR Ch. 13

## 50 CFR Chs. II, III, IV, and VI

## Spring 2009 Semiannual Agenda of Regulations

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** In compliance with Executive Order 12866, entitled "Regulatory Planning and Review," and the Regulatory Flexibility Act, as amended, the Department of Commerce (Department), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2008 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's spring 2009 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2009, through March 31, 2010.

**FOR FURTHER INFORMATION CONTACT:**

*Specific:* For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

*General:* Comments or inquiries of a general nature about the agenda should be directed to Jennifer K. Nist, Chief Counsel for Regulations, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-482-3151.

**SUPPLEMENTARY INFORMATION:** Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of January 8, 2009, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2009 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Commerce's printed agenda entries include only:

- (1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
- (2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Commerce's Regulatory Plan.

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating

units, such as the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, an "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

**Explanation of Information Contained in NMFS Regulatory Entries**

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

The Department's spring 2009 regulatory agenda follows.

**Michael A. Levitt,**  
Assistant General Counsel for Legislation and Regulation.

## DOC

## International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
56	Commercial Availability of Fabric and Yarn .....	0625-AA59

## National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
57	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery .....	0648-AR63
58	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery .....	0648-AS25
59	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes .....	0648-AS49
60	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico .....	0648-AS65
61	American Lobster Fishery; Fishing Effort Control Measures to Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission .....	0648-AT31
62	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan .....	0648-AT58
63	South Atlantic Fishery Ecosystem Plan Comprehensive Amendment .....	0648-AV31
64	Certification of Nations Whose Fishing Vessels Are Engaged in IUU Fishing or Bycatch of Protected Living Marine Resources .....	0648-AV51
65	Collection and Use of Tax Identification Numbers From Holders of and Applicants for National Marine Fisheries Service Permits .....	0648-AV76
66	Amendment 17 to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan. ..	0648-AW11
67	Amendment 3 to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan ..	0648-AW12
68	Amendment 2 to the Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands .....	0648-AW15
69	Amendment 7 to the South Atlantic Shrimp Fishery Management Plan .....	0648-AW19
70	Marine Mammal Protection Act Stranding Regulation Revisions .....	0648-AW22
71	Revise Regulations Governing the North Pacific Groundfish Observer Program .....	0648-AW24
72	Amendment 3 to the Northeast Skate Complex Fishery Management Plan .....	0648-AW30
73	Fisheries in the Western Pacific; Western Pacific Pelagic Fisheries; Amendment 18 to the Pelagics Fishery Management Plan; Shallow-Set Longline Swordfish Fishery .....	0648-AW49
74	Fisheries in the Western Pacific; Compensation to Northwestern Hawaiian Islands Bottomfish and Lobster Fishermen Due to Fishery Closure in the Papahānaumokuākea Marine National Monument .....	0648-AW52
75	Atlantic Highly Migratory Species; Atlantic Shark Management Measures .....	0648-AW65
76	Amendment 4 to the Atlantic Herring Fishery Management Plan .....	0648-AW75
77	Halibut Charter Vessel Moratorium .....	0648-AW92
78	Allowable Modifications to the Turtle Excluder Device (TED) Requirements .....	0648-AW93
79	Regulatory Amendment (No. 3) to Correct and Clarify Amendment 13 and Subsequent Frameworks of the Northeast Multispecies Fishery Management Plan .....	0648-AW95
80	Amendment 11 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan .....	0648-AX05
81	Atlantic Highly Migratory Species; 2009 North and South Atlantic Commercial Quotas .....	0648-AX07
82	Amendment 29 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico .....	0648-AX39
83	Amendment 85 to the Fishery Management Plan for Groundfish of the Gulf of Alaska .....	0648-AX42
84	Amendment 30 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs Arbitration Regulations .....	0648-AX47
85	U.S. Citizen Definition .....	0648-AX52
86	2009 Specifications and Management Measures for the Spiny Dogfish Fishery Management Plan .....	0648-AX57
87	Reef Fish Amendment 31 To Reduce the Number of Loggerhead Sea Turtles by the Eastern Gulf of Mexico Bottom Longline Fishery .....	0648-AX67
88	2009 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures .....	0648-AX69
89	Reef Fish Amendment 30B to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico: Measure to Establish the Edges Seasonal-Area Closure .....	0648-AX73
90	Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act .....	0648-AV15
91	Marine Mammal Protection Act Permit Regulation Revisions .....	0648-AV82
92	Rulemaking To Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon .....	0648-AV94
93	Harbor Porpoise Take Reduction Plan Measures .....	0648-AW51
94	Rule to Revise Leatherback Critical Habitat .....	0648-AX06

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## National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
95	Revisions to the Scientific Research Activity, Exempted Fishing, and Exempted Educational Activity Regulations ..	0648-AR78
96	Fisheries in the Western Pacific; Pelagic Fisheries; Squid Jig Fisheries .....	0648-AS71
97	Modifying Maximum Retainable Amounts (MRAs) for Selected Groundfish Species Caught By the Non-American Fishing Act Trawl Catcher Processor Sector .....	0648-AV32
98	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure .....	0648-AV53
99	American Lobster Data Collection and Broodstock Protection Measures .....	0648-AV77
100	Establish a Permit Fee Collection Framework Under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) .....	0648-AW50
101	Amendment 16 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region ....	0648-AW64
102	Amendment 27 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs .....	0648-AW73
103	Amendment 28 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab .....	0648-AW97
104	Atlantic Highly Migratory Species (HMS); 2009 Atlantic Bluefin Tuna Quota Specifications and Management Measures .....	0648-AX12
105	Amendment 92 to the Fishery Management Plan for Bering Sea/Aleutian Islands Groundfish and Amendment 82 to the Fishery Management Plan for Gulf of Alaska Groundfish .....	0648-AX14
106	One-Fish Daily Bag Limit for the Guided Sport Charter Vessel Fishery for Halibut in Regulatory Area 2C .....	0648-AX17
107	Amendment 90 to the Fishery Management Plan for Bering Sea/Aleutian Islands Groundfish and Amendment 78 to the Fishery Management Plan for Gulf of Alaska Groundfish .....	0648-AX25
108	2009 Atlantic Bluefish Specifications .....	0648-AX49
109	Provide Regulations for Permits for Capture, Transport, Import, and Export of Protected Species for Public Display, and for Maintaining a Captive Marine Mammal Inventory .....	0648-AH26
110	Atlantic Pelagic Longline Take Reduction Plan .....	0648-AV65
111	Designation of Critical Habitat for the Endangered U.S. Distinct Population Segment (DPS) of Guided Smalltooth Sawfish .....	0648-AV74
112	Rulemaking to Designate Critical Habitat for the Gulf of Maine Distinct Population Segment of Atlantic Salmon ....	0648-AW77
113	Rulemaking to Designate Critical Habitat for the Threatened Southern Distinct Population Segment of North American Green Sturgeon .....	0648-AX04

## National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
114	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery .....	0648-AK26
115	Bering Sea and Aleutian Islands Amendment 73 and Gulf of Alaska Amendment 77 Groundfish Fishery Management Plans to Revise Management Authority of Dark Rockfish .....	0648-AU20
116	Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ....	0648-AU28
117	Framework 4 to the Fishery Management Plan for Monkfish .....	0648-AU34
118	Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan .....	0648-AU36
119	Approval of Operations Plan for the Georges Bank Fixed Gear Sector for 2007-2008 .....	0648-AU61
120	Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean .....	0648-AU79
121	Revision to Allowable Bycatch Reduction Devices for the Gulf of Mexico Shrimp Fishery .....	0648-AV14
122	Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands .....	0648-AV28
123	Guidance for Annual Catch Limits and Accountability Measures to End Overfishing .....	0648-AV60
124	Rule to Implement a Minimum Possession Size Limit on Spiny Lobster ( <i>Panulirus argus</i> ) .....	0648-AV61
125	General Provisions for Domestic Fisheries; Specifications for Boarding Ladders .....	0648-AV78
126	Gulf Reef Fish Amendment 30B .....	0648-AV80
127	Amendment 3 to the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 4 to the Reef Fish Fishery Management Plan of Puerto Rico and the U.S. ....	0648-AV98
128	Amendment 15 to the Pacific Coast Groundfish Fishery Management Plan: Limited Entry Program for the Pacific Whiting Fishery .....	0648-AW08
129	Revise Maximum Retainable Amounts (MRA) of Groundfish in the Gulf of Alaska Arrowtooth Flounder Fishery ....	0648-AW40
130	Revisions to the Pollock Trip Limit Regulations in the Gulf of Alaska .....	0648-AW54
131	Amendment to the Bottlenose Dolphin Take Reduction Plan .....	0648-AW68
132	Referendum Procedures for a Potential Gulf of Mexico Grouper and Tilefish Individual Fishing Quota (IFQ) Program .....	0648-AW85

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## National Oceanic and Atmospheric Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
133	Interim Action to Reduce Fishing Mortality and Maintain Stock Rebuilding; Northeast Multispecies Fishery .....	0648-AW87
134	Seabird Avoidance Requirements Revisions for Hook-and-Line Vessels in International Pacific Halibut Commission Regulatory Area 4E .....	0648-AW94
135	Regulatory Amendment to Exempt Dinglebar Fishermen in the Gulf of Alaska from Vessel Monitoring System Requirements .....	0648-AX01
136	2009 Atlantic Mackerel, Squid, and Butterfish Specifications and Management Measures .....	0648-AX16
137	Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Main Hawaiian Islands; 2008-09 Bottomfish Total Allowable Catch .....	0648-AX22
138	Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2009-2010 Biennial Specifications and Management Measures .....	0648-AX24
139	2009 Pacific Halibut Fisheries; Catch Sharing Plan .....	0648-AX44
140	Virginia Modified Pound Net Leader Inspection Program .....	0648-AU98
141	Endangered and Threatened Species; Designation of Critical Habitat for Elkhorn and Staghorn Corals .....	0648-AV35

## Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
142	Examination of Patent Applications That Include Claims Containing Alternative Language .....	0651-AC00
143	Fiscal Year 2009 Revision of Request for Continued Examination, Eighteen-Month Publication, and Other Miscellaneous Cost-Recovery Patent Fees .....	0651-AC29

## Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
144	Fiscal Year 2009 Changes to Patent Cooperation Treaty Search Fees .....	0651-AC28

## Department of Commerce (DOC)

## Long-Term Actions

## International Trade Administration (ITA)

## 56. COMMERCIAL AVAILABILITY OF FABRIC AND YARN

**Legal Authority:** PL 106–200, sec 112(b)(5)(B); PL 106–200, sec 211; EO 13191; PL 107–210, sec 3103

**Abstract:** This rule implements certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or AGOA), title II of the Act (the United States-Caribbean Basin Trade Partnership Act or CBTPA), and title XXXI of the Trade Act of 2002 (the Andean Trade Promotion and Drug Eradication Act or ATPDEA) provide for quota- and duty-free treatment for qualifying apparel products from designated beneficiary countries. AGOA and CBTPA authorize quota- and duty-free treatment for

apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more designated beneficiary countries from yarn or fabric that is not formed in the United States or a beneficiary country, provided it has been determined that such yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner. The President has delegated to the Committee for the Implementation of Textile Agreements (the Committee), which is chaired by Commerce, the authority to determine whether yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA, the ATPDEA, and the CBTPA, and has authorized the Committee to extend quota- and duty-free treatment

to apparel of such yarn or fabric. The rule provides the procedure for interested parties to submit a request alleging that a yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner, the procedure for public comments, and relevant factors that will be considered in the Committee's determination. The rule also outlines the factors to be considered by the Committee in extending quota- and duty-free treatment.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Janet Heinzen

## DOC—ITA

## Long-Term Actions

Phone: 202 482-4006  
 Email: janet\_heinzen@ita.doc.gov  
 RIN: 0625-AA59

**Department of Commerce (DOC)**  
**National Oceanic and Atmospheric Administration (NOAA)**

**Proposed Rule Stage****NATIONAL MARINE FISHERIES SERVICE****57. MAXIMIZE RETENTION AND MONITORING PROGRAM IN THE SHORE-BASED PACIFIC WHITING FISHERY**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The Pacific Fishery Management Council (Pacific Council) at their October 21-25, 1996, meeting in San Francisco, California addressed the treatment and disposition of salmon in the groundfish trawl fisheries, specifically the shore-based whiting fishery. At that meeting, the Pacific Council discussed the retention of salmon in the shore-based whiting fishery and took action to maintain a viable shore-based whiting fishery by using exempted fishing permits (EFPs). These EFPs allowed the shore-based whiting fleet to temporarily deliver unsorted catch to processing plants and provided for the monitoring of incidentally taken salmon until a permanent monitoring program could be implemented. In keeping with the Pacific Council's recommendation, NMFS is proceeding with implementing a monitoring program for the shore-based whiting fishery. This action will aid in the sustainable management of Pacific Coast salmon and groundfish fisheries while providing an important economic opportunity to those associated with the harvest, processing, and selling of whiting taken by the shore-based whiting fleet. The need for implementing a permanent monitoring program in the shore-based Pacific whiting fishery is to provide for a full retention fishery by enabling the shore-based whiting fleet, comprised exclusively of catcher vessels, to deliver unsorted catch to processing plants. This practice is necessary to ensure that whiting landings are of market quality, while abiding by Federal groundfish regulations and those implementing the Pacific Coast

salmon and groundfish fishery management plans (FMPs).

