



# Federal Register

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Monday,  
December 20, 2010

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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

## Fall 2010 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 spring 2010 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 fall 2010 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2010, through September 30, 2011.

## 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 Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-482-3151.

**SUPPLEMENTARY INFORMATION:** The Department hereby publishes its fall 2010 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of July 23, 2010, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2010 Unified Agenda. The Regulatory Flexibility Act 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, and a list that identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In this edition of the Department’s regulatory agenda, a list of the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is 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, the Department’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 Department’s entire Regulatory Plan will continue to be printed in the **Federal Register**.

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 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.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (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.

## DOC

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 fall 2010 regulatory agenda follows.

**Cameron F. Kerry,**  
*General Counsel.*

## International Trade Administration—Long-Term Actions

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

## National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
219	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery .....	0648-AR63
220	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission .....	0648-AT31
221	Collection and Use of Tax Identification Numbers From Holders of and Applicants for National Marine Fisheries Service Permits .....	0648-AV76
222	Marine Mammal Protection Act Stranding Regulation Revisions .....	0648-AW22
223	Amendment 4 to the Atlantic Herring Fishery Management Plan .....	0648-AW75
224	Allowable Modifications to the Turtle Excluder Device Requirements .....	0648-AW93
225	Regulatory Amendment To Correct and Clarify Amendment 13 and Subsequent Frameworks of the Northeast Multispecies Fishery Management Plan .....	0648-AW95
226	Amendment 11 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan .....	0648-AX05
227	Amendment 30 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs Arbitration Regulations .....	0648-AX47
228	Amendment 3 to the Fishery Management Plan for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands Establishing Compatible Regulations With U.S. Virgin Islands Territorial Waters .....	0648-AY03
229	Fisheries Off West Coast States and in the Western Pacific; Klamath River Fall Chinook Salmon Rebuilding Plan .....	0648-AY06
230	Amendment 3 to the Spiny Dogfish Fishery Management Plan .....	0648-AY12
231	Maximized Retention Monitoring Program for Catcher Vessels in the Pacific Whiting Mothership Fishery in the Pacific Coast Groundfish Fishery .....	0648-AY17
232	Generic Amendment for Annual Catch Limits .....	0648-AY22
233	Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan .....	0648-AY26
234	Fisheries in the Western Pacific; Pelagic Fisheries; Purse Seine Fishing With Fish Aggregation Devices .....	0648-AY36
235	Amendment 5 to the Atlantic Herring Fishery Management Plan .....	0648-AY47
236	Amendment 2 to the FMP for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 5 to the Reef Fish FMP of Puerto Rico and the U.S. Virgin Islands .....	0648-AY55
237	Amendment 10 to the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic .....	0648-AY72
238	Comprehensive Annual Catch Limits Amendment to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region .....	0648-AY73
239	Amendment 20 to the Snapper Grouper Fishery Management Plan of the South Atlantic Region .....	0648-AY74
240	Regulatory Amendment To Recover the Administrative Costs of Processing Permit Applications .....	0648-AY81
241	Regulatory Amendment To Correct and Clarify Amendment 16 and Subsequent Frameworks of the Northeast Multispecies Fisheries Management Plan .....	0648-AY95
242	Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2011-2012 Biennial Specifications and Management Measures .....	0648-BA01
243	2011 Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery .....	0648-BA03
244	Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery .....	0648-BA13
245	Potential Revisions to the Turtle Excluder Device Requirements .....	0648-AV04
246	Marine Mammal Protection Act Permit Regulation Revisions .....	0648-AV82
247	Take and Import Marine Mammals: Take of Marine Mammals Incidental to Routine Operations of 13 Power Generating Stations in Central and Southern California .....	0648-AW59
248	Reduce Sea Turtle Bycatch in Atlantic Trawl Fisheries .....	0648-AY61

## National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
249	Amending Regulations for the Pacific Halibut, Sablefish, and Pollock Fisheries Conducted Under the Western Alaska Community Development Quota Program .....	0648-AV33
250	Certification of Nations Whose Fishing Vessels Are Engaged in Illegal, Unreported, and Unregulated Fishing or Bycatch of Protected Living Marine Resources ( <b>Reg Plan Seq No. 28</b> ) .....	0648-AV51
251	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act Environmental Review Procedure	0648-AV53
252	Revise Regulations Governing the North Pacific Groundfish Observer Program .....	0648-AW24
253	Revoke Inactive Quota Share and Annual Individual Fishing Quota From a Holder of Quota Share Under the Pacific Halibut and Sablefish Fixed Gear Individual Fishing Quota Program .....	0648-AX91
254	Regulatory Amendment to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico Modifying the Bajo de Sico Seasonal Closure .....	0648-AY05
255	Amendment 17A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region .....	0648-AY10
256	Amendment 17B to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region .....	0648-AY11
257	Amendment 94 for Bering Sea Modified Nonpelagic Trawl Gear Requirements, St. Matthew Island Habitat Conservation Area Revision, and Modified Gear Trawl Zone .....	0648-AY34
258	Regulatory Amendment to Revise Charter Halibut Logbook Submission Requirements at 50 CFR part 300 .....	0648-AY38
259	Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit .....	0648-AY41
260	Vessel Capacity Limits in the Purse Seine Fishery in the Eastern Pacific Ocean .....	0648-AY75
261	Emergency Rule To Re-Open the Recreational Red Snapper Season in the Gulf of Mexico .....	0648-BA06
262	Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act .....	0648-AV15
263	Taking and Importing Marine Mammals; U.S. Naval Surface Warfare Center Panama City Division Mission Activities .....	0648-AW80
264	Rule To Revise the Critical Habitat Designation for the Endangered Leatherback Sea Turtle .....	0648-AX06
265	Critical Habitat Designation for Cook Inlet Beluga Whale Under the Endangered Species Act ( <b>Reg Plan Seq No. 29</b> ) .....	0648-AX50
266	Taking of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Training Operations Conducted Within the Gulf of Mexico Range Complex .....	0648-AX86

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## National Oceanic and Atmospheric Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
267	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico .....	0648-AS65
268	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

## National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
269	South Atlantic Fishery Ecosystem Plan Comprehensive Amendment .....	0648-AV31
270	Amendment 17 to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan ...	0648-AW11
271	Amendment 2 to the Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands .....	0648-AW15
272	Amendment 3 to the Northeast Skate Complex Fishery Management Plan .....	0648-AW30
273	Atlantic Highly Migratory Species; Atlantic Shark Management Measures .....	0648-AW65
274	Amendment 31 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico .....	0648-AX67
275	Snapper-Grouper Fishery Management Plan of the South Atlantic .....	0648-AX75
276	Salmon Bycatch Reduction Management Measures for the Fishery Management Plan 91 in the Bering Sea Aleutian Islands .....	0648-AX89
277	2010 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures .....	0648-AY04
278	2010 to 2012 Atlantic Herring Fishery Specifications and Management Measures .....	0648-AY14
279	Remove Certain Reporting Requirements Under the Crab Rationalization Program .....	0648-AY28
280	Framework Adjustment 44 and Specifications for the Northeast Multispecies Fishery Management Plan .....	0648-AY29

