

based on the best data available to the Service and be as accurate and effective as possible. Therefore, we request comments or information from other concerned government agencies, the scientific community, industry, or other interested parties concerning the proposed rule. We will consider information and recommendations from all interested parties. For the complete list of subjects on which we seek comments, please refer to the March 12, 2010, proposed rule (75 FR 11808), available online at <http://www.regulations.gov> under Docket No. FWS-R9-FHC-2008-0015 or from the South Florida Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT** section).

You may submit your comments and materials concerning our proposed rule, the draft economic analysis, and the draft environmental assessment by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section.

If you submit a comment via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the Web site. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>. Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

We are seeking substantive data and comments from the public on all aspects of the proposed rule to list the nine species of large constrictor snakes as injurious wildlife, the associated draft economic analysis, and the associated draft environmental assessment. Such information includes, but is not limited to, the biology of the nine species, existing regulations that apply to the nine species, the economic effect on wholesale and retail sales, and any other information relevant to the proposed rule. Specific questions can be found in the proposed rule (75 FR 11808; March 12, 2010). We may revise the proposed rule or supporting documents to incorporate or address information we

receive during this reopened public comment period.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on <http://www.regulations.gov> under Docket No. FWS-R9-FHC-2008-0015, or by appointment, during normal business hours at the South Florida Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT** section).

In preparing the final rule, we will consider all comments and any additional information that we receive during this reopened comment period on the proposed rule. Accordingly, the final decision may differ from the proposal.

**Authority:** The authority for this action is the Lacey Act (18 U.S.C. 42).

Dated: June 4, 2010.

**Will Shafroth,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 216

[Docket No. 0907301201-91203-01]

RIN 0648-AY15

#### Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act

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

**ACTION:** Advance notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** NMFS is reopening the comment period, in order to provide additional opportunities for the public, foreign nations that export fish and fish products to the United States, and other interested parties to comment on the advance notice of proposed rulemaking to implement the provisions of section 101(a)(2)(A) of the Marine Mammal Protection Act for imports of fish and fish products. On April 30, 2010, NMFS published the advance notice of proposed rulemaking, with a June 29, 2010, deadline for comments. NMFS is now reopening the comment period until August 30, 2010. NMFS is seeking advance public comment on the

development of procedures to implement section 101(a)(2)(A) of the Marine Mammal Protection Act and on the types of information to be considered in the process.

**DATES:** Written comments must be received by 5 p.m. on August 30, 2010.

**ADDRESSES:** You may submit comments by any of the following methods:

(1) *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal at <http://www.regulations.gov>.

(2) *Mail:* Director, Office of International Affairs, Attn: MMPA Fish Import Provisions, NMFS, F/IA, 1315 East-West Highway, Silver Spring, MD 20910.

(3) *Fax:* (301) 713-2313.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

**FOR FURTHER INFORMATION CONTACT:**

Kristy Long at [Kristy.Long@noaa.gov](mailto:Kristy.Long@noaa.gov) or 301-713-2322.

**SUPPLEMENTARY INFORMATION:** The Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361-1423h, contains provisions addressing bycatch, or the incidental mortality and serious injury, of marine mammals in both domestic and foreign fisheries. With respect to foreign fisheries, section 101(a)(2) of the MMPA (16 U.S.C. 1371(a)(2)) states that “[t]he Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. For purposes of applying the preceding sentence, the Secretary [of Commerce]- (A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.”

On April 30, 2010, NMFS published an advance notice of proposed rulemaking to implement section 101(a)(2)(A) of the Marine Mammal Protection Act, with a June 29, 2010, deadline for comments. NMFS is now reopening the comment period until August 30, 2010, in order to provide additional opportunities for the public, foreign nations that export fish and fish products to the United States, and other interested parties to comment.

This rulemaking would define the "United States standards" referred to in MMPA section 101(a)(2), along with any associated criteria by which the United States would assess foreign fisheries that supply fish and fish product imports to the United States (hereafter "import-supplying fisheries") with respect to marine mammal bycatch. The rule also would describe procedures for ensuring the established standards and

their associated criteria are met, as well as procedures for developing recommendations regarding import prohibitions if those standards and associated criteria are not met.

NMFS requests comments on the standards to be used when evaluating foreign import-supplying fisheries, including any suggestions of other standards or associated criteria NMFS should consider or modifications of the standards suggested above; and whether to apply one or more standards.

NMFS also requests comments on the procedures under consideration for ensuring that foreign fisheries imports meet U.S. marine mammal bycatch standards, including whether to apply one or more of the possible standards when evaluating import-supplying fisheries to make decisions regarding initiating consultation or banning imports, which standards to apply, and

whether to apply different standards for making the decision to initiate consultation than are used to make the decision to ban imports. Further, NMFS requests comments on what issues and conditions should be considered during consultation and whether and what kind of alternative procedures should be established for implementing import prohibitions on a shipment-by-shipment or shipper-by-shipper basis. Finally, NMFS is requesting comments regarding if and how intermediary nations should be addressed by the procedures under consideration.

Dated: June 28, 2010.

**Samuel D. Rauch III,**

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

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