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment	07/00/09	
Period End		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thom Barry, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070  
 Phone: 206 526-6150  
 Fax: 206 526-6426  
**RIN:** 0648-AR63

**58. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE TILEFISH FISHERY**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 1 to the Fishery Management Plan for the Tilefish Fishery would implement Individual Fishing Quotas in the tilefish fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment	06/00/09	
Period End		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
 Phone: 978 281-9200  
**RIN:** 0648-AS25

**59. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REDUCING SEA TURTLE TAKES**

**Legal Authority:** 16 USC 971; 16 USC 1801 et seq

**Abstract:** This action would amend the regulations governing the Atlantic pelagic longline fishery based upon a June 1, 2004, Biological Opinion regarding Atlantic sea turtles. This amendment could include framework mechanisms that would allow the Agency to take action, such as partial or rolling closures or gear or effort restrictions, if the number of sea turtle interactions or mortalities exceed anticipated levels during a certain period of time. This action would not change established quotas for target species.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/12/04	69 FR 49858
ANPRM Comment	10/12/04	
Period End		
NPRM	05/00/09	
NPRM Comment	06/00/09	
Period End		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
 Phone: 301 713-2334  
**RIN:** 0648-AS49

**60. FISHERY MANAGEMENT PLAN FOR REGULATING OFFSHORE MARINE AQUACULTURE IN THE GULF OF MEXICO**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The purpose of the amendment is to develop a regulatory permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf Exclusive Economic Zone. Management actions include: (1) Types of aquaculture permits required; (2) duration aquaculture permits are effective; (3) conditions for permit issuance; (4) species allowed for aquaculture; (5) allowable aquaculture

## DOC—NOAA

## Proposed Rule Stage

systems; (6) siting requirements and conditions; (7) restricted access zones for aquaculture facilities; (8) recordkeeping and reporting requirements; and (9) biological reference points and status determination criteria; and (10) framework procedures for modifying status determination criteria and regulatory measures.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AS65

### 61. AMERICAN LOBSTER FISHERY; FISHING EFFORT CONTROL MEASURES TO COMPLEMENT INTERSTATE LOBSTER MANAGEMENT RECOMMENDATIONS BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION

**Legal Authority:** 16 USC 5101 et seq

**Abstract:** The National Marine Fisheries Service announces that it is considering, and seeking public comment on, revisions to Federal American Lobster regulations for the Exclusive Economic Zone (EEZ) associated with effort control measures as recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (ASFMC) as outlined in the Interstate Fishery Management Plan (ISFMP) for American Lobster. This action will evaluate effort control measures in certain Lobster Conservation Management Areas including: Limits on future access based on historic participation criteria; procedures to allow trap transfers among qualifiers and impose a trap reduction or conservation tax on any trap transfers; and a trap reduction schedule to meet the goals of the ISFMP.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
ANPRM Comment Period End	06/09/05	
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AT31

### 62. AMENDMENT 10 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This action would implement a rebuilding program for butterfish.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/09	
NPRM Comment Period End	07/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AT58

### 63. SOUTH ATLANTIC FISHERY ECOSYSTEM PLAN COMPREHENSIVE AMENDMENT

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The purpose of this action is to develop an ecosystem-based approach to resource management. The South Atlantic Council plans to develop a Fishery Ecosystem Plan (FEP) Comprehensive Amendment, which would modify all its Fishery Management Plans (FMPs). The initial amendment would include the following actions: (1) various actions to comply with new essential fish habitat requirements; (2) establishment of deep

water coral Habitat Areas of Particular Concern, with possible gear limitations, such as the establishment of allowable trawl areas; and (3) other possible actions necessary to implement ecosystem-based fishery management.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AV31

### 64. CERTIFICATION OF NATIONS WHOSE FISHING VESSELS ARE ENGAGED IN IUU FISHING OR BYCATCH OF PROTECTED LIVING MARINE RESOURCES

**Legal Authority:** 16 USC 1801 et seq; 16 USC 1826d to 1826k

**Abstract:** The National Marine Fisheries Service is establishing a process of identification and certification to address illegal, unreported, or unregulated (IUU) activities and bycatch of protected species in international fisheries. Nations whose fishing vessels engage, or have been engaged, in IUU fishing or bycatch of protected living marine resources would be identified in a biennial report to Congress, as required under Section 403 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) of 2006. NMFS would subsequently certify whether identified nations have taken appropriate corrective action with respect to the activities of its fishing vessels, as required under Section 403 of MSRA.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/11/07	72 FR 32052
NPRM	01/14/09	74 FR 2019
NPRM Comment Period End	05/14/09	
Final Action	11/00/09	

## DOC—NOAA

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Christopher Rogers, Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-9090

Email: christopher.rogers@noaa.gov

**RIN:** 0648-AV51
**65. COLLECTION AND USE OF TAX IDENTIFICATION NUMBERS FROM HOLDERS OF AND APPLICANTS FOR NATIONAL MARINE FISHERIES SERVICE PERMITS**

**Legal Authority:** 31 USC 7701; 16 USC 1801 et seq; 16 USC 1361 et seq; 16 USC 1531 et seq

**Abstract:** In conformance with the Debt Collection Improvement Act of 1996 (Debt Collection Act), the National Marine Fisheries Service (NMFS) will issue a rule to require that each existing holder of and future applicant for a permit, license, endorsement, authorization, transfer or like instrument issued by the agency to provide a Taxpayer Identification Number (TIN) (business' employer identification number or individual's social security number) and Date of Incorporation or Date of Birth, as appropriate. Under the Debt Collection Act, NMFS is required to collect the TIN to report on and collect any delinquent non-tax debt owed to the Federal Government. NMFS plans to use Date of Incorporation or Date of Birth information for administrative aspects of permitting procedures with appropriate confidentiality safeguards pursuant to the Privacy Act. The rule will specify (a) the particular uses that may be made of the reported TIN, (b) the effects, if any, of not providing the required information, (c) how the information will be used to ascertain if the permit holder or applicant owes delinquent non-tax debt to the Government pursuant to the Debt Collection Act, (d) the effects on the permit holder or applicant when such delinquent debts are owed, and (e) the agency's intended communications with the permit holder or applicant regarding the relationship of such delinquent debts to its permitting process and the need to resolve such debts as a basis for completing permit issuance or renewal. The rule will

amend existing agency permit regulations and contain all appropriate modified and new collections-of-information pursuant to the Paperwork Reduction Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

**RIN:** 0648-AV76
**66. AMENDMENT 17 TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPEL FISHERY MANAGEMENT PLAN.**
**Legal Authority:** 16 USC 1801

**Abstract:** Amendment 17 is intended to: establish management reference points (MSY, OY) for red snapper; establish a rebuilding plan (rebuilding timeframe and rebuilding strategy) for red snapper; specify Annual Catch Limits (ACL), Annual Catch Targets (ACT), and Accountability Measures (AM) for 10 species undergoing overfishing; and modify management measures to ensure future catch is equal to or below the ACL.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/09	
NPRM Comment	12/00/09	
Period End		

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701

Phone: 727 570-5305

Fax: 727 570-5583

Email: roy.crabtree@noaa.gov

**RIN:** 0648-AW11
**67. AMENDMENT 15B TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPEL FISHERY MANAGEMENT PLAN**
**Legal Authority:** 16 USC 1801

**Abstract:** Amendment 15B would assess the practicability of prohibiting the sale of recreationally caught fish; assess the practicability of changes to the renewal period on commercial snapper grouper permits; assess the practicability of allowing one-to-one transfer of commercial permits from an individual to a family-held corporation; implement a plan to monitor and assess bycatch; implement measures to minimize the impacts of incidental take on sea turtles and smalltooth sawfish; update management reference points for golden tilefish; and define allocation for snowy grouper and black sea bass.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment	06/00/09	
Period End		

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701

Phone: 727 570-5305

Fax: 727 570-5583

Email: roy.crabtree@noaa.gov

**RIN:** 0648-AW12
**68. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS**
**Legal Authority:** 16 USC 1801

**Abstract:** St. Croix queen conch landings by commercial fishermen alone have exceeded sustainable harvest levels since the 2000-2001 fishing season. In 2005-2006, the commercial harvest was over four times sustainable levels. Additionally, there is an unknown but significant recreational harvest. Overfishing of queen conch has led to resource collapse in other regions and in some cases, long-term resource loss. According to the NMFS Report on the Status of the U.S. Fisheries for 2006, queen conch is overfished and

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undergoing overfishing. Under current fishing practices, reductions in mortality are not expected to be sufficient in the queen conch fishery. Without a reduction in mortality, queen conch are not expected to achieve the rebuilding goals established in the Sustainable Fisheries Amendment of 2005. Therefore, a change in fishing practices is needed to help achieve the necessary reductions in queen conch fishing mortality.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	10/11/07	72 FR 58057
NPRM	10/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AW15**69. AMENDMENT 7 TO THE SOUTH ATLANTIC SHRIMP FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801 et seq

**Abstract:** The South Atlantic Fishery Management Council is proposing to take action to maintain a viable rock shrimp fishery in the South Atlantic region. Actions in the amendment would: 1) Remove the 15,000-pound landing requirement; 2) reinstate all endorsements lost due to not meeting the landing requirement in one of four consecutive calendar years; 3) reinstate limited access endorsements for vessel owners who renewed their open access permit in the year in which they failed to renew their limited access endorsement; 4) rename the limited access endorsement and the open access permit of the existing permit system to reduce confusion; and 5) require all South Atlantic shrimp permit holders to provide economic data if selected.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AW19**70. MARINE MAMMAL PROTECTION ACT STRANDING REGULATION REVISIONS****Legal Authority:** 16 USC 1379; 16 USC 1382; 16 USC 1421

**Abstract:** The National Marine Fisheries Service (NMFS) is considering proposing changes to its implementing regulations (50 CFR section 216) governing the taking of stranded marine mammals under section 109(h), section 112(c), and title IV of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends clarify the requirements and procedures for responding to stranded marine mammals and for determining the disposition of rehabilitated marine mammals, which includes the procedures for the placement of non-releasable animals and for authorizing the retention of releasable rehabilitated marine mammals for scientific research, enhancement, or public display. This action will be analyzed under the National Environmental Policy Act with an Environmental Assessment.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5786
ANPRM Comment Period End	03/31/08	
NPRM	10/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** David Cottingham, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2322  
Email: david.cottingham@noaa.gov

**RIN:** 0648-AW22**71. REVISE REGULATIONS GOVERNING THE NORTH PACIFIC GROUND FISH OBSERVER PROGRAM****Legal Authority:** 118 Stat 110; 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 3631 et seq; PL 108-199