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

Sequence Number	Title	Regulation Identifier Number
281	Framework 21 to the Atlantic Sea Scallop Fishery Management Plan .....	0648-AY43
282	Amendments 95/96/87 for the BSAI and GOA Groundfish FMPs for BSAI Skates and Groundfish Annual Catch Limits and Accountability Measures .....	0648-AY48
283	2010 Specifications and Management Measures for the Spiny Dogfish Fishery Management Plan .....	0648-AY50
284	Fishing Year 2010 Atlantic Deep-Sea Red Crab Specifications .....	0648-AY51
285	Regulatory Amendment to the Gulf of Mexico Reef Fish Fishery Management Plan To Set 2010 Management Measures for Red Snapper .....	0648-AY57
286	Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Interim 2010 Tribal Whiting Regulations .....	0648-AY59
287	Fisheries Off West Coast States; West Coast Salmon Fisheries; 2010 Management Measures .....	0648-AY60
288	2010 Atlantic Bluefin Tuna Quota Specifications .....	0648-AY77
289	Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments .....	0648-AY82
290	Inseason Adjustment to the FY 2010 Atlantic Deep Sea Red Crab Specifications .....	0648-AY88
291	Rulemaking To Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon .....	0648-AV94

## Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
292	Revision of USPTO Fees for Fiscal Year 2011 .....	0651-AC43
293	Revision of USPTO Fees for Fiscal Year 2012 .....	0651-AC44

## Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
294	Interim Increase on Patent Fees for Fiscal Year 2011 .....	0651-AC42

Department of Commerce (DOC)  
International Trade Administration (ITA)

## Long-Term Actions

## 218. 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 the Department of 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  
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**

**219. 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	02/00/11	
NPRM Comment Period End	03/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Barry Thom, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Building 1, 7600 Sand Point Way NE., Seattle, WA 98115-0070  
Phone: 206 526-6150  
Fax: 206 526-6426  
Email: barry.thom@noaa.gov

**RIN:** 0648-AR63

**220. 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 (ASMFC) and 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	
Notice of Public Meeting	05/03/10	75 FR 23245
NPRM	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
Phone: 978 281-9200  
Fax: 978 281-9117  
Email: pat.kurkul@noaa.gov

**RIN:** 0648-AT31

**221. 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:** Pursuant to 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 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

DOC—NOAA

Proposed Rule Stage

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	12/00/10	

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

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713–2334  
Fax: 301 713–0596  
Email: alan.risenhoover@noaa.gov

**RIN:** 0648–AV76**222. 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 changes to its implementing regulations (50 CFR 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 to 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	12/00/10	

**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  
Fax: 301 713–2521  
Email: david.cottingham@noaa.gov

**RIN:** 0648–AW22**223. 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
Notice of Intent	05/08/08	73 FR 26082
NPRM	12/00/10	

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

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
Phone: 978 281–9200  
Fax: 978 281–9117  
Email: pat.kurkul@noaa.gov

**RIN:** 0648–AW75**224. ALLOWABLE MODIFICATIONS TO THE TURTLE EXCLUDER DEVICE REQUIREMENTS**

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

**Abstract:** NMFS proposes to revise the Turtle Excluder Device (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	05/00/11	

**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  
Email: michael.barnette@noaa.gov

**RIN:** 0648–AW93

**225. REGULATORY AMENDMENT 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 maintain consistency with the intent of Amendment 13 and subsequent actions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930 Phone: 978 281-9200 Fax: 978 281-9117 Email: pat.kurkul@noaa.gov

**RIN:** 0648-AW95

**226. AMENDMENT 11 TO THE ATLANTIC MACKEREL, SQUID, BUTTERFISH FISHERY MANAGEMENT PLAN**

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

**Abstract:** Amendment 11 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan 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	02/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930 Phone: 978 281-9200 Fax: 978 281-9117 Email: pat.kurkul@noaa.gov

**RIN:** 0648-AX05

**227. 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:** This 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	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** James Balsiger, Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802 Phone: 907 586-7221 Fax: 907 586-7249 Email: james.balsiger@noaa.gov

**RIN:** 0648-AX47

**228. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR QUEEN CONCH RESOURCES OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS ESTABLISHING COMPATIBLE REGULATIONS WITH U.S. VIRGIN ISLANDS TERRITORIAL WATERS**

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

**Abstract:** At the June 2009 Council meeting, the Caribbean Fishery Management Council decided to amend the Fishery Management Plan for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (U.S.V.I.) to establish compatible regulations with U.S.V.I. territorial regulations.

Currently, fishing for and possession of Queen Conch is prohibited in the Exclusive Economic Zone, with the exception of an area known as Lang Bank east of St. Croix, which is open to harvest of Queen Conch from October 1 through June 30. In U.S.V.I. territorial waters, Queen Conch is managed under a 50,000 pound quota. This action would implement compatible regulations which will close the harvest of Queen Conch in federal waters, including Lang Bank, once the quota has been reached in the U.S.V.I. and the fishery is closed in territorial waters.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701 Phone: 727 824-5305 Email: roy.crabtree@noaa.gov

**RIN:** 0648-AY03

**229. FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; KLAMATH RIVER FALL CHINOOK SALMON REBUILDING PLAN**

**Legal Authority:** 16 USC 1854

**Abstract:** This action would adopt a rebuilding plan for the Klamath River Fall Chinook salmon (KRFC) stock, which failed to meet conservation objectives specified in the Fishery Management Plan for the three year period 2004-2006.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable

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## Proposed Rule Stage

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**RIN:** 0648-AY06

**230. AMENDMENT 3 TO THE SPINY DOGFISH FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801

**Abstract:** The New England and Mid-Atlantic Fishery Management Councils (Councils) announce their intention to prepare, in cooperation with NMFS, an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures to address several issues regarding the Spiny Dogfish Fishery Management Plan (FMP). Issues that may be addressed include: initiating a Research Set-Aside provision; specifying the spiny dogfish quota and/or possession limits by sex; adding a recreational fishery to the FMP; identifying commercial quota allocation alternatives; and establishing a limited access fishery.

**Timetable:**

Action	Date	FR Cite
Notice of Intent to Begin Scoping	08/05/09	74 FR 39063
Notice of Intent Comment Period End	09/04/09	
Notice of Intent to Prepare an EIS	05/13/10	75 FR 26920
NOI Comment Period End	06/01/10	
NPRM	05/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
Phone: 978 281-9200  
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**RIN:** 0648-AY12

**231. MAXIMIZED RETENTION MONITORING PROGRAM FOR CATCHER VESSELS IN THE PACIFIC WHITING MOTHERSHIP FISHERY IN THE PACIFIC COAST GROUNDFISH FISHERY**

**Legal Authority:** 16 USC 1801

**Abstract:** The action would implement a monitoring program for catcher vessels in the mothership sector of the Pacific whiting fishery off the coast of Washington, Oregon, and California. The monitoring program would consist of a camera and other sensors to monitor fishing activity in order to maintain the integrity of the maximized retention requirements found at 50 CFR 660.306 (f)(7). Maximized retention encourages full retention of all catch while allowing minor discard events to occur. This ensures that unsorted catch is available for observers to monitor on board the mothership processors and thereby maintains the integrity of data collected under the observer program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/10	

**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

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**RIN:** 0648-AY17

**232. GENERIC AMENDMENT FOR ANNUAL CATCH LIMITS**

**Legal Authority:** 16 USC 1801

**Abstract:** The generic amendment is intended to modify five of the Gulf of Mexico Fishery Management Council's Fishery Management Plans (FMPs). These include FMPs for: Reef Fish Resources, Shrimp, Stone Crab, Coral and Coral Reef Resources, and Red Drum. NMFS and the Council will develop these Annual Catch Limits (ACLs) in co-operation with the Scientific and Statistical Committee and the Southeast Fisheries Science Center. NMFS, in collaboration with the Council, will develop a Draft Environmental Impact Statement to evaluate alternatives and actions for the