**Abstract:** This rulemaking would revise Federal regulations relevant to numerous administrative and procedural requirements applicable to observer providers, observers, and industry participating in the North Pacific Groundfish Observer Program. Specifically, this action would: modify the current permit issuance process so that observer and observer provider permit issuance is a discretionary National Marine Fisheries Service (NMFS) decision; amend current Federal regulations addressing observer behavior involving drugs, alcohol, and physical sexual conduct to remove NMFS oversight of observer behavior that does not affect job performance; require that observer providers submit policies related to these activities and continue to notify NMFS upon learning of an incident; revise Federal regulations so that observer providers are allowed to provide observers or technical staff for purposes of exempted fishing permits, scientific research permits, or other scientific research activities; revise the definition of "fishing day" in Federal regulations; require observer providers to annually submit detailed economic information to NMFS; specify a date by which observers who have collected data in the previous fishing year would be required to be available for debriefing; and implement housekeeping issues related to errors or clarifications in existing regulations at 50 CFR 679.50.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/09	
NPRM Comment Period End	05/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AW24

**72. AMENDMENT 3 TO THE NORTHEAST SKATE COMPLEX FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801

**Abstract:** Amendment 3 is intended to address the overfished status of winter, thorny, and smooth skates, and end overfishing of thorny skates. It will establish a rebuilding program for winter and smooth skates, and modify the Skate FMP to reduce fishing mortality on the entire skate complex. Additionally, Amendment 3 will implement annual catch limits and accountability measures, consistent with the requirements of the reauthorized Magnuson-Stevens Act.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/09	
NPRM Comment	11/00/09	
Period End		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AW30

**73. FISHERIES IN THE WESTERN PACIFIC; WESTERN PACIFIC PELAGIC FISHERIES; AMENDMENT 18 TO THE PELAGICS FISHERY MANAGEMENT PLAN; SHALLOW-SET LONGLINE SWORDFISH FISHERY**

**Legal Authority:** 16 USC 1801

**Abstract:** Amendment 18 would remove the annual limit on the number of fishing gear deployments (sets) for the Hawaii-based pelagic longline fishery. The amendment would also revise the current maximum limit on the number of physical interactions that occur annually between loggerhead sea turtles and vessels registered for use under Hawaii longline limited access permits while shallow-setting. Other measures currently applicable to the fishery would remain unchanged. Amendment 18 is intended to increase opportunities for the shallow-set fishery to sustainably harvest swordfish and other fish species, without jeopardizing the continued existence of sea turtles and other protected resources.

**Timetable:**

Action	Date	FR Cite
NPRM	03/20/09	74 FR 11518
NPRM Comment	05/18/09	
Period End		
Final Action	07/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

**RIN:** 0648-AW49

**74. FISHERIES IN THE WESTERN PACIFIC; COMPENSATION TO NORTHWESTERN HAWAIIAN ISLANDS BOTTOMFISH AND LOBSTER FISHERMEN DUE TO FISHERY CLOSURE IN THE PAPA HANAUMOKUAKEA MARINE NATIONAL MONUMENT**

**Legal Authority:** PL 110-161

**Abstract:** The Consolidated Appropriations Act of 2008 authorizes the Secretary of Commerce to provide compensation to bottomfish and lobster fishery participants who will be displaced by the 2011 fishery closure resulting from the establishment by Presidential Proclamation of the Papahānaumokuākea Marine National Monument, Northwestern Hawaiian Islands. The National Marine Fisheries Service (NMFS) (designee of the Secretary) is required to promulgate regulations to implement a voluntary capacity reduction program that: (1) identifies eligible participants as those individuals holding Federal fishing permits for lobster or bottomfish in the designated waters within the monument; (2) provides a mechanism to compensate eligible participants for no more than the economic value of their permits; and (3) at the option of each eligible permit holder, provides an optional mechanism for additional compensation based on the value of the fishing vessel and gear of eligible participants who decide to receive these additional funds, provided that the vessels of such participants will not be used for fishing. For this purpose, \$6,697,500 is authorized to be appropriated to the NMFS for FY 2008.

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/09	74 FR 15685
NPRM Comment	05/04/09	
Period End		
Final Action	07/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

**RIN:** 0648-AW52

**75. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SHARK MANAGEMENT MEASURES**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This rule would evaluate the management measures for small coastal sharks (SCS) based on the results of the 2007 SCS stock assessment. This rulemaking could consider, among other things, commercial quotas and trip limits, recreational minimum size and bag limits, time/area closures, and the public display quota. In addition, this rule would implement a rebuilding plan for blacknose sharks. To the extent that blacknose sharks are caught in fisheries that are not targeted highly migratory species fisheries, the National Marine Fisheries Service (NMFS) will work with the appropriate Regional Fishery Management Council, Interstate Commission, and States to implement regulations through their processes to rebuild blacknose sharks. This action is necessary in light of recent stock assessments, which have determined that blacknose sharks are overfished with overfishing occurring. As needed, this rule may include other items to clarify existing regulations.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	05/07/08	73 FR 25665
Notice of Scoping Meetings and Extension of Comment Period	07/02/08	73 FR 37932
Notice of Intent Comment Period End	08/05/08	

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Action	Date	FR Cite
Notice of Intent Comment Period Extended—Second Extension	10/29/08	73 FR 64307
Notice of Intent Comment Period Extension End	10/31/08	
Second Extension Comment Period End	11/14/08	
NPRM	10/00/09	
NPRM Comment Period End	11/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Margo Schulze-Haugen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-0234

Email: margo.schulze-haugen@noaa.gov

**RIN:** 0648-AW65**76. AMENDMENT 4 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801 et seq

**Abstract:** The goal of Amendment 4 is to improve catch monitoring and ensure compliance with the Reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSRA). The management measures developed in this amendment may address one or more of the following objectives: (1) to implement measures to improve the long-term monitoring of catch (landings and bycatch) in the herring fishery; (2) to implement annual catch limits and accountability measures consistent with the MSRA; (3) to implement other management measures as necessary to ensure compliance with the new provisions of the MSRA; (4) to develop a sector allocation process or other limited access privilege program for the herring fishery; and (5) in the context of objectives 1-4 (above), to consider the health of the herring resource and the important role of herring as a forage fish and a predator fish throughout its range.

The New England Fishery Management Council will develop conservation and management measures to address the issues identified above and meet the goals/objectives of the amendment. Any conservation and management

measures developed in this amendment also must comply with all applicable laws.

**Timetable:**

Action	Date	FR Cite
NOI To Prepare an EIS	05/08/08	73 FR 26082
NPRM	10/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930

Phone: 978 281-9200

**RIN:** 0648-AW75**77. HALIBUT CHARTER VESSEL MORATORIUM****Legal Authority:** 16 USC 773-773k

**Abstract:** This action would implement a moratorium on the entry of additional charter vessels into the guided sport fishery for Pacific halibut in waters of International Pacific Halibut Commission regulatory areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). If approved, this moratorium would limit the number of charter vessels that may participate in the guided sport fishery for halibut in these areas. NMFS would issue a moratorium permit to a licensed charter vessel fishing business owner based on his or her past participation in the charter vessel fishery for halibut and to a Community Quota Entity representing specific rural communities. All moratorium permit holders would be subject to limits on the number of permits they could hold and on the number of charter vessel anglers who could catch and retain halibut on the permitted charter vessel. This action is proposed to achieve the halibut fishery management goals of the North Pacific Fishery Management Council. The intended effect is to curtail growth of fishing capacity in the guided sport fishery for halibut.

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/09	74 FR 18178
NPRM Comment Period End	06/05/09	
Final Action	10/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802

Phone: 907 586-7221

Fax: 907 586-7249

**RIN:** 0648-AW92**78. ALLOWABLE MODIFICATIONS TO THE TURTLE EXCLUDER DEVICE (TED) REQUIREMENTS****Legal Authority:** 16 USC 1531 et seq

**Abstract:** NMFS proposes to revise the TED requirements to allow new materials and modifications to existing approved TED designs. Specifically, proposed allowable modifications include the use of flat bar, box pipe, and oval pipe for use in currently approved TED grids; an increase in mesh size on escape flaps from 1-5/8 inches to 2 inches; the use of the Boone single straight cut and triangular escape openings; specifications on the use of TED grid brace bars; and the use of the Chauvin Shrimp Kicker to improve shrimp retention.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Michael Barnette, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701

Phone: 727 551-5794

**RIN:** 0648-AW93**79. REGULATORY AMENDMENT (NO. 3) TO CORRECT AND CLARIFY AMENDMENT 13 AND SUBSEQUENT FRAMEWORKS OF THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801 et seq

**Abstract:** This action would make corrections and clarifications to the final rule implementing Amendment 13 to the Northeast Multispecies Fishery Management Plan, as well as subsequent groundfish actions. These corrections are administrative in nature and are intended to correct inaccurate references and other inadvertent errors and to clarify specific regulations to

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maintain consistency with the intent of Amendment 13 and subsequent actions.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AW95

### 80. AMENDMENT 11 TO THE ATLANTIC MACKEREL, SQUID, BUTTERFISH FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 11 may consider: (1) limited access in the Atlantic mackerel (mackerel) fishery; (2) implementation of annual catch limits (ACLs) and accountability measures (AMs) for mackerel and butterfish required under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA); (3) updating of the description and identification of essential fish habitat (EFH) for all life stages of mackerel, Loligo squid, Illex squid, and butterfish (including gear impacts on Loligo squid egg EFH); and (4) possible limitations on at-sea processing of mackerel.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	08/11/08	73 FR 46590
NPRM	06/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AX05

### 81. ATLANTIC HIGHLY MIGRATORY SPECIES; 2009 NORTH AND SOUTH ATLANTIC COMMERCIAL QUOTAS

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This rule would establish the 2009 fishing season quotas for North and South Atlantic swordfish based on recent updated landings information and recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). This rule is necessary to ensure that current swordfish quotas account for underharvests and reserve transfer from the 2008 fishing year, consistent with regulations at 50 CFR part 635 and ICCAT recommendations that establish the U.S. North and South Atlantic swordfish allocations. This rule will also include other minor regulatory clarifications, eliminate an existing sunset provision in the Madison-Swanson and Steamboat Lumps time/area closure, and establish a small time/area closure in the Gulf of Mexico.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Margo Schulze-Haugen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-0234  
Email: margo.schulze-haugen@noaa.gov

**RIN:** 0648-AX07

### 82. ● AMENDMENT 29 TO THE FISHERY MANAGEMENT PLAN FOR REEF FISH RESOURCES OF THE GULF OF MEXICO

**Legal Authority:** 16 USC 1801

**Abstract:** Grouper and tilefish species in the Gulf of Mexico are managed under the reef fish fishery management plan. Past management practices under the plan have contributed to overcapitalization in these fisheries, which the Council now seeks to address. The amendment creates an IFQ program to further control effort in the commercial grouper and tilefish fisheries in the Gulf of Mexico. The IFQ program was supported by over 80% of all eligible fishermen voting in a referendum for the IFQ program. The proposed rule would implement the IFQ program, establish design elements for the program, and allow consolidation of commercial permit

landings history through permit stacking.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/09	
NPRM Comment Period End	05/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AX39

### 83. ● AMENDMENT 85 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE GULF OF ALASKA

**Legal Authority:** 16 USC 1801; 16 USC 3631; 16 USC 773; PL 108-199; PL 109-479

**Abstract:** Amendment 85 to the FMP would remove a provision that restricts participation of Central Gulf of Alaska Rockfish Program catcher processors (CPs) in Bering Sea and Aleutian Islands (BSAI) groundfish fisheries. The participation restriction was developed to prevent rockfish program CPs from unfairly benefiting from their rockfish harvesting privileges by increasing effort in BSAI fisheries that remained subject to a race for fish. Since the implementation of the rockfish program, most BSAI groundfish target species have been allocated among participating sectors, and most CPs in the rockfish program received exclusive privileges for harvesting these BSAI species. Consequently, the July stand down may no longer be required as a protection measure for other BSAI participants and its removal would enable the rockfish program CPs to more efficiently manage their harvesting activities. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	03/24/09	74 FR 12300
NPRM	04/06/09	74 FR 15420

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Action	Date	FR Cite
NPRM Comment Period End	05/21/09	
Notice of Availability Comment Period End	05/26/09	
Final Action	07/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AX42**84. • AMENDMENT 30 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA AND ALEUTIAN ISLANDS KING AND TANNER CRABS ARBITRATION REGULATIONS****Legal Authority:** 16 USC 1862; PL 109-241; PL 109-479

**Abstract:** The proposed action would implement Amendment 30 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs to make minor modifications to the arbitration system used to settle price and other disputes among harvesters and processors in the Bering Sea/Aleutian Islands crab rationalization program

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/09	
NOA for PR	04/00/09	
NOA Public Comment Period End	06/00/09	
PR Comment Period End	06/00/09	
Final Rule	08/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AX47**85. • U.S. CITIZEN DEFINITION****Legal Authority:** 16 USC 1801 et seq

**Abstract:** The current definition of "U.S. Citizen" at 50 CFR section 679.2 is critical for permits and licenses, some of which are intended to be issued only to, and held only by, persons who are U.S. citizens. The current definition for general applicability refers only to individual persons and lacks reference to non-individuals, such as corporations, partnerships, or associations. For consistency and to avoid confusion among permit applicants, NMFS proposes to revise the definition of U.S. Citizen.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/09	
NPRM Comment Period End	05/00/09	
Final Action	06/00/09	
Final Action Effective	07/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AX52**86. • 2009 SPECIFICATIONS AND MANAGEMENT MEASURES FOR THE SPINY DOGFISH FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801

**Abstract:** This action would set the 2009 fishing year annual quota and possession limit for the spiny dogfish fishery on the Atlantic coast of the U.S. consistent with the rebuilding program in the Spiny Dogfish Fishery Management Plan (FMP). The quota is divided semi-annually, with quota period 1 (May 1 through October 31) being allocated 57.9% of the annual quota, and quota period 2 (November 1 through April 30) being allocated 42.1%.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/09	74 FR 11706
NPRM Comment Period End	04/03/09	
Final Action	07/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Jamie Goen, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Seattle, WA 98115  
Phone: 206 526-4646  
Email: jamie.goen@noaa.gov

**RIN:** 0648-AX57**87. • REEF FISH AMENDMENT 31 TO REDUCE THE NUMBER OF LOGGERHEAD SEA TURTLES BY THE EASTERN GULF OF MEXICO BOTTOM LONGLINE FISHERY****Legal Authority:** 16 USC 1801

**Abstract:** In September 2008, NOAA's National Marine Fisheries (NMFS) released a report based on observer data that indicated the total number of loggerhead sea turtle takes by the eastern Gulf of Mexico reef fish bottom longline fishery was much greater than that authorized in the most recent biological opinion. In response, the Gulf of Mexico Fishery Management Council (Council) requested NMFS take emergency action to reduce the number of takes by the fishery during the short term while the Council develops long-term measures in Amendment 31. Measures being considered include: 1) modifying baits; 2) area, season, and depth restrictions; 3) reducing effort through a longline endorsement program; and 4) using observers or electronic monitoring to close the fishery once a sea turtle take threshold has been met.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AX67**88. • 2009 SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS RECREATIONAL MANAGEMENT MEASURES****Legal Authority:** 16 USC 1801 et seq

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**Abstract:** This rulemaking will propose and implement recreational management measures for the summer flounder, scup, and black sea bass 2009 recreational fisheries. The final rule will contain implementing regulations that specify the minimum fish size, possession limit, and fishing season for the three species.

**Timetable:**

Action	Date	FR Cite
NPRM	04/01/09	74 FR 14760
NPRM Comment Period End	05/01/09	
Final Action	07/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AX69

**89. ● REEF FISH AMENDMENT 30B TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO: MEASURE TO ESTABLISH THE EDGES SEASONAL-AREA CLOSURE**

**Legal Authority:** 16 USC 1801

**Abstract:** A proposed rule for Amendment 30B was published on November 18, 2009 (73 FR 68390). Unfortunately, the proposed rule was in error relative to the time period “The Edges” seasonal-area closure would be closed to fishing. Rather than a 4-month closure, as supported by Amendment 30B and correctly stated in the proposed rule’s preamble, the codified text would have established a year-round closure. However, other actions in the final rule for Amendment 30B need to be implemented soon so that states can enact similar regulations for state waters. Therefore, measures to establish “The Edges” seasonal-area closure from January 1 through April 30 consistent with the intent of Amendment 30B have been removed from the final rule associated with RIN 0648-AV80 and will be developed through a second rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/09	74 FR 17812

Action	Date	FR Cite
NPRM Comment Period End	05/04/09	
Final Action	07/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AX73

**90. PROTECTIVE REGULATIONS FOR KILLER WHALES IN THE NORTHWEST REGION UNDER THE ENDANGERED SPECIES ACT AND MARINE MAMMAL PROTECTION ACT**

**Legal Authority:** 16 USC 1361 et seq; 16 USC 1531 to 1543

**Abstract:** The National Marine Fisheries Service (NMFS) is considering whether to propose regulations to protect killer whales (*Orcinus orca*) in the Pacific Northwest. The Southern Resident killer whale distinct population segment (DPS) was listed as endangered under the Endangered Species Act (ESA) on November 18, 2005 (70 FR 69903). In the final rule announcing the listing, NMFS identified vessel effects, including direct interference and sound, as a potential contributing factor in the recent decline of this population. Both the Marine Mammal Protection Act (MMPA) and the ESA prohibit take, including harassment, of killer whales, but these statutes do not prohibit specified acts. NMFS is now considering whether to propose regulations that would prohibit certain acts, under our general authorities under the ESA and MMPA and their implementing regulations. The Proposed Recovery Plan for Southern Resident killer whales (71 FR 69101; November 29, 2006) includes as a management action the evaluation of current guidelines and the need for regulations and/or protected areas. The scope of this ANPR encompasses the activities of any person or conveyance that may result in the unauthorized taking of killer whales and/or that may cause detrimental individual-level and population-level impacts. NMFS

requests comments on whether—and if so, what type of—conservation measures, regulations, and, if necessary, other measures would be appropriate to protect killer whales from the effects of these activities.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/22/07	72 FR 13464
ANPRM Comment Period End	06/20/07	
NPRM	05/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2332  
Fax: 301 427-2520  
Email: jim.lecky@noaa.gov

**RIN:** 0648-AV15

**91. MARINE MAMMAL PROTECTION ACT PERMIT REGULATION REVISIONS**

**Legal Authority:** 16 USC 1374

**Abstract:** The National Marine Fisheries Service (NMFS) is considering changes to its implementing regulations (50 CFR part 216) governing the issuance of permits for scientific research and enhancement activities under section 104 of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends to streamline and clarify general permitting requirements and requirements for scientific research and enhancement permits, simplify procedures for transferring marine mammal parts, possibly apply the General Authorization (GA) to research activities involving Level A harassment of non-endangered marine mammals, and implement a “permit application cycle” for application submission and processing of all marine mammal permits. NMFS intends to write regulations for marine mammal photography permits and is considering whether this activity should be covered by the GA.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/13/07	72 FR 52339

## DOC—NOAA

## Proposed Rule Stage

Action	Date	FR Cite
ANPRM Comment Period Extended	10/15/07	72 FR 58279
ANPRM Comment Period End	11/13/07	
ANPRM Comment Period Extended End	12/13/07	
NPRM	07/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7235

**RIN:** 0648-AV82

### 92. RULEMAKING TO ESTABLISH TAKE PROHIBITIONS FOR THE THREATENED SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON

**Legal Authority:** 16 USC 1531 to 1543

**Abstract:** Under section 4(d) of the Federal Endangered Species Act (ESA), the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. This rulemaking would establish an ESA 4(d) rule representing regulations that NMFS believes necessary and advisable to conserve the threatened Southern Distinct Population Segment of North American green sturgeon (Southern DPS of green sturgeon). The 4(d) rule would apply the prohibitions listed under ESA section 9(a)(1)(A) and 9(a)(1)(D) through 9(a)(1)(G) for the Southern DPS and apply ESA section 9(a)(1)(B) and (a)(1)(C) prohibitions (called the "take prohibitions") to specific activities that take Southern DPS fish or alter its habitat in a manner detrimental to the continued existence of the species. The 4(d) rule would include exceptions to the take prohibitions for activities conducted in a way that NMFS deems adequate to protect or conserve the Southern DPS.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/09	
NPRM Comment Period End	12/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Fax: 301 427-2523  
Email: marta.nammack@noaa.gov

**RIN:** 0648-AV94

### 93. HARBOR PORPOISE TAKE REDUCTION PLAN MEASURES

**Legal Authority:** 16 USC 1361 et seq

**Abstract:** The National Marine Fisheries Service is preparing a proposed rule to reduce the number of harbor porpoise taken in sink gillnet fisheries in the Gulf of Maine and Mid-Atlantic. The Harbor Porpoise Take Reduction Plan implemented measures to reduce the incidental capture of harbor porpoises in sink gillnets to below the stock's Potential Biological Removal level (PBR) in 1999. Measures include: management areas in which deterrent devices (pingers) are required on gillnets, gear modifications, and seasonal closures. Between 2001 and 2005, incidental takes of harbor porpoise showed an increasing trend, and currently takes exceed PBR. The proposed rule will implement measures developed through discussions with the Harbor Porpoise Take Reduction Team, which was reconvened in 2007 when it was clear that existing measures were not sufficient to keep porpoise bycatch to below PBR. For the Gulf of Maine, this action would expand pinger use in Massachusetts Bay to include November; establish Stellwagen Bank Management Area, requiring pingers November-May; establish Coastal Gulf of Maine Consequence Closure Area and require closure in October and November only if, after the most current two years, the average bycatch rate exceeds the trigger rate of .031, identified from observed compliant boats from the Mid-Coast, Massachusetts Bay, and Stellwagen Bank Management Areas; create Southern New England Management Area (includes current Cape Cod South Management Area); require pingers from December-May; establish Cape Cod South Expansion and Eastern Cape Cod Consequence Closure Areas; and

require closure from February-April only if, after the most current two years, the average bycatch rate exceeds the trigger rate of 0.023, identified from observed compliant vessels fishing in the Southern New England Management Area. For the Mid Atlantic, this action would establish Mudhole South Management Area. Close from February 1-March 15; and modify tie-down requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	
Final Action	11/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Melissa Andersen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2322  
Email: melissa.andersen@noaa.gov

**RIN:** 0648-AW51

### 94. RULE TO REVISE LEATHERBACK CRITICAL HABITAT

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** The National Marine Fisheries Service (NMFS), announces a rule to revise leatherback turtle (*Dermochelys coriacea*) critical habitat under the Endangered Species Act of 1973, as amended (ESA). The leatherback is currently listed as endangered throughout its range, and critical habitat consists of Sandy Point Beach and adjacent waters, St. Croix, U.S. Virgin Islands. This rule would revise critical habitat to include waters along the U.S. West Coast.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Therese Conant, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910  
Phone: 301 713-1431  
Fax: 301 713-0376

**RIN:** 0648-AX06

## Department of Commerce (DOC)

Final Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

## 95. REVISIONS TO THE SCIENTIFIC RESEARCH ACTIVITY, EXEMPTED FISHING, AND EXEMPTED EDUCATIONAL ACTIVITY REGULATIONS

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The National Marine Fisheries Service amends the regulations at 50 CFR 600.745. The action is intended to provide clearer guidance to the public for obtaining appropriate acknowledgments and permits and to facilitate the timely conduct of research to address bycatch and habitat issues in the fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/07	72 FR 72657
NPRM Comment Period Extended	03/18/08	73 FR 14428
NPRM Comment Period End	03/20/08	
Comment Period End	04/04/08	
Final Action	05/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

RIN: 0648-AR78

## 96. FISHERIES IN THE WESTERN PACIFIC; PELAGIC FISHERIES; SQUID JIG FISHERIES

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This action would designate pelagic squid as a management unit species under the Western Pacific Pelagics Fishery Management Plan, and establish permitting and reporting requirements.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	08/11/08	73 FR 46581
NPRM	08/28/08	73 FR 50751
Notice Comment Period End	10/10/08	
NPRM Comment Period End	10/14/08	
Final Action	11/21/08	73 FR 70600

Action	Date	FR Cite
Collection of Information Approval	05/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

RIN: 0648-AS71

## 97. MODIFYING MAXIMUM RETAINABLE AMOUNTS (MRAS) FOR SELECTED GROUND FISH SPECIES CAUGHT BY THE NON-AMERICAN FISHING ACT TRAWL CATCHER PROCESSOR SECTOR

**Legal Authority:** 16 USC 1801

**Abstract:** The National Marine Fisheries Service issues this action to amend regulations specifying the current interval of time allowed for determining the maximum retainable amount (MRA) of selected groundfish species that can be retained by non-American Fishery Act trawl catcher processors. This action would change MRA regulations located at 50 CFR 679.20(e) that establish the calculation of MRAs for groundfish species that are closed to directed fishing by increasing the interval of time each vessel in this sector would have to retain the MRA specified in regulation for several species in the Bering Sea and Aleutian Islands. This action is intended to promote the goals and objectives of the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area.