ACLs. Some examples of these actions include: establishing sector specific ACLs, selecting levels of risk associated with species yields, considering removal or withdrawal of species from FMPs, and delegating species or species assemblages to state regulators.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	08/04/09	74 FR 47206
NPRM	05/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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**RIN:** 0648-AY22

**233. AMENDMENT 14 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN**

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

**Abstract:** The purpose of Amendment 14 is to consider catch shares in the Loligo and Illex fisheries and monitoring/mitigation for river herring bycatch in mackerel, squid and butterfish (MSB) fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
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**RIN:** 0648-AY26

**234. FISHERIES IN THE WESTERN PACIFIC; PELAGIC FISHERIES; PURSE SEINE FISHING WITH FISH AGGREGATION DEVICES**

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

**Abstract:** The Western Pacific Council is amending the Pelagics Fishery

Ecosystem Plan (FEP) to (1) define fish aggregating devices (FADs) as purposefully-deployed or instrumented floating objects, (2) require FADs to be registered, and (3) prohibit purse seine fishing using FADs in the US EEZ of the western Pacific. The objective of this action is to appropriately balance the needs and concerns of the western Pacific pelagic fishing fleets and associated fishing communities with the conservation of tuna stocks in the western Pacific.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/11	

**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  
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**RIN:** 0648-AY36

**235. AMENDMENT 5 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801

**Abstract:** Amendment 5 to the Atlantic Herring Fishery Management Plan will consider: catch monitoring program; interactions with river herring; access by herring midwater trawl vessels in groundfish closed areas; and interactions with the mackerel fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
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**RIN:** 0648-AY47

**236. AMENDMENT 2 TO THE FMP FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS AND AMENDMENT 5 TO THE REEF FISH FMP OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS**

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

**Abstract:** The Magnuson-Stevens Fishery Conservation and Management Act (MSRA: Public Law 94-265), as amended through January 12, 2007, requires the establishment of annual catch limits (ACLs) and accountability measures (AMs) during 2010 for all species that are considered to be overfished or undergoing overfishing. The present amendment is being promulgated to meet those MSRA mandates as well as to establish framework procedures with which to effect future changes to the management plan and to restructure the fisheries management units for grouper and snapper. Various alternatives are included in the draft amendment, including maintenance of the status quo for each action as well as various alternatives regarding the year-sequences used to establish ACLs and the strategies to be employed to account for overages and to respond to needed changes in management methods.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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Email: roy.crabtree@noaa.gov

**RIN:** 0648-AY55

**237. • AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR SPINY LOBSTER IN THE GULF OF MEXICO AND SOUTH ATLANTIC**

**Legal Authority:** 16 USC 1801

**Abstract:** In 2006 the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) was re-authorized and included a number of changes to improve conservation of managed fishery resources. Included in these changes are requirements that the

Regional Councils must establish both a mechanism for specifying annual catch limits (ACLs) at a level such that overfishing does not occur in the fishery and accountability measures (AMs) to correct if overages occur. Accountability measures are management controls to prevent the ACLs from being exceeded and to correct by either in-season or post-season measures if they do occur. The Spiny Lobster fishery is jointly managed by the Gulf and South Atlantic Councils. Amendment 10 to the FMP will set ACLs and AMs, review current regulations, and implement reasonable and prudent measures from the Biological Opinion.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	11/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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Email: roy.crabtree@noaa.gov

**RIN:** 0648-AY72

**238. • COMPREHENSIVE ANNUAL CATCH LIMITS AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROPER FISHERY OF THE SOUTH ATLANTIC REGION**

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

**Abstract:** The purpose of this amendment is to establish Annual Catch Limits (ACLs) and Accountability Measures (AMs) for species not undergoing overfishing, including management measures to reduce the probability that catches will exceed the stocks' ACLs pursuant to reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requirements. Proposed actions include removal of species from the South Atlantic Snapper Grouper fishery management unit (FMU), designating some Snapper Grouper species as ecosystem component species, considering multi-species groupings for specifying ACLs, ACTs, and AMs, specifying allocations among the commercial, recreational, and for-hire sectors for species not undergoing overfishing, and modifying

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management measures to limit total mortality to the ACL.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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**RIN:** 0648–AY73

**239. • AMENDMENT 20 TO THE SNAPPER GROPER FISHERY MANAGEMENT PLAN OF THE SOUTH ATLANTIC REGION**

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

**Abstract:** Amendment 20 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region consists of regulatory actions that focus on modifications to the wreckfish individual transferable quota (ITQ) program, bringing the program into compliance with the Reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and make other administrative, monitoring, and enforcement changes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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**RIN:** 0648–AY74

**240. • REGULATORY AMENDMENT TO RECOVER THE ADMINISTRATIVE COSTS OF PROCESSING PERMIT APPLICATIONS**

**Legal Authority:** 16 USC 1801 et seq; 16 USC 1853; 16 USC 1854; 16 USC 3631 et seq; 16 USC 773 et seq; PL 108–447

**Abstract:** This action amends the fishery management plans of the North Pacific Fishery Management Council and revises federal regulations at 50 CFR 679 to recover the administrative costs of processing applications for permits required under those plans.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** James Balsiger, Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
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**RIN:** 0648–AY81

**241. • REGULATORY AMENDMENT TO CORRECT AND CLARIFY AMENDMENT 16 AND SUBSEQUENT FRAMEWORKS OF THE NORTHEAST MULTISPECIES FISHERIES MANAGEMENT PLAN**

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

**Abstract:** This action makes corrections and clarifications to the final rule implementing Amendment 16 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 maintain consistency with the intent of Amendment 16 and subsequent actions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
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**RIN:** 0648–AY95

**242. • FISHERIES OFF WEST COAST STATES; PACIFIC COAST GROUNDFISH FISHERY; 2011–2012 BIENNIAL SPECIFICATIONS AND MANAGEMENT MEASURES**

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

**Abstract:** This rule sets the 2011–2012 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. This rule also implements Pacific Coast Groundfish Fishery Management Plan Amendments 16–5 and 23.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	10/01/10	75 FR 60709
Notice of Availability Comment Period End	11/30/10	
NPRM	12/00/10	

**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  
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**RIN:** 0648–BA01

**243. • 2011 SPECIFICATIONS FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY**

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

**Abstract:** NMFS proposes specifications for the 2011 fishing year for Atlantic mackerel, squid, and butterfish (MSB). Regulations governing these fisheries require NMFS to publish proposed specifications for the upcoming fishing year and to provide an opportunity for public comment. The intent of this action is to fulfill this requirement and to promote the development and conservation of the MSB resources.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast

Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
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**RIN:** 0648–BA03

**244. • FISHING CAPACITY REDUCTION PROGRAM FOR THE SOUTHEAST ALASKA PURSE SEINE SALMON FISHERY**

**Legal Authority:** 16 USC 1801 et seq; 46 USC 53701 et seq; PL 108–447; PL 109–447; PL 110–161

**Abstract:** This rule would implement a Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery which is a state controlled fishery. This program is voluntary and holders of valid limited entry permits issued by the Alaska Commercial Fisheries Entry Commission to operate in the Southeast Alaska Purse Seine Salmon Fishery are eligible to participate. Permit holders in the program will receive up to \$23.5 million, in the aggregate, in exchange for relinquishing permits. NMFS would issue a 30-year loan to finance the buyback and the loan would be repaid by those harvesters remaining in the fishery. The intent of this rule is to permanently reduce the most harvesting capacity in the fishery at the least cost, which should result in increased harvesting productivity for post-reduction permit holders participating in the fishery and should improve flexibility in the conservation and management of the fishery. The rule would also establish a fee collection system to ensure repayment of the loan.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Emily Menashes, Acting Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Silver Spring, MD 20910  
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**RIN:** 0648–BA13

**245. POTENTIAL REVISIONS TO THE TURTLE EXCLUDER DEVICE REQUIREMENTS**

**Legal Authority:** 16 USC 1533

**Abstract:** With this action, the National Marine Fisheries Service (NMFS) announces that it is considering technical changes to the requirements for turtle excluder devices (TEDs), and to solicit public comment. Specifically, NMFS would modify the size of the TED escape opening currently required in the summer flounder fishery; require the use of TEDs in the whelk, calico scallop, and Mid-Atlantic scallop trawl fisheries; require the use of TEDs in flynets; and move the current northern boundary of the Summer Flounder Fishery-Sea Turtle Protection Area off Cape Charles, Virginia, to a point farther north.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/15/07	72 FR 7382
ANPRM Comment Period End	03/19/07	
ANPRM Comment Period Extended	03/19/07	72 FR 12749
NPRM	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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**RIN:** 0648–AV04

**246. 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 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
ANPRM Comment Period Extended	10/15/07	72 FR 58279
ANPRM Comment Period End	11/13/07	72 FR 52339
ANPRM Comment Period End	12/13/07	72 FR 58279
NPRM	05/00/11	

**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  
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**RIN:** 0648–AV82

**247. TAKE AND IMPORT MARINE MAMMALS: TAKE OF MARINE MAMMALS INCIDENTAL TO ROUTINE OPERATIONS OF 13 POWER GENERATING STATIONS IN CENTRAL AND SOUTHERN CALIFORNIA**

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

**Abstract:** The National Marine Fisheries Service (NMFS) proposes to govern the take of marine mammals by Level A harassment (injury) and mortality from 13 power generating stations located on the coast of central and southern California incidental to routine power plant operations for a period of five years, under the authority of section 101(a)(5)(A) of the Marine Mammal Protection Act. Under that authority NMFS also must prescribe mitigation, monitoring, and reporting requirements in connection with take authorizations.

Incidental takings of marine mammals, including California sea lions, harbor seals, and northern elephant seals can and do occur as a result of the operation of circulating water systems (CWS) by the electrical power

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generation plants located on the coast of central and southern California described in the incidental take authorization applications. These CWS are an integral part of these power stations that provide continuous cooling water necessary for power generation and safety of the facility. The typical location of entrainment occurs as water is taken into the plant via submerged structures or canals. Intake velocities may be strong enough to pull live animals into the plant, particularly if they are actively seeking prey in the vicinity of intake structures. Confinement within intake plumbing could lead to confusion and panic, especially for young, immature animals. If the animal is unable to escape, it could (1) drown or become fatally injured in transit between intake and large sedimentation basins within the plants known as forebays; (2) survive the transit and succumb in the forebay due to exhaustion, illness, or disease; or (3) survive the transit and be rescued by plant personnel using cages specially designed for such an activity. It is also likely that previously dead animals may end up entrained as well.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/11	

**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  
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**RIN:** 0648-AY59**248. REDUCE SEA TURTLE BYCATCH IN ATLANTIC TRAWL FISHERIES****Legal Authority:** 16 USC 1531 et seq

**Abstract:** NMFS is initiating a rulemaking action to reduce injury and mortality to endangered and threatened sea turtles resulting from incidental take, or bycatch, in trawl fisheries in the Atlantic waters. NMFS will likely address the size of the turtle excluder device (TED) escape opening currently required in the summer flounder trawl fishery, the definition of a summer

flounder trawler, and the use of TEDs in this fishery; the use of TEDs in the croaker and weakfish flynet, whelk, Atlantic sea scallop, and calico scallop trawl fisheries of the Atlantic Ocean; and new seasonal and temporal boundaries for TED requirements. In addition, this rule will address the definition of the Gulf Area applicable to the shrimp trawl fishery in the southeast Atlantic and Gulf of Mexico. The purpose of the rule is to aid in the protection and recovery of listed sea turtle populations by reducing mortality in trawl fisheries through the use of TEDs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/10	

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

**Agency Contact:** Alexis Gutierrez, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
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**RIN:** 0648-AY61

Final Rule Stage

**Department of Commerce (DOC)  
National Oceanic and Atmospheric Administration (NOAA)****NATIONAL MARINE FISHERIES SERVICE****249. AMENDING REGULATIONS FOR THE PACIFIC HALIBUT, SABLEFISH, AND POLLOCK FISHERIES CONDUCTED UNDER THE WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM**

**Legal Authority:** 16 USC 1801 et seq; 16 USC 773 et seq; 3631 et seq; PL 108-447

**Abstract:** NMFS proposes to amend regulations that govern fisheries managed under the Western Alaska Community Development Quota (CDQ) Program. These revisions are needed to comply with certain changes made to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in 2006. Proposed changes include revising regulations associated with recordkeeping, vessel licensing, catch retention requirements, and fisheries

observer requirements to ensure that they are no more restrictive than the regulations in effect for comparable non-CDQ fisheries managed under individual fishing quotas or cooperative allocations. In addition, NMFS proposes to remove CDQ Program regulations that now are inconsistent with the Magnuson-Stevens Act, including regulations associated with the CDQ allocation process, transfer of groundfish CDQ and halibut prohibited species quota, and the oversight of CDQ groups expenditures.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/10	75 FR 39892
NPRM Comment Period End	08/12/10	
Final Rule	12/00/10	

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

**Agency Contact:** James Balisiger, Regional Administrator, Department of Commerce, National Oceanic and

Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
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Email: james.balisiger@noaa.gov

**RIN:** 0648-AV33**250. CERTIFICATION OF NATIONS WHOSE FISHING VESSELS ARE ENGAGED IN ILLEGAL, UNREPORTED, AND UNREGULATED FISHING OR BYCATCH OF PROTECTED LIVING MARINE RESOURCES**

**Regulatory Plan:** This entry is Seq. No. 28 in part II of this issue of the **Federal Register**.

**RIN:** 0648-AV51

**251. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT ENVIRONMENTAL REVIEW PROCEDURE**

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

**Abstract:** Section 107 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) (P.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. They must also 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. This rule would revise and update the NMFS procedures for complying with NEPA in the context of fishery management actions developed pursuant to MSRA.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/08	73 FR 27998
NPRM Comment Period End	06/13/08	
Final Action	12/00/10	

**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  
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**RIN:** 0648-AV53

**252. REVISE REGULATIONS GOVERNING THE NORTH PACIFIC GROUNDFISH 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 revises 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	09/30/09	74 FR 50155
NPRM Comment Period End	10/31/09	
Final Action	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AW24

**253. REVOKE INACTIVE QUOTA SHARE AND ANNUAL INDIVIDUAL FISHING QUOTA FROM A HOLDER OF QUOTA SHARE UNDER THE PACIFIC HALIBUT AND SABLEFISH FIXED GEAR INDIVIDUAL FISHING QUOTA PROGRAM**

**Legal Authority:** 16 USC 1801 et seq; 16 USC 773

**Abstract:** This action would amend existing commercial fishing regulations for the fixed-gear Pacific Halibut and sablefish individual fishing quota program at 50 CFR 679. The amendment would revoke inactive quota share unless the quota share permit holder affirmatively notices NMFS in writing within 60 days of the agency's preliminary determination of inactivity that they choose to (a) retain the inactive IFQ quota share, (b) activate the quota share through transfer or by fishing, or (c) appeal the preliminary determination. Quota share that is not activated through this process and is revoked would be proportionally distributed to the quota share pool. This regulatory revision is based on the recommendations of the North Pacific Fishery Management Council in June 2006 and again in February 2009. Amending the regulations would improve the efficiency of the Pacific Halibut and Sablefish IFQ program and augment operational flexibility of participating fisherman.