**Timetable:**

Action	Date	FR Cite
NPRM	03/13/09	74 FR 7209
NPRM Comment Period End	03/16/09	
Final Action	05/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221

Fax: 907 586-7249

RIN: 0648-AV32

## 98. MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT (MSRA) ENVIRONMENTAL REVIEW PROCEDURE

**Legal Authority:** 16 USC 1801

**Abstract:** Section 107 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) (Pub. L. 109-479) requires NOAA Fisheries to revise and update agency procedures for complying with the National Environmental Policy Act (NEPA) in context of fishery management actions. It further requires that NOAA Fisheries consult with the Council on Environmental Quality (CEQ) and the Regional Fishery Management Councils (Councils), and involve the public in the development of the revised procedures. The MSRA provides that the resulting procedures will be the sole environmental impact assessment procedure for fishery management actions, and that they must conform to the time lines for review and approval of fishery management plans and plan amendments; and integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public. NOAA Fisheries is currently consulting with the councils, the Public and CEQ to develop a proposed procedure.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/08	73 FR 27997
NPRM Comment Period End	06/13/08	
Final Action	11/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Steve Leathery, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2239

## DOC—NOAA

## Final Rule Stage

Email: steve.leathery@noaa.gov

RIN: 0648–AV53

### 99. AMERICAN LOBSTER DATA COLLECTION AND BROODSTOCK PROTECTION MEASURES

**Legal Authority:** 16 USC 5101 et seq

**Abstract:** NMFS is considering the implementation of management measures in the Federal lobster fishery, consistent with recommendations for Federal action as specified in the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Lobster. These proposed management measures include: 100 percent mandatory dealer reporting requirements for Federal lobster dealers; implementation of a maximum size limit (maximum carapace length restriction) in several Lobster Management Areas (LMA); and, revision to the definition of a V-notch for protection of egg-bearing female lobsters in several LMAs in the Federal American lobster fishery.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/19/07	72 FR 53978
ANPRM Comment Period End	10/22/07	
NPRM	10/06/08	73 FR 58099
NPRM Comment Period End	11/20/08	
Final Action	05/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281–9200

RIN: 0648–AV77

### 100. ESTABLISH A PERMIT FEE COLLECTION FRAMEWORK UNDER THE FISHERY MANAGEMENT PLAN FOR U.S. WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES (HMS FMP)

**Legal Authority:** 16 USC 1801

**Abstract:** This action would establish the authority to collect permit fees under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. This rule would

amend the FMP regulations under 50 CFR 660.707 to establish a permit fee collection framework for HMS commercial and recreational charter vessels operating off the West Coast. The action is consistent with and implements elements of the NMFS Permit Fee National Policy Directive 30-120.

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/08	73 FR 77589
NPRM Comment Period End	01/20/09	
Final Action	05/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980–4040

RIN: 0648–AW50

### 101. AMENDMENT 16 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPEL FISHERY OF THE SOUTH ATLANTIC REGION

**Legal Authority:** 16 USC 1801

**Abstract:** The need for action through Amendment 16 is to end overfishing of gag and vermilion snapper. Species in the fishery management unit are assessed on a routine basis and stock status may change as new information becomes available. In addition, changes in management regulations, fishing techniques, and social/economic structure can result in shifts in the percentage of harvest between user groups over time. More specifically, these proposed actions for gag and vermilion snapper would: implement measures to end overfishing of gag and vermilion snapper; allow the Regional Administrator to make adjustments to commercial and recreational management measures based on the reduction in harvest needed to achieve yield at Foy pending the outcome of a new benchmark assessment for vermilion snapper; specify the total allowable catch and define interim allocations for gag and vermilion snapper; update management reference points for gag and vermilion snapper; and reduce bycatch of snapper grouper species.

**Timetable:**

Action	Date	FR Cite
Notice of Availability NPRM	12/24/08	73 FR 79037
Notice of Availability Comment Period End	02/06/09	74 FR 6257
NPRM Comment Period End	03/09/09	
Final Action	05/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570–5305

Fax: 727 570–5583

Email: roy.crabtree@noaa.gov

RIN: 0648–AW64

### 102. AMENDMENT 27 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 27 to the Fishery Management Plan (FMP) would amend the FMP to allow processors to modify use caps that limit the amount of individual processor quota (IPQ) shares that may be used by persons processing crab. Specifically, Amendment 27 would allow persons holding IPQ shares to process their crab at processing facilities they do not own through contractual arrangements with the facility owners to have their crab custom processed at that facility. Any crab processed under such a custom processing arrangement would not be applied against the IPQ use cap of the facility owners. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law.

**Timetable:**

Action	Date	FR Cite
NPRM	09/19/08	73 FR 54346
NPRM Comment Period End	11/03/08	
Final Rule	05/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National

## DOC—NOAA

## Final Rule Stage

Oceanic and Atmospheric  
Administration, P.O. Box 21668,  
Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

RIN: 0648-AW73

### 103. AMENDMENT 28 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA AND ALEUTIAN ISLANDS KING AND TANNER CRAB

**Legal Authority:** 16 USC 1862; PL 109-241; PL 109-479

**Abstract:** This action would implement Amendment 28 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs to allow unlimited post-delivery transfers of shares to cover overages within the crab fishing year ending June 30. Under the crab rationalization program, harvesters receive annual allocations of individual fishing quota that provide an exclusive privilege to harvest a specific number of pounds of crab from a fishery. Any harvest in excess of an individual fishing quota allocation is a regulatory violation punishable by confiscation of crab or other penalties. Precisely estimating of catch at sea during the fishery is difficult and costly due to variation in size of crab, and sorting and measurement requirements. Overages can result from inadvertent mistakes by participants attempting to accurately estimate catch. A provision allowing for post-delivery transfer of individual fishing quota to cover overages could reduce the number of inadvertent violations, allowing for more complete harvest of allocations, and reduce enforcement costs without increasing the risk of overharvest of allocations.

#### Timetable:

Action	Date	FR Cite
Notice of Availability	11/25/08	73 FR 71598
NPRM	12/12/08	73 FR 75661
Notice of Availability Comment Period End	12/25/08	
NPRM Comment Period End	01/26/09	
Final Action	05/00/09	

#### Regulatory Flexibility Analysis Required: Yes

**Agency Contact:** Robert D. Mecum,  
Acting Administrator, Alaska Region,  
Department of Commerce, National  
Oceanic and Atmospheric

Administration, P.O. Box 21668,  
Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

RIN: 0648-AW97

### 104. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2009 ATLANTIC BLUEFIN TUNA QUOTA SPECIFICATIONS AND MANAGEMENT MEASURES

**Legal Authority:** 16 USC 971 et seq;  
16 USC 1801 et seq

**Abstract:** This rule would set Atlantic bluefin tuna (BFT) quota specifications and seasonal management measures for the 2009 fishing year (January 1, 2009-December 31, 2009), and amend the BFT regulations. This action would implement the U.S. annual BFT quota as recommended by the International Commission for the Conservation of Atlantic Tunas and allocate that quota among the domestic fishing categories. The seasonal management measures would set daily retention limits and their duration for both the General and Angling categories. The annual specification process is set forth in current regulations implemented under the Consolidated Highly Migratory Species Fishery Management Plan. Other BFT regulatory amendments would be made within the framework procedures of the FMP. As ICCAT meets in November of the prior year, the rulemaking process needs to be performed expeditiously in order to publish the measures as soon as possible in the 2009 fishing year.

#### Timetable:

Action	Date	FR Cite
NPRM	02/18/09	74 FR 7577
NPRM Comment Period End	03/20/09	
Final Action	04/00/09	
Final Action Effective	05/00/09	

#### Regulatory Flexibility Analysis Required: Yes

**Agency Contact:** Alan Risenhoover,  
Director, Office of Sustainable  
Fisheries, Department of Commerce,  
National Oceanic and Atmospheric  
Administration, 1315 East-West  
Highway, Room 13362, Silver Spring,  
MD 20910  
Phone: 301 713-2334

RIN: 0648-AX12

### 105. AMENDMENT 92 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS GROUND FISH AND AMENDMENT 82 TO THE FISHERY MANAGEMENT PLAN FOR GULF OF ALASKA GROUND FISH

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendments 92/82 would remove trawl gear endorsements on licenses issued under the license limitation program in specific management areas if those licenses have not been used on vessels that meet minimum recent landing requirements using trawl gear. This action would provide exemptions to this requirement for licenses that are used in trawl fisheries subject to quota-based management. This action would issue new area endorsements for trawl catcher vessels in the Aleutian Islands if minimum recent landing requirements in the Aleutian Islands were met. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable law.

#### Timetable:

Action	Date	FR Cite
Notice of Availability	12/12/08	73 FR 75659
NPRM	12/30/08	73 FR 79773
Notice of Availability Comment Period End	02/10/09	
NPRM Comment Period End	02/13/09	
Final Action	05/00/09	

#### Regulatory Flexibility Analysis Required: Yes

**Agency Contact:** Robert D. Mecum,  
Acting Administrator, Alaska Region,  
Department of Commerce, National  
Oceanic and Atmospheric  
Administration, P.O. Box 21668,  
Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

RIN: 0648-AX14

### 106. ONE-FISH DAILY BAG LIMIT FOR THE GUIDED SPORT CHARTER VESSEL FISHERY FOR HALIBUT IN REGULATORY AREA 2C

**Legal Authority:** 16 USC 773 to 773K

**Abstract:** The regulatory action would implement a one-fish daily bag limit to reduce the charter halibut fishery harvest in Area 2C to the guideline harvest limit.

## DOC—NOAA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/22/08	73 FR 78276
NPRM Comment Period End	01/21/09	
Final Action	04/00/09	
Final Action Effective	05/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AX17

### 107. • AMENDMENT 90 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS GROUND FISH AND AMENDMENT 78 TO THE FISHERY MANAGEMENT PLAN FOR GULF OF ALASKA GROUND FISH

**Legal Authority:** 16 USC 1801 et seq.

**Abstract:** Amendments 90/78 would allow post-delivery transfers of cooperative quota to cover overages in the Amendment 80 Program and the Central Gulf of Alaska Rockfish Program. This action is necessary to mitigate potential overages, reduce enforcement costs, and provide for more precise total allowable catch management. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable law.