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/10	75 FR 51741
NPRM Comment Period End	09/22/10	
Final Rule	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** James Balisiger, Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
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**RIN:** 0648-AX91

**254. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH FISHERY OF PUERTO RICO MODIFYING THE BAJO DE SICO SEASONAL CLOSURE**

**Legal Authority:** 16 USC 1801

DOC—NOAA

Final Rule Stage

**Abstract:** The rule would modify the seasonal closure of Bajo de Sico, an area off the west coast of Puerto Rico that has been identified as critically important habitat for commercially exploited snappers and groupers. Current regulations prohibit all fishing activities, including Highly Migratory Species (HMS) from December 1 through the end of February each year as well as a year-round prohibition of bottom tending gear (i.e., traps, pots, gillnets, trammel nets, and bottom longlines). The rule would prohibit fishing for and possession of council managed species, including reef fish and spiny lobster, from October 1 through March 31. Queen Conch and coral reef resources are already prohibited year-round and will not be affected by this rule. Restrictions on bottom-tending gear will also not be affected by this rule. A year-round prohibition of anchoring within Bajo de Sico will also be implemented through this rule to provide further protection of established essential fish habitat.

**Timetable:**

Action	Date	FR Cite
NPRM	07/28/10	75 FR 44209
NPRM Comment Period End	08/27/10	
Final Action	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AY05

**255. AMENDMENT 17A TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROPER FISHERY OF THE SOUTH ATLANTIC REGION**

**Legal Authority:** 16 USC 1801

**Abstract:** The most recent red snapper stock assessment, completed February 2008, determined the species was undergoing overfishing and was overfished. Biomass shows a sharp decline during the 1950's and 1960's, continued decline during the 1970's, and stable but low levels since 1980. The South Atlantic Fishery Management Council (Council) is required by the Magnuson-Stevens

Fishery Conservation and Management Act (Magnuson-Stevens Act) to implement rebuilding plans for overfished species. Therefore, Amendment 17A is being developed to establish a rebuilding plan and updated management reference points for red snapper in the South Atlantic. Additionally, revisions to the Magnuson-Stevens Act in 2006 require that by 2010, Fishery Management Plans (FMPs) for fisheries determined by the Secretary to be subject to overfishing establish a mechanism for specifying Annual Catch Limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the respective Council's Scientific and Statistical Committee or other established peer review processes. These FMPs are also required to establish within this timeframe measures to ensure accountability. To comply with this Magnuson-Stevens Act requirement, Amendment 17A would establish an ACL and accountability measures for red snapper, and implement management measures to ensure harvest does not exceed the ACL.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	07/29/10	75 FR 44753
NPRM	08/13/10	75 FR 49447
Notice of Availability Comment Period End	09/27/10	
NPRM Comment Period End	09/27/10	
Final Action	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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**RIN:** 0648-AY10

**256. AMENDMENT 17B TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROPER FISHERY OF THE SOUTH ATLANTIC REGION**

**Legal Authority:** 16 USC 1801

**Abstract:** Revisions to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in 2006 require that by 2010,

Fishery Management Plans (FMPs) for fisheries determined by the Secretary to be subject to overfishing establish a mechanism for specifying Annual Catch Limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the respective Council's Scientific and Statistical Committee or other established peer review processes. These FMPs are also required to establish within this timeframe measures to ensure accountability. To comply with this Magnuson-Stevens Act requirement Amendment 17B would: (1) Establish ACLs and accountability measures for snowy grouper, speckled hind, Warsaw grouper, black grouper, red grouper, golden tilefish, black sea bass, gag, and vermilion snapper; (2) implement management measures to ensure harvest of these snapper-grouper species does not exceed the ACLs; (3) specify allocations for golden tilefish; and (4) modify the current snapper-grouper framework procedure to include ACLs, AMs, and annual catch targets.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	09/22/10	75 FR 57734
NPRM	10/12/10	75 FR 62488
Notice of Availability Comment Period End	11/22/10	
NPRM Comment Period End	11/26/10	
Final Rule	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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**RIN:** 0648-AY11

**257. AMENDMENT 94 FOR BERING SEA MODIFIED NONPELAGIC TRAWL GEAR REQUIREMENTS, ST. MATTHEW ISLAND HABITAT CONSERVATION AREA REVISION, AND MODIFIED GEAR TRAWL ZONE**

**Legal Authority:** 16 USC 1801 et seq; 16 USC 3631 et seq; 16 USC 773 et seq; PL 108-447

**Abstract:** This regulation implements Amendment 94 to the Fishery

DOC—NOAA

Final Rule Stage

Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The regulation would require gear modification for nonpelagic trawl vessels targeting flatfish in the Bering Sea subarea. The modified gear would have elevating devices on trawl sweeps to raise the sweeps off the seafloor and reduce the potential impact on bottom habitat. This action also would change the Southern boundary of the Northern Bering Sea Research Area to create the Modified Gear Trawl Zone where anyone fishing with nonpelagic trawl gear must use modified trawl sweeps. The regulation also would change the eastern boundary of the Saint Matthew Island Habitat Conservation Area to further protect blue king crab habitat.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	06/29/10	75 FR 37371
NPRM	07/15/10	75 FR 41123
Notice of Availability Comment Period End	08/30/10	
NPRM Comment Period End	08/30/10	
Final Rule	10/06/10	75 FR 61642
Final Action Effective	01/20/11	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 0648–AY34

## 258. REGULATORY AMENDMENT TO REVISE CHARTER HALIBUT LOGBOOK SUBMISSION REQUIREMENTS AT 50 CFR PART 300

**Legal Authority:** 16 USC 2431 et seq; 31 USC 9701 et seq

**Abstract:** Clarifies and revises the charter halibut logbook submission requirements at 50 CFR part 300 to better match the submission schedule and reporting format of the Alaska Department of Fish and Game saltwater charter logbook.

**Timetable:**

Action	Date	FR Cite
NPRM	04/27/10	75 FR 22070

Action	Date	FR Cite
NPRM Comment Period End	05/12/10	
Final Rule	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** James Balsiger, Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
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**RIN:** 0648–AY38

## 259. ADDENDUM IV TO THE WEAKFISH INTERSTATE MANAGEMENT PLAN—BYCATCH TRIP LIMIT

**Legal Authority:** 16 USC 5101

**Abstract:** NMFS proposes regulations that would modify management restrictions in the Federal weakfish fishery in a manner consistent with the Commission's Weakfish Management Board's (Board) approved Addendum IV to Amendment 4 to the ISFMP for Weakfish. In short, the proposed Federal regulatory change would decrease the incidental catch allowance for weakfish in the EEZ in non-directed fisheries using smaller mesh sizes, from 150 pounds to no more than 100 pounds per day or trip, whichever is longer in duration. In addition it would impose a one fish possession limit on recreational fishers.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/10	75 FR 26703
NPRM Comment Period End	06/11/10	
NPRM Comment Period Re-opened	06/16/10	75 FR 34092
NPRM Comment Period End	06/30/10	
Final Action	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910  
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**RIN:** 0648–AY41

## 260. • VESSEL CAPACITY LIMITS IN THE PURSE SEINE FISHERY IN THE EASTERN PACIFIC OCEAN

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

**Abstract:** NMFS is proposing regulations under authority of the Tuna Conventions Act of 1950 that would revise the vessel capacity limit in the purse seine fishery operating in the eastern Pacific Ocean (EPO) so it is consistent with the amount authorized by the Inter-American Tropical Tuna Commission (IATTC) under IATTC Resolution C-02-03. For the United States, a vessel capacity limit of 31,775 cubic meters, or 27,147 metric tons (mt) would be established per Resolution C-02-03. Currently, the U.S. fleet capacity limit is 8,969 mt, or 10,498 cubic meters. This revision would ensure that the United States is satisfying its obligations as a member of the IATTC and not exceeding its allotted capacity in the fishery, and the U.S. industry is not being unreasonably burdened if U.S. participation in the fishery in the EPO increased in the future. While an increase in U.S. participation in this fishery would not be anticipated since currently only two purse seine vessels are on the IATTC Vessel Register and when excess U.S. capacity has been available in the past there has not been a surge to use this capacity by outside vessels, there is a potential for an increase in fishing effort and resultant fishing mortality to target (i.e., yellowfin, skipjack, and bigeye tunas) and non-target species in the purse seine fishery operating in the EPO. In addition, there is also the potential for insignificant, positive socioeconomic impacts if the proposed action led to an increase in catch and revenue for fishermen participating in the fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/10	75 FR 54078
NPRM Comment Period End	10/04/10	
Final Action	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and

DOC—NOAA

Final Rule Stage

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**RIN:** 0648-AY75

**261. • EMERGENCY RULE TO RE-OPEN THE RECREATIONAL RED SNAPPER SEASON IN THE GULF OF MEXICO**

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

**Abstract:** The Gulf of Mexico Fishery Management Council (Council) has requested that NOAA Fisheries Service publish an emergency rule that will provide authority to the Regional Administrator to re-open the recreational red snapper season after the September 30, 2010, end of the fishing season, if it is determined that landings during the June 1-July 23 open season did not meet the quota.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49883
NPRM Comment Period End	08/31/10	
Final Action—Emergency Rule	09/24/10	75 FR 58335
Final Action—Emergency Rule Extension	03/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
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 Email: roy.crabtree@noaa.gov

**RIN:** 0648-BA06

**262. 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	04/23/07	
NPRM	07/29/09	74 FR 37674
NPRM Comment Period Extended	10/19/09	74 FR 53454
NPRM Comment Period End	10/27/09	

Action	Date	FR Cite
NPRM Extended Comment Period End	01/15/10	
Final Rule	01/00/11	

**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  
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**RIN:** 0648-AV15

**263. TAKING AND IMPORTING MARINE MAMMALS; U.S. NAVAL SURFACE WARFARE CENTER PANAMA CITY DIVISION MISSION ACTIVITIES**

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

**Abstract:** On April 3, 2008, the National Marine Fisheries Service (NMFS) received an application from the Navy requesting an authorization for the take of 15 species/stocks of cetacean incidental to the proposed mission activities in the Naval Surface Warfare Center Panama City Division (NSWC PCD) study area over the course of five years. These mission activities are classified as military readiness activities. The purpose of the proposed mission activities is to enhance NSWC PCD's capability and capacity to meet littoral and expeditionary warfare requirements by providing Research, Development, Test, and Evaluation (RDT&E) and in service engineering for expeditionary maneuver warfare, operations in extreme environments, mine warfare, maritime operations, and coastal operations. The Navy states that these training activities may cause various impacts to marine mammal species in the NSWC PCD study area. The Navy requests an authorization to take individuals of these cetacean species by Level B Harassment. Further, the Navy requests an authorization to take 1 individual each of bottlenose, Atlantic spotted, and pantropical spotted dolphins per year by injury, as a result of the proposed mission activities. NMFS is issuing a proposed rule to govern the take of these marine mammals by Level B harassment (behavior) and Level A harassment

(injury) incidental to the aforementioned mission activities in the Naval NSWC PCD study area for a period of five years, under the authority of section 101(a)(5)(A) of the Marine Mammal Protection Act. Under that authority NMFS also must prescribe mitigation, monitoring, and reporting requirements in connection with take authorizations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/30/09	74 FR 20156
NPRM Comment Period End	06/01/09	
Final Action	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AW80

**264. RULE TO REVISE THE CRITICAL HABITAT DESIGNATION FOR THE ENDANGERED LEATHERBACK SEA TURTLE**

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

**Abstract:** The National Marine Fisheries Service, announces a rule to revise leatherback turtle (*Dermochelys coriacea*) critical habitat under the Endangered Species Act of 1973, as amended. 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	01/05/10	75 FR 319
Notice of Public Hearings	02/01/10	75 FR 5015
NPRM Comment Period Extension	02/19/10	75 FR 7434
NPRM Comment Period End	03/08/10	
NPRM Comment Period Extension End	04/19/10	
Final Action	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**RIN:** 0648-AX06

**265. CRITICAL HABITAT DESIGNATION FOR COOK INLET BELUGA WHALE UNDER THE ENDANGERED SPECIES ACT**

**Regulatory Plan:** This entry is Seq. No. 29 in part II of this issue of the **Federal Register**.

**RIN:** 0648-AX50

**266. TAKING OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES; TAKING MARINE MAMMALS INCIDENTAL TO TRAINING OPERATIONS CONDUCTED WITHIN THE GULF OF MEXICO RANGE COMPLEX**

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

**Abstract:** NMFS has received requests from the U.S. Navy (Navy) for authorizations for the take of marine mammals incidental to training and operational activities conducted by the Navy's Atlantic Fleet within Gulf of Mexico (GOMEX) Range Complex for the period beginning December 3, 2009, and ending December 2, 2014. Pursuant to the implementing regulations of the Marine Mammal Protection Act (MMPA), NMFS is proposing regulations to govern that take and requesting information, suggestions, and comments on these proposed regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/14/09	74 FR 33960
NPRM Comment Period End	08/13/09	
Final Action	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AX86

**Department of Commerce (DOC)**

**National Oceanic and Atmospheric Administration (NOAA)**

**Long-Term Actions**

**NATIONAL MARINE FISHERIES SERVICE**

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

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

**Abstract:** The purpose of this fishery management plan (FMP) is to develop a regional permitting process for

regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf of Mexico (Gulf) exclusive economic zone. This FMP consists of ten actions, each with an associated range of management alternatives, which would facilitate the permitting of an estimated 5 to 20 offshore aquaculture operations in the Gulf over the next 10 years, with an estimated annual production of up to 64 million pounds. By establishing a regional

permitting process for aquaculture, the Gulf of Mexico Fishery Management Council will be positioned to achieve their primary goal of increasing maximum sustainable yield and optimum yield of federal fisheries in the Gulf by supplementing harvest of wild caught species with cultured product.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	06/04/09	74 FR 26829

## DOC—NOAA

## Long-Term Actions

Action	Date	FR Cite	268. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY	Timetable:
NOA Comment Period	08/03/09 End			
NPRM	To Be Determined			
<b>Regulatory Flexibility Analysis Required:</b> Yes			<b>Legal Authority:</b> 16 USC 1372(c)	
<b>Agency Contact:</b> Roy E Crabtree Phone: 727 824–5305 Email: roy.crabtree@noaa.gov			<b>Abstract:</b> 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.	
<b>RIN:</b> 0648–AS65				