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/09	74 FR 254
NPRM Comment Period End	02/19/09	
Final Action	06/00/09	
Final Action Effective	07/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AX25

### 108. • 2009 ATLANTIC BLUEFISH SPECIFICATIONS

**Legal Authority:** 16 USC 1801

**Abstract:** The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission manage the Atlantic bluefish fishery jointly through the Atlantic Bluefish Fishery Management Plan (FMP). The FMP includes a specification process that requires the Council to recommend, on an annual basis, a total allowable catch (TAC) and total allowable landings (TAL) that are consistent with the stock rebuilding program. The TAL is composed of a commercial quota (allocated to the states from Maine to Florida in specified shares) and a coastwide recreational harvest limit. The Council may also specify a research set-aside (RSA) quota. The FMP also requires the Council to recommend annual fishing measures, such as possession limits, to assure that the recommended quotas will not be exceeded. The Council has submitted proposed specifications for the 2009 Atlantic bluefish fishery. In summary, the specifications propose: (1) A TAC for bluefish of 34.081 million lb (an increase from 31.887 million lb in 2008); (2) an overall TAL of 29.356 million lb (an increase from 28.156 million lb in 2008); (3) zero transfer from the recreational sector to the commercial sector, to achieve a commercial quota of 4.991 million lb (a reduction from 7.692 million lb in 2008) and a recreational harvest limit of 24.366 million lb (an increase from 20.415 million lb in 2008); (4) an RSA quota of 97,750 lb (would further reduce quota and limit above); and (5) a recreational possession limit of 15 fish.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/09	74 FR 9072
NPRM Comment Period End	03/17/09	
Final Action	05/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AX49

### 109. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY

**Legal Authority:** 16 USC 1372 (c)

**Abstract:** This rule will revise and simplify criteria and procedures specific to permits for taking, transporting, importing, and exporting protected species for public display and provide convenient formats for reporting marine mammal captive holdings and transports as required by amendments made in 1994 to the Marine Mammal Protection Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Final Action	07/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7235

**RIN:** 0648-AH26

### 110. ATLANTIC PELAGIC LONGLINE TAKE REDUCTION PLAN

**Legal Authority:** 16 USC 1361 et seq

**Abstract:** With this action, the National Marine Fisheries Service implements the Atlantic Pelagic Longline Take Reduction Plan in order to reduce serious injuries and mortalities of long-finned pilot whales, short-finned pilot whales, and Risso's dolphins in the Atlantic pelagic longline fishery to insignificant levels approaching a zero mortality and serious injury rate, within five years of its implementation. The proposed plan is based on consensus recommendations draft plan was by the Atlantic Pelagic Longline Take Reduction Team (Team) and includes both regulatory and non-regulatory measures. Regulatory measures include: (1) Limiting the mainline length to 20 nautical miles or

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less within the Mid-Atlantic Bight; (2) designating a special research area offshore of Cape Hatteras, NC; and (3) requiring all pelagic longline vessels post an informational placards on careful handling and release of marine mammals in the wheelhouse and working decks of the vessel. Non-regulatory measures of the plan include: (1) Providing for 12-15 percent observer coverage throughout all Atlantic pelagic longline fisheries that interact with pilot whales or Risso's dolphins; (2) encouraging vessel operators throughout the fishery to maintain daily communications with other local vessel captains; (3) updating guidelines for careful handling and release of entangled or hooked marine mammals; and (4) distributing quarterly reports of bycatch of marine mammals in the pelagic longline fishery to the Team.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/08	73 FR 35623
NPRM Comment Period End	09/22/08	
Final Action	05/00/09	
Final Rule Effective	06/00/09	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Kristy Long, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13738, Silver Spring, MD 20910  
Phone: 301 713-2322  
Fax: 301 427-2522  
Email: kristy.long@noaa.gov  
**RIN:** 0648-AV65

**111. DESIGNATION OF CRITICAL HABITAT FOR THE ENDANGERED U.S. DISTINCT POPULATION SEGMENT (DPS) OF GUIDED SMALLTOOTH SAWFISH**

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** This action would designate critical habitat for the U.S. DPS of smalltooth sawfish, which was listed as endangered on April 1, 2003. The designation would be located in Florida, within the current geographic range of the species. Comments from the public on the proposal, including information on the economic impacts, national security, and other relevant documents, as well as the benefits to the species from the designation will

be solicited during a 60-day comment period. A draft economic analysis and Section 4(b)(2) report will be conducted in support of this proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/08	73 FR 70290
Notice	12/09/08	73 FR 74681
NPRM Comment Period End	01/20/09	
Notice—Reopen Comment Period	01/29/09	74 FR 5141
Comment Period End	02/13/09	
Final Action	05/00/09	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Shelley L. Norton, Smalltooth Sawfish and Johnson's Seagrass Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 253 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 551-5781  
Fax: 727 524-5309  
Email: shelley.norton@noaa.gov

**RIN:** 0648-AV74

**112. RULEMAKING TO DESIGNATE CRITICAL HABITAT FOR THE GULF OF MAINE DISTINCT POPULATION SEGMENT OF ATLANTIC SALMON**

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** Under section 4 of the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) shall designate critical habitat for species listed as threatened or endangered. This rulemaking would designate critical habitat in 45 specific areas occupied by Atlantic salmon at the time of listing that comprise approximately 203,781 km of perennial river, stream, and estuary habitat and 868 square km of lake habitat within the range of the Gulf of Maine's distinct population segment and on which are found those physical and biological features essential to the conservation of the species. A draft economic analysis, biological report, and ESA section 4(b)(2) analysis report in support of the proposed rulemaking will be available for public review and comment. We solicit comments from the public regarding the proposed rulemaking, including comments on economic, national security, or other relevant impacts, as well as the benefits of the designation to Gulf of Maine Atlantic salmon.

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/08	73 FR 51747
NPRM Comment Period End	11/04/08	
Final Action	11/00/09	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2332  
Fax: 301 427-2520  
Email: jim.lecky@noaa.gov

**RIN:** 0648-AW77

**113. RULEMAKING TO DESIGNATE CRITICAL HABITAT FOR THE THREATENED SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON**

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** Under section 4 of the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) shall designate critical habitat for species listed as threatened or endangered. This rulemaking would designate critical habitat for the threatened Southern Distinct Population Segment of North American green sturgeon (Southern DPS), including: the Sacramento River, lower Feather River, and lower Yuba River in California; the Sacramento-San Joaquin Delta and Suisun, San Pablo, and San Francisco Bays in California; certain coastal bays and estuaries in California, Oregon, and Washington; and coastal marine waters within 110 m depth off California, Oregon, and Washington. A draft economic analysis, biological report, and ESA section 4(b)(2) analysis report in support of the proposed rulemaking will be available for public review and comment.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/08	73 FR 52084
Notice of Public Workshop; Correction to a Proposed Rule— 10/16/2008	10/07/08	73 FR 58527
NPRM Comment Period End	11/07/08	
Final Action	06/00/09	

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## Final Rule Stage

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** James H. Lecky,  
Director, Office of Protected Resources,Department of Commerce, National  
Oceanic and Atmospheric  
Administration, 1315 East-West  
Highway, Silver Spring, MD 20910Phone: 301 713-2332  
Fax: 301 427-2520  
Email: jim.lecky@noaa.gov  
**RIN:** 0648-AX04**Department of Commerce (DOC)****Completed Actions****National Oceanic and Atmospheric Administration (NOAA)****114. REQUIRE MANDATORY  
OBSERVER COVERAGE IN THE  
AT-SEA PROCESSING SECTOR OF  
THE WHITING FISHERY****Legal Authority:** 16 USC 1801 et seq**Abstract:** This action amends the regulations implementing the Pacific Coast Groundfish Fishery Management Plan to provide for a mandatory, vessel-financed observer program on at-sea processing vessels.**Timetable:**

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53334
NPRM Comment Period End	10/10/03	
Final Rule	05/11/04	69 FR 31751
Interim Final Rule	06/07/04	69 FR 31751
Interim Final Rule Comment Period End	07/07/04	
Final Action	07/07/04	69 FR 31751

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Thom Barry, Regional  
Administrator, Northwest Region,  
NMFS, Department of Commerce,  
National Oceanic and Atmospheric  
Administration, 7600 Sand Point Way  
NE., Building 1, Seattle, WA  
48115-0070

Phone: 206 526-6150

Fax: 206 526-6426

**RIN:** 0648-AK26**115. BERING SEA AND ALEUTIAN  
ISLANDS AMENDMENT 73 AND GULF  
OF ALASKA AMENDMENT 77  
GROUND FISH FISHERY  
MANAGEMENT PLANS TO REVISE  
MANAGEMENT AUTHORITY OF DARK  
ROCKFISH****Legal Authority:** 16 USC 1801 et seq**Abstract:** This amendment would remove dark rockfish (*Sebastes ciliatus*) from the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fishery management plans (FMP). The State of Alaska would then assume management of dark

rockfish in the BSAI and GOA. Regulatory amendments are needed to implement these FMP amendments to remove dark rockfish from Table 2a of 50 CFR part 679 (FMP species) and to add dark rockfish to Table 2d of 50 CFR part 679 (non-FMP species). The regulations implementing Amendment 73/77 also would revise the scientific name and species code for dusky rockfish on Table 2a to 50 CFR part 679.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/08	73 FR 55010
NPRM Comment Period End	11/17/08	
Final Action	12/31/08	73 FR 80307

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Robert D. Mecum,  
Acting Administrator, Alaska Region,  
Department of Commerce, National  
Oceanic and Atmospheric  
Administration, P.O. Box 21668,  
Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249**RIN:** 0648-AU20**116. AMENDMENT 14 TO THE  
FISHERY MANAGEMENT PLAN FOR  
THE SNAPPER-GROUPER FISHERY  
OF THE SOUTH ATLANTIC REGION****Legal Authority:** 16 USC 1801 et seq**Abstract:** Amendment 14 would establish a series of 8 Type II Marine Protected Areas (MPAs) in federal waters in the South Atlantic. The MPAs range in size from 8 square nautical miles to 150 square nautical miles, and would be distributed from North Carolina south to the Florida Keys. Within the MPAs, fishing for, or retention of, species in the snapper grouper management complex would be prohibited, as would the use of shark bottom longline fishing gear. Trolling for pelagic species such as tuna, dolphin, and mackerel would be allowed within the MPAs.**Timetable:**

Action	Date	FR Cite
Notice	07/20/06	71 FR 41207
Notice of Availability	06/06/08	73 FR 32281
NPRM	07/16/08	73 FR 40824
NPRM Comment Period End	08/15/08	
Final Action	01/13/09	74 FR 1621

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Roy Crabtree,  
Regional Administrator, Southeast  
Region, Department of Commerce,  
National Oceanic and Atmospheric  
Administration, 263 Thirteenth Avenue  
South, St. Petersburg, FL 33701  
Phone: 727 570-5305

Fax: 727 570-5583

Email: roy.crabtree@noaa.gov

**RIN:** 0648-AU28**117. FRAMEWORK 4 TO THE FISHERY  
MANAGEMENT PLAN FOR MONKFISH****Legal Authority:** 16 USC 1801 et seq**Abstract:** This framework adjustment would establish target TACs of 5,000 mt and 5,100 mt for the Northern Fishery Management Area (NFMA) and Southern Fishery Management Area (SFMA), respectively, for the final 3 years of the rebuilding plan (FY 2007-FY 2009), unless otherwise modified by the Monkfish Monitoring Committee (MFMC) during their annual review process. Essentially, this framework adjustment would remove the Framework 2 control rule and replace it with target TACs that were developed based upon an analysis conducted by the Monkfish Plan Development Team (PDT). This framework would also implement monkfish Days-at-Sea requirements for vessels fishing in the NFMA, and addresses other minor issues raised by industry.**Timetable:**

Action	Date	FR Cite
Proposed Rule and Proposed Interim Rule	03/20/07	72 FR 13069

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## Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	04/19/07	
Interim Final Rule	04/27/07	72 FR 20952
Final Rule	09/21/07	72 FR 53942
Interim Final Rule Comment Period End	10/22/07	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AU34

### 118. AMENDMENT 15 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 15 would address allocation and other issues in the summer flounder, scup, and black sea bass fisheries.

**Timetable:**

Action	Date	FR Cite
Withdrawn	04/30/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AU36

### 119. APPROVAL OF OPERATIONS PLAN FOR THE GEORGES BANK FIXED GEAR SECTOR FOR 2007-2008

**Timetable:**

Action	Date	FR Cite
Duplicate of 0648-AV22	02/05/09	

**RIN:** 0648-AU61

### 120. RESTRICTIONS FOR 2007 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN

**Legal Authority:** 16 USC 951 to 961; 16 USC 971

**Abstract:** The National Marine Fisheries Service announces the 2007 conservation and management measures for international tuna fisheries in the eastern tropical Pacific Ocean. The purse seine fishery will be closed for six weeks from August 1, 2007, to September 11, 2007, and any national longline fishery that reaches a catch level for bigeye tuna equal to the 2001 catch levels will also be closed. The intended effect of this rule is to limit fishing mortality caused by purse seine fishing and longline fishing in the ETP, and to contribute to long-term conservation of the tuna stocks at levels that support healthy fisheries. This will conform to the Inter-American Tropical Tuna Commission recommendation that was approved by the State Department.