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

<b>269. SOUTH ATLANTIC FISHERY ECOSYSTEM PLAN COMPREHENSIVE AMENDMENT</b>  <b>Legal Authority:</b> 16 USC 1801 et seq  <b>Abstract:</b> 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: (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 actions necessary to implement ecosystem-based fishery management.	<b>270. AMENDMENT 17 TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPER FISHERY MANAGEMENT PLAN</b>  <b>Legal Authority:</b> 16 USC 1801  <b>Abstract:</b> 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.	<b>271. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS</b>  <b>Legal Authority:</b> 16 USC 1801  <b>Abstract:</b> 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 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.
<b>Timetable:</b>		
<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Withdrawn	08/05/10	
<b>Regulatory Flexibility Analysis Required:</b> Yes		
<b>Agency Contact:</b> Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701 Phone: 727 824–5305 Email: roy.crabtree@noaa.gov		
<b>RIN:</b> 0648–AV31		
<b>Regulatory Flexibility Analysis Required:</b> Yes		
<b>Agency Contact:</b> Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701 Phone: 727 824–5305 Email: roy.crabtree@noaa.gov		
<b>RIN:</b> 0648–AW11		
<b>Regulatory Flexibility Analysis Required:</b> Yes		

## DOC—NOAA

## Completed Actions

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**RIN:** 0648-AW15

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

**Legal Authority:** 16 USC 1801

**Abstract:** NMFS proposes regulations to implement measures in Amendment 3 to the Northeast Skate Complex Fishery Management Plan (Skate FMP). Amendment 3 was developed by the New England Fishery Management Council (Council) to rebuild overfished skate stocks (thorny and smooth skates) and implement annual catch limits (ACLs) and accountability measures (AMs) consistent with the requirements of the reauthorized Magnuson-Stevens Fishery Conservation and Management Act. Amendment 3 would establish an ACL and annual catch target (ACT) for the skate complex, total allowable landings (TAL) for the skate wing and bait fisheries, seasonal quotas for the bait fishery, reduced possession limits, in-season possession limit triggers, and other measures to improve management of the skate fisheries. This rule also includes skate fishery specifications for fishing years (FY) 2010 through 2011.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/10	75 FR 3434
NPRM Comment Period End	02/22/10	
Final Action	06/16/10	75 FR 34049
Final Action Effective	06/16/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AW30

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

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

**Abstract:** This rule evaluates 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 implements 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 others items to clarify existing regulations.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	05/07/08	73 FR 25665
Notice of Scoping	07/02/08	73 FR 37932
Meetings and Extension of Comment Period		
Notice of Intent	08/05/08	
Comment Period End		
Notice of Intent	10/29/08	73 FR 64307
Comment Period Extended—Second Extension		
Notice of Intent	10/31/08	
Comment Period Extension End		
Second Extension	11/14/08	
Comment Period End		
NPRM	07/24/09	74 FR 36892
NPRM Comment Period Extended	08/10/09	74 FR 39914
NPRM Comment Period End	09/22/09	
NPRM Comment Period Extended	09/25/09	
Final Action	06/01/10	75 FR 30483

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AW65

**274. AMENDMENT 31 TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO**

**Legal Authority:** 16 USC 1801

**Abstract:** In September 2008, NOAA's National Marine Fisheries Service (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	01/15/10	75 FR 2469
NPRM Comment Period End	03/01/10	
Final Action	04/26/10	75 FR 21512
Final Rule—Correction Notice	05/24/10	75 FR 28760

**Regulatory Flexibility Analysis**

**Required:** Yes

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Email: roy.crabtree@noaa.gov

**RIN:** 0648-AX67

DOC—NOAA

Completed Actions

**275. SNAPPER-GROUPER FISHERY MANAGEMENT PLAN OF THE SOUTH ATLANTIC****Legal Authority:** 16 USC 1801**Abstract:** This action would implement an interim measure to prohibit the harvest of red snapper for 180 days to address overfishing of red snapper, through interim measures.**Timetable:**

Action	Date	FR Cite
NPRM	07/06/09	74 FR 31906
NPRM Comment	08/05/09	
Period End		
Final Action	12/04/09	74 FR 63673
Final Action Effective	01/04/10	
Extension of Final Action	05/18/10	75 FR 27658

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Ave South, Saint Petersburg, FL 33701  
Phone: 727 824-5305  
Email: roy.crabtree@noaa.gov**RIN:** 0648-AX75**276. SALMON BYCATCH REDUCTION MANAGEMENT MEASURES FOR THE FISHERY MANAGEMENT PLAN 91 IN THE BERING SEA ALEUTIAN ISLANDS****Legal Authority:** 16 USC 1801 et seq; 16 USC 3631 et seq; 16 USC 773 et seq; PL 108-447**Abstract:** This fishery management plan amendment and rulemaking will implement the North Pacific Fishery Management Council's recommendations for management measures to minimize to the extent practicable Chinook salmon bycatch in the Bering Sea pollock fishery. These management measures provide two options for the pollock sectors (e.g., inshore catcher vessels, offshore catcher-processors, catcher vessels delivering to motherships, or CDQ entities): fish under a lower Chinook salmon cap or participate in an incentive program and fish under a higher cap. Under the first option, the fleet as a whole may choose to fish under a transferable cap of 47,591 Chinook salmon, which would be allocated by season and sector. Once each sector reaches its specific cap, it

would be prohibited from continuing to fish for pollock for the remainder of the season. Alternatively, vessels or CDQ entities may choose to participate in private contracts called incentive plan agreements (IPA) which would describe how participants would maintain low bycatch even when their bycatch levels are well below the hard cap approved. Those vessels or CDQ entities participating in an IPA would be allocated a transferable share of up to 60,000 Chinook salmon. This cap would be reduced for any vessels or CDQ entities not participating in an IPA and those vessels and CDQ entities would fish under a lower, non-transferable cap. In addition to the annual cap levels, if any sector operating under an IPA exceeds its proportion of 47,591 Chinook salmon three times in any seven-year period, the sector's maximum bycatch limit will be permanently reduced to its proportional share of the 47,591 cap. If the FMP amendments and proposed rule are approved, fishing under the new Chinook salmon bycatch management measures would start in 2011.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	02/18/10	75 FR 7228
NPRM	03/23/10	75 FR 14016
Notice of Availability	04/19/10	
Comment Period End		
NPRM Comment	05/07/10	
Period End		
Final Rule	08/30/10	75 FR 53025
Final Rule Effective	09/29/10	
Correction	09/24/10	75 FR 58337

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** James Balsiger, Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
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Email: james.balsiger@noaa.gov**RIN:** 0648-AX89**277. 2010 SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS RECREATIONAL MANAGEMENT MEASURES****Legal Authority:** 16 USC 1801**Abstract:** This action implements the 2010 recreational management

measures (minimum fish size, fishing seasons, and possession limits) for the summer flounder, scup, and black sea bass fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	04/27/10	75 FR 22087
NPRM Comment	05/27/10	
Period End		
Final Rule	07/08/10	75 FR 39170
Final Action Effective	08/09/10	

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
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Email: pat.kurkul@noaa.gov**RIN:** 0648-AY04**278. 2010 TO 2012 ATLANTIC HERRING FISHERY SPECIFICATIONS AND MANAGEMENT MEASURES****Legal Authority:** 16 USC 1801**Abstract:** NMFS takes this action to implement specifications for the 2010-2012 fishing years for Atlantic herring. Regulations governing this fishery require NMFS to publish proposed specifications for the upcoming fishing years and to provide an opportunity for public comment. The intent of this action is to fulfill this requirement and to promote the development and conservation of the Atlantic herring resource.**Timetable:**