**Timetable:**

Action	Date	FR Cite
NPRM	02/26/07	72 FR 8333
NPRM Comment Period End	03/28/07	
Final Rule	06/04/07	72 FR 30711

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

**RIN:** 0648-AU79

### 121. REVISION TO ALLOWABLE BYCATCH REDUCTION DEVICES FOR THE GULF OF MEXICO SHRIMP FISHERY

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** In accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), the National Marine Fisheries Service proposes to decertify the expanded mesh bycatch reduction device (BRD), the Gulf fishery BRD, and to revise the allowable configuration of the fishery BRD for use in the Gulf of Mexico shrimp fishery. The intended effect of this rule is to improve bycatch reduction in the shrimp fishery and better meet the requirements of national standard 9.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/08	73 FR 31669
NPRM Comment Period End	07/03/08	
Comment Period Extended	07/07/08	73 FR 38387
Comment Period Ends	08/06/08	
Final Rule	11/18/08	73 FR 68355

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AV14

### 122. FISHERIES IN THE WESTERN PACIFIC; BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES; MANAGEMENT MEASURES FOR THE NORTHERN MARIANA ISLANDS

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 10 to the fishery management plan for Bottomfish and Seamount Groundfish Fisheries in the Western Pacific would establish Federal permitting and reporting requirements, closed areas, and vessel monitoring system requirements, for commercial bottomfish fishing in the Commonwealth of the Northern Mariana Islands.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	08/20/08	73 FR 49157
NPRM	09/08/08	73 FR 51992
NOA Comment Period End	10/20/08	
NPRM Comment Period End	10/23/08	
Final Action	12/12/08	73 FR 75615
Final Action—Collection of Information Approval	04/06/09	74 FR 15373
Final Action Effective—Collection of Information Approval	05/06/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator,

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## Completed Actions

Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 944-2207

RIN: 0648-AV28

### 123. GUIDANCE FOR ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES TO END OVERFISHING

**Legal Authority:** 16 USC 1853

**Abstract:** Section 104(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA), requires that in fishing year 2010, for fisheries determined by the Secretary to be subject to overfishing, and in fishing year 2011, for all other fisheries, that fishery management plans establish annual catch limits (ACLs), including regulations and annual specifications, at a level such that overfishing does not occur in a fishery, including measures to ensure accountability.

The National Marine Fisheries Service intends to prepare guidance on how to establish adequate ACLs and AMs by revising its National Standard 1 (NS1) guidelines at 50 CFR 600.310. This is because NS1 of the Magnuson-Stevens Act states that "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry."

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/08	73 FR 32526
Notice	06/26/08	73 FR 36300
NRPM Comment Period Extended	08/13/08	73 FR 47125
NPRM Comment Period End	09/08/08	
NRPM Comment Period End	09/22/08	
Final Action	01/16/09	74 FR 3178

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

RIN: 0648-AV60

### 124. RULE TO IMPLEMENT A MINIMUM POSSESSION SIZE LIMIT ON SPINY LOBSTER (PANULIRUS ARGUS)

**Legal Authority:** 16 USC 1801

**Abstract:** The United States is a major importer of spiny lobster from the Caribbean, importing more than 88,000 tons (over 194 million lbs) over the past 10 years, worth an estimated \$2.27 billion dollars. The United States imports over 90 percent of the spiny lobster harvested in Brazil, Colombia, Central America and the Caribbean countries. The major exporters to the United States are the Bahamas, Brazil, Honduras and Nicaragua. All of these exporting countries have some form of minimum size requirement, but they are not standardized and enforcement is severely lacking. Therefore, NOAA Fisheries Service in coordination with the Caribbean, South Atlantic, and Gulf of Mexico Fishery Management Councils is proposing to place a minimum size limit restriction on imports to curtail the flow of undersized lobster harvested in foreign countries.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	07/26/07	72 FR 41063
Notice of Availability	10/15/08	73 FR 61015
NPRM	10/29/08	73 FR 64295
NPRM Comment Period End	12/15/08	
Final Action	01/12/09	74 FR 1148

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

RIN: 0648-AV61

### 125. GENERAL PROVISIONS FOR DOMESTIC FISHERIES; SPECIFICATIONS FOR BOARDING LADDERS

**Legal Authority:** 16 USC 1801 et seq; 16 USC 2431 et seq; 16 USC 3636(b); 16 USC 5501 et seq; 16 USC 773 et seq; 16 USC 951 to 961; 16 USC 973 to 973r; 16 USC 971 et seq

**Abstract:** This regulation would require domestic fishing vessels to have a U.S. Coast Guard-approved pilot ladder on board as a safer means for authorized personnel to board the vessels in carrying out their duties under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act and other applicable laws. This action is necessary to provide for the safety of personnel boarding domestic fishing vessels, as current standards have proven to be inadequate. This action would establish a safer and more enforceable national standard for ladders used by authorized officers for boarding domestic fishing vessels subject to Federal regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/07	72 FR 70286
NPRM Comment Period End	01/10/08	
Second NPRM	01/25/08	73 FR 4514
Second NPRM Comment Period End	02/25/08	
Final Action	11/17/08	73 FR 67805
Final Action Effective Date	01/01/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

RIN: 0648-AV78

### 126. GULF REEF FISH AMENDMENT 30B

**Legal Authority:** 16 USC 1801

**Abstract:** Amendment 30B addresses the findings of Gulf of Mexico red grouper and gag stock assessments. Red grouper is not undergoing overfishing and is not overfished. Gag is undergoing overfishing and whether gag is overfished is still being determined. This action incorporates both red grouper and gag management measures together as the measures affecting one species invariably affect the other. The amendment would implement management measures to increase red grouper total allowable catch and to end overfishing of gag.

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The amendment also proposes definitions for gag status criteria and reference points. The amendment also examines grouper accountability measures, closed fishing areas, and ways to reduce discard mortality.

**Timetable:**

Action	Date	FR Cite
Notice	03/07/08	73 FR 12393
Notice of Availability	10/28/08	73 FR 63932
NPRM	11/18/08	73 FR 68390
Interim Final Rule	12/02/08	73 FR 73219
Notice of Availability	12/29/08	
NPRM Comment Period End	01/02/09	
Final Action	04/16/09	74 FR 17603
Final Action Effective	05/18/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305

Fax: 727 570-5583

Email: roy.crabtree@noaa.gov

**RIN:** 0648-AV80

**127. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS AND AMENDMENT 4 TO THE REEF FISH FISHERY MANAGEMENT PLAN OF PUERTO RICO AND THE U.S.**

**Timetable:**

Action	Date	FR Cite
Duplicate of 0648-AV61	02/05/09	

**RIN:** 0648-AV98

**128. AMENDMENT 15 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN: LIMITED ENTRY PROGRAM FOR THE PACIFIC WHITING FISHERY**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 15 to the Pacific Coast Groundfish FMP would implement a limited entry program for the Pacific whiting fishery, which occurs within the Exclusive Economic Zone off the coasts of Washington, Oregon, and California. This action would limit future participation in each of the three non-tribal sectors of the Pacific whiting fishery to those vessels

with historic participation in those particular sectors.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/08	73 FR 39930
NPRM Comment Period End	08/11/08	
Final Action	03/10/09	74 FR 10189
Correction	03/20/09	74 FR 11880
Correction Effective	04/09/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Frank Lockhart, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115

Phone: 206 526-6142

Email: frank.lockhart@noaa.gov

**RIN:** 0648-AW08

**129. REVISE MAXIMUM RETAINABLE AMOUNTS (MRA) OF GROUND FISH IN THE GULF OF ALASKA ARROWTOOTH FLOUNDER FISHERY**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This regulatory amendment would revise the maximum retainable amounts (MRAs) of groundfish using arrowtooth flounder as a basis species in the Gulf of Alaska. MRAs for deep-water flatfish, rex sole, flathead sole, shallow-water flatfish, Atka mackerel, and skates would be increased from 0 percent to 20 percent; the MRA for aggregated rockfish would be increased from 0 percent to 5 percent; and the MRA for sablefish would be increased from 0 percent to 1 percent for sablefish. This action would reduce regulatory discards of otherwise marketable groundfish in the arrowtooth flounder fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	11/25/08	73 FR 71592
NPRM Comment Period End	12/26/08	
Final Action	03/27/09	74 FR 13348

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221

Fax: 907 586-7249

**RIN:** 0648-AW40

**130. REVISIONS TO THE POLLOCK TRIP LIMIT REGULATIONS IN THE GULF OF ALASKA**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This regulatory action revises the current pollock trip limit regulation to prohibit a catcher vessel from retaining more than 136 mt (300,000 lb) of unprocessed pollock during a calendar day, and landing more than 136 mt (300,000 lb) of pollock during a fishing trip. The National Marine Fisheries Service also proposes to prohibit a vessel from landing a cumulative amount of unprocessed pollock from any Gulf of Alaska (GOA) reporting area that exceeds 136 mt (300,000 lb) times the number of days the pollock fishery is open to directed fishing in a season. The objective of this rule is to prevent certain pollock catch and delivery practices that allow some vessels to circumvent the intent of current trip limit regulations. These delivery practices have caused seasonal pollock quotas to be exceeded, and if allowed to continue could conflict with Steller sea lion protection measures under Endangered Species Act (ESA) that are intended to disperse pollock catches in the GOA. These delivery practices have caused seasonal pollock quotas to be exceeded, and if allowed to continue could conflict with Steller sea lion protection measures under ESA that are intended to disperse pollock catches in the GOA. Current regulations in the pollock directed fishery prohibit catcher vessels from exceeding a catch of 136 mt (300,000 lb) of pollock in a fishing trip. Since trip limits were implemented in 1999, these regulations have become less effective, as multiple trips during a day and partial offloads of pollock product during a trip have allowed for increasing amounts of pollock to be caught in some areas of the GOA. Amending the current trip limit regulation to limit legal opportunities for a vessel to exceed 136 mt (300,000 lb) of pollock caught in a day, would continue to disperse catches of pollock in a manner that is consistent with the intent of Steller sea lion protection measures in the GOA.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/08	73 FR 62241

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## Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	11/19/08	
Final Action	04/21/09	74 FR 18156
Final Action Effective	05/21/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AW54

**131. AMENDMENT TO THE BOTTLENOSE DOLPHIN TAKE REDUCTION PLAN**

**Legal Authority:** 16 USC 1361 et seq

**Abstract:** The National Marine Fisheries Service (NMFS) amends the Bottlenose Dolphin Take Reduction Plan's (BDTRP) implementing regulations by extending, for an additional three years, fishing restrictions expiring on May 26, 2009. This action will continue, without modification, current nighttime fishing restrictions of medium mesh gillnets operating in the North Carolina portion of the Winter-Mixed Management Unit during the winter. Members of the Bottlenose Dolphin Take Reduction Team (BDTRT) recommended these regulations be extended for an additional three years to ensure continued conservation of the Western North Atlantic coastal bottlenose dolphin stock, should a directed spiny dogfish fishery reemerge in North Carolina.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/08	73 FR 49634
NPRM Comment Period End	09/22/08	
Final Action	12/19/08	73 FR 77531
Final Action Effective	01/20/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Melissa Andersen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2322

Email: melissa.andersen@noaa.gov

**RIN:** 0648-AW68

**132. REFERENDUM PROCEDURES FOR A POTENTIAL GULF OF MEXICO GROUPEL AND TILEFISH INDIVIDUAL FISHING QUOTA (IFQ) PROGRAM**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Grouper and tilefish species in the Gulf of Mexico are managed under the reef fish fishery management plan. Past management practices under the plan have contributed to overcapitalization in these fisheries, which the Council now seeks to address. The Council is considering an IFQ program to further control effort in the commercial grouper and tilefish fisheries in the Gulf of Mexico. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NOAA's National Marine Fisheries Service must conduct a referendum to determine whether an IFQ program, as ultimately developed, should be submitted to the Secretary of Commerce for review, approval, and implementation. This proposed rule would provide potential referendum participants information concerning the schedule, procedures, and eligibility requirements for participating in the referendum. The intended effect of this proposed rule is to implement the requirements of the Magnuson-Stevens Act for implementing an IFQ program in the Gulf of Mexico.

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/08	73 FR 51617
NPRM Comment Period End	10/06/08	
Final Action	10/30/08	73 FR 64562
Final Action Effective	12/01/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

**RIN:** 0648-AW85

**133. INTERIM ACTION TO REDUCE FISHING MORTALITY AND MAINTAIN STOCK REBUILDING; NORTHEAST MULTISPECIES FISHERY**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The FMP requires fishing mortality reductions to be implemented May 1, 2009, as a part of the rebuilding plan specified under Amendment 13 to the FMP, and if additional reductions in fishing mortality are necessary as a result of stock assessments that will occur in August 2008. The New England Fishery Management Council is currently developing Amendment 16 to the FMP that, if approved, would implement management measures to achieve the necessary fishing mortality reductions to meet the required objectives of the FMP, as well as other extensive modifications to the FMP. However, due to the scope and complexity of Amendment 16, it is likely that the development the Amendment may be behind schedule and not be implemented by May 1, 2009. Therefore, due to the need to meet the rebuilding goals of the FMP by May 1, 2009, an interim action is being developed by NOAA's National Marine Fisheries Service. This interim action would be more narrow in scope than Amendment 16 and focus on the required adjustments to the FMP, and include a measure that would provide flexibility to the industry and mitigate negative economic impacts. This action would remain in effect until Amendment 16 is implemented, which is expected no later than May 1, 2010.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2959
NPRM Comment Period End	02/17/09	
Final Action	04/13/09	74 FR 17030

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AW87

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## Completed Actions

**134. SEABIRD AVOIDANCE REQUIREMENTS REVISIONS FOR HOOK-AND-LINE VESSELS IN INTERNATIONAL PACIFIC HALIBUT COMMISSION REGULATORY AREA 4E****Legal Authority:** 16 USC 1801 et seq

**Abstract:** NMFS takes this action to revise the seabird avoidance regulations for the hook-and-line fishery for groundfish and halibut in the International Pacific Halibut Commission regulatory area 4E of the Bering Sea. This action would eliminate seabird avoidance requirements for hook-and-line vessels less than or equal to 55 feet length overall in portions of Area 4E. This action is necessary to revise seabird avoidance regulations based on the latest scientific information regarding the location of seabirds and fishing activities and to reduce unnecessary regulatory burdens and associated costs.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2984
NPRM Comment Period End	02/17/09	
Final Action	03/27/09	74 FR 13355

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AW94**135. REGULATORY AMENDMENT TO EXEMPT DINGLEBAR FISHERMEN IN THE GULF OF ALASKA FROM VESSEL MONITORING SYSTEM REQUIREMENTS****Legal Authority:** 16 USC 1801 et seq; 16 USC 3631 et seq; 16 USC 773 et seq; PL 108-447

**Abstract:** This action would exempt vessels with Federal fishing permits and with dinglebar gear onboard in the Gulf of Alaska from vessel monitoring system (VMS) requirements. All federally permitted vessels, including dinglebar fishermen fishing for lingcod in the Gulf of Alaska, are currently required to carry a VMS so that regulations to protect sensitive coral

habitat may be enforced. Evidence suggests that the dinglebar fishery for lingcod occurs at shallower depth than where these sensitive corals occur. The cost of purchasing and maintaining a VMS is therefore not warranted for this fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	10/03/08	73 FR 57585
NPRM Comment Period End	11/03/08	
Final Action	01/21/09	74 FR 3446
Correction	04/14/09	74 FR 17113

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AX01**136. 2009 ATLANTIC MACKEREL, SQUID, AND BUTTERFISH SPECIFICATIONS AND MANAGEMENT MEASURES****Legal Authority:** 16 USC 1801

**Abstract:** This action would establish 2009 specifications and management measures for the mackerel, squid, and butterfish fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	11/17/08	73 FR 67829
NPRM Comment Period End	12/17/08	
Final Rule	02/06/09	74 FR 6244
Final Rule Effective	03/09/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AX16**137. FISHERIES IN THE WESTERN PACIFIC; BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES; MAIN HAWAIIAN ISLANDS; 2008-09 BOTTOMFISH TOTAL ALLOWABLE CATCH****Timetable:**

Action	Date	FR Cite
Duplicate of 0648-XL64	11/04/08	

**RIN:** 0648-AX22**138. • MAGNUSON-STEVENSON ACT PROVISIONS; FISHERIES OFF WEST COAST STATES; PACIFIC COAST GROUND FISH FISHERY; 2009-2010 BIENNIAL SPECIFICATIONS AND MANAGEMENT MEASURES****Legal Authority:** 16 USC 1801

**Abstract:** This final rule establishes the 2009-2010 Groundfish Management Measures and Specifications.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/08	73 FR 80516
NPRM Comment Period End	01/30/09	
Final Action	03/06/09	74 FR 9874

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thom Barry, Regional Administrator, Northwest Region, NMFS, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115  
Phone: 206 526-4323  
Fax: 206 526-6736

**RIN:** 0648-AX24**139. • 2009 PACIFIC HALIBUT FISHERIES; CATCH SHARING PLAN****Legal Authority:** 16 USC 1801

**Abstract:** NMFS proposes to approve and implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) regulatory Area 2A off Washington, Oregon, and California (Area 2A). NMFS proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC, which includes tribal regulations and the sport fishery allocations and management measures for Area 2A. These actions are intended to enhance the conservation of Pacific

## DOC—NOAA

## Completed Actions

halibut, to provide greater angler opportunity where available, and to protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/09	74 FR 2032
NPRM Comment Period End	02/01/09	
Final Action	03/19/09	74 FR 11681
Correction	04/24/09	74 FR 11880

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070  
Phone: 206 526-6150  
Fax: 206 526-6426

**RIN:** 0648-AX44

**140. VIRGINIA MODIFIED POUND NET LEADER INSPECTION PROGRAM**

**Legal Authority:** 16 USC 1531et seq

**Abstract:** With this action, NMFS issues a rule to implement an inspection program for modified pound net leaders in the Virginia waters of the mainstem Chesapeake Bay. Previous regulations (71 FR 36024, June 23, 2006) required modified pound net leaders in a portion of the Virginia Chesapeake Bay from May 6 to July 15 each year, and this action would ensure that leaders used in that area do in fact meet the definition of a modified pound net leader. To comply with the inspection program, a pound net fisherman intending to set a modified leader must call NMFS to arrange for

an inspection meeting. Then, the fisherman must meet NMFS and allow for the inspection of his or her gear to ensure the modified leader meets the definition of a modified pound net leader, as described in the regulations. The purpose of this action is to help protect threatened and endangered sea turtles, while enabling fishermen to use leaders, an important component of pound net gear, during the regulated period.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9297
NPRM Comment Period End	04/02/07	
Final Action	11/18/08	73 FR 68348
Final Action Effective Date	12/18/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Carrie Upite, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9300  
Email: carrie.upite@noaa.gov

**RIN:** 0648-AU98

**141. ENDANGERED AND THREATENED SPECIES; DESIGNATION OF CRITICAL HABITAT FOR ELKHORN AND STAGHORN CORALS**

**Legal Authority:** 16 USC 1531 to 1544

**Abstract:** The National Marine Fisheries Service designates critical habitat for elkhorn and staghorn corals, which we recently listed as threatened under the Endangered Species Act (ESA). Areas proposed for designation will be within the current geographic

ranges of these species that are under U.S. jurisdiction, including areas in Southeast Florida, Puerto Rico, and the U.S. Virgin Islands. Comments from the public on all aspects of the proposal, including information on the economic, national security, and other relevant impacts of the proposed designation, as well as the benefits to elkhorn and staghorn corals from designation will be solicited during a 60-day comment period. A draft economic analysis and Section 4(b)(2) report will be conducted in support of this proposal.

Proposed rule was published February 6, 2008 (73 FR 6895). This final rule designates 1,329 sq mi of marine habitat in the Florida area, 1,383 sq mi in the Puerto Rico area, 121 sq mi in the St. John/St. Thomas area, and 126 sq mi in the St. Croix area.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6895
Correction	03/06/08	73 FR 12068
NPRM Comment Period End	05/06/08	
Final Action	11/26/08	73 FR 72210
Final Action Effective	12/26/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Fax: 301 427-2523  
Email: marta.nammack@noaa.gov

**RIN:** 0648-AV35

**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)**

## Long-Term Actions

**142. EXAMINATION OF PATENT APPLICATIONS THAT INCLUDE CLAIMS CONTAINING ALTERNATIVE LANGUAGE**

**Legal Authority:** 35 USC 2(b)(2)

**Abstract:** The U.S. Patent and Trademark Office (Office) is considering revising the rules of practice to address Markush-type and other claims written so as to claim an invention in the alternative. The search

and examination of Markush-type and other claims written in the alternative generally consume a disproportionate amount of Office resources as compared to other types of claims, because these claims can encompass multiple independent and distinct inventions and determining the patentability of such a claim may require a separate examination of each of the alternatives within the claim. The Office anticipates

that requiring applicants who choose this claim-drafting format to ensure a certain degree of relatedness among the members of a Markush group or the alternatives presented in the claims will allow the Office to do a better, more thorough and reliable examination of Markush-type and other claims written in the alternative.

## DOC—PTO

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/07	72 FR 44992
NPRM Comment Period End	10/09/07	
Second NPRM	03/10/08	73 FR 12679
Second NPRM Comment Period End	04/09/08	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert W. Bahr  
 Phone: 571 272-8800  
 Email: robert.bahr@uspto.gov

**RIN:** 0651-AC00

**143. FISCAL YEAR 2009 REVISION OF  
 REQUEST FOR CONTINUED  
 EXAMINATION, EIGHTEEN-MONTH  
 PUBLICATION, AND OTHER  
 MISCELLANEOUS COST-RECOVERY  
 PATENT FEES**

**Legal Authority:** 35 USC 2(b)(2); 35  
 USC 41(d); 35 USC 132(b)

**Abstract:** The USPTO is proposing to revise the rules of practice to adjust the fee or set a fee for certain processes and services for which the USPTO is required to set a cost-recovery fee. The USPTO is specifically proposing to adjust the fee for a request for continued examination, eighteen-month publication, and a certificate of correction (applicant's mistake) fee, and

set a fee for requesting a corrected republication of a patent application publication. The rules of practice currently do not set a fee, or do not set a fee that recovers the USPTO's costs, for these processes or services. The USPTO is proposing to adjust or set these fee amounts such that they more accurately reflect the Office costs for these processes or services.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert W. Bahr  
 Phone: 571 272-8800  
 Email: robert.bahr@uspto.gov

**RIN:** 0651-AC29

**Department of Commerce (DOC)  
 Patent and Trademark Office (PTO)**

**Completed Actions**

**144. FISCAL YEAR 2009 CHANGES TO  
 PATENT COOPERATION TREATY  
 SEARCH FEES**

**Legal Authority:** 35 USC 2(b)(2) and  
 376

**Abstract:** The United States Patent and Trademark Office (USPTO) is proposing to revise the rules of practice to adjust the transmittal and search fees for international applications filed under the Patent Cooperation Treaty (PCT). The USPTO is proposing to adjust the PCT transmittal and search fees to recover the estimated average cost to

the USPTO of processing PCT international applications and preparing international search reports and written opinions for PCT international applications.

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/08	73 FR 34672
NPRM Comment Period End	08/18/08	
Final Rule	11/12/08	73 FR 66754
Final Rule Effective	01/12/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert W. Bahr,  
 Senior Patent Attorney, Department of  
 Commerce, Patent and Trademark  
 Office, P.O. Box 1450, Alexandria, VA  
 22313-1450  
 Phone: 571 272-8800  
 Email: robert.bahr@uspto.gov

**RIN:** 0651-AC28

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