Action	Date	FR Cite
NPRM	04/20/10	75 FR 20550
NPRM Comment	05/20/10	
Period End		
Final Action	08/12/10	75 FR 48874

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
Phone: 978 281-9200  
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Email: pat.kurkul@noaa.gov**RIN:** 0648-AY14

**279. REMOVE CERTAIN REPORTING REQUIREMENTS UNDER THE CRAB RATIONALIZATION PROGRAM****Legal Authority:** 16 USC 1801

**Abstract:** This rule would remove requirements under the Crab Rationalization (CR) Program in 50 CFR part 680. The requirements are removed for an operator of a catcher/processor to weigh processed crab when it is removed from the vessel and to report that weight to NMFS on an offload report. Currently, NMFS requires crab to be weighed onboard the catcher/processor before they are processed, and this weight is reported to NMFS. In the three years since implementation of the CR Program, NMFS has determined that the additional requirements to weigh processed crab when they are removed from the vessel and report that weight to NMFS are no longer necessary. Advancements in at sea reporting (eLandings), and the reliability of the at-sea motion-compensated hopper scales provide adequate information for NMFS to monitor and enforce proper reporting of crab catch.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/10	75 FR 48298
NPRM Comment Period End	08/25/10	
Final Rule	09/16/10	75 FR 56485

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

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**RIN:** 0648-AY28**280. FRAMEWORK ADJUSTMENT 44 AND SPECIFICATIONS FOR THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801

**Abstract:** Framework Adjustment 44 and Specifications will modify management measures for the Northeast (NE) Multispecies Fishery Management Plan (FMP) to make the FMP more precautionary, and implement Annual Catch Limit (ACL) specifications for the

fishery for fishing years 2010, 2011, and 2012.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/10	75 FR 5016
NPRM Comment Period End	03/01/10	
Final Rule	04/09/10	75 FR 18356
Final Rule Effective	05/01/10	
Temporary Rule	05/26/10	75 FR 29459
Temporary Rule Effective	05/26/10	
Temporary Rule – Adjustments Effective	09/07/10	
Temporary Rule-Adjustments to Specifications	09/10/10	75 FR 55286

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

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**RIN:** 0648-AY29**281. FRAMEWORK 21 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801 et seq

**Abstract:** Framework Adjustment 21 to the Atlantic Sea Scallop Fishery Management Plan (Framework 21) will set specifications for the 2010 scallop fishing year, which begins March 1, 2010, including adjustments to the total allowable catch, days-at-sea (DAS) allocations, scallop access area rotation schedule, and access area trip allocations. This framework is for a single year because the Council is working on Amendment 15, which will establish a process for implementing annual catch limits that are required to be in place in 2011 for the scallop fishery. Framework 21 must also comply with the requirements of the March 14, 2008, (amended February 5, 2009), Biological Opinion completed for the Atlantic Sea Scallop fishery, which requires the amount of allocated scallop fishing effort by limited access DAS scallop vessels that can be used in the Mid-Atlantic to be limited during the time of year when sea turtle distribution overlaps with scallop

fishing activity. In addition, Framework 21 considers minor adjustments to the limited access general category individual fishing quota program, scheduled to be implemented March 1, 2010, and the observer set-aside program.

**Timetable:**

Action	Date	FR Cite
NPRM	04/27/10	75 FR 22073
NPRM Comment Period End	05/12/10	
Final Rule	06/28/10	75 FR 36559
Final Action Effective	06/28/10	

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

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
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**RIN:** 0648-AY43**282. AMENDMENTS 95/96/87 FOR THE BSAI AND GOA GROUNDFISH FMPS FOR BSAI SKATES AND GROUNDFISH ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES**

**Legal Authority:** 16 USC 773 et seq; PL 108-447; PL 106-31; PL 106-554; PL 109-479; PL 105-277; 16 USC 1801; 16 USC 1540

**Abstract:** Amendments 96/87 to the fishery management plans (FMPs) for groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska would revise the FMPs to conform with the national standard 1 guidelines for annual catch limits and accountability measures. Revisions to the FMPs also include housekeeping measures that provide further explanation in the FMPs of current practices for setting annual catch limits and accountability measures. These FMP amendments would remove species groups (sharks, sculpins, octopus in the BSAI and sharks, sculpins, octopus, and squid in the Gulf of Alaska) from the other species complex and manage these groups separately in the target species category. The regulatory amendment would revise the regulations to be consistent with the changes made to the FMPs regarding harvest

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specifications for groups removed from the other species category.

Amendment 95 to the FMP for Groundfish of the BSAI would move skates from the other species category into the target species category.

**Timetable:**

Action	Date	FR Cite
NOA	05/03/10	
Notice of Availability	07/02/10	75 FR 38454
NOA Comment Period	07/06/10	
End		
Proposed Rule	07/16/10	75 FR 41424
Proposed Rule	08/30/10	
Comment Period		
End		
Notice of Availability	08/31/10	
Comment Period		
End		
Final Rule	10/06/10	75 FR 61639
Final Rule Effective	11/05/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AY48

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**283. 2010 SPECIFICATIONS AND MANAGEMENT MEASURES FOR THE SPINY DOGFISH FISHERY MANAGEMENT PLAN**

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

**Abstract:** The Mid-Atlantic Fishery Management Council (MAFMC) and the New England Fishery Management Council (NEFMC) jointly manage the spiny dogfish fishery on the Atlantic coast through the Spiny Dogfish Fishery Management Plan (FMP), with the MAFMC having the lead. The FMP requires the Councils to recommend specifications for the spiny dogfish fishery consistent with the rebuilding program in the FMP. This fishery is managed through an annual quota and possession limits. The quota is divided semi-annually, with quota period 1 (May 1 through October 31) being allocated 57.9 percent of the quota, and quota period 2 (November 1 through April 30) being allocated 42.1 percent. For the 2010 fishing year, the MAFMC and NEFMC have adopted separate recommendations (ranging from a status quo of 12 million pounds to 29 million

pounds) to provide a sufficient range of alternatives for the purposes of allowing NOAA's National Marine Fisheries Service to implement measures that are responsive to the best available data at the time of final rulemaking (the next assessment is scheduled to occur late January 2010, with preliminary results likely available at the end of February 2010). Both Councils adopted the status quo possession limit of 3,000 lb per trip.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/10	75 FR 16716
NPRM Comment	05/02/10	
Period End		
Final Action	06/24/10	75 FR 36012

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930  
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**RIN:** 0648-AY50

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**284. FISHING YEAR 2010 ATLANTIC DEEP-SEA RED CRAB SPECIFICATIONS**

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

**Abstract:** NMFS takes this action to establish the target total allowable catch and days-at-sea allocation for FY 2010 for the red crab fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	02/19/10	75 FR 7435
NPRM Comment	03/22/10	
Period End		
Final Action	05/14/10	75 FR 27219
Final Action Effective	06/14/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AY51

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**285. REGULATORY AMENDMENT TO THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN TO SET 2010 MANAGEMENT MEASURES FOR RED SNAPPER**

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

**Abstract:** The 2009 update stock assessment of the Gulf of Mexico red snapper stock indicated that although the stock is still overfished, the stock is rebuilding and overfishing was projected to end in 2009. Based on their review of the assessment update, the Gulf Council's Scientific and Statistical Committee recommended total allowable catch (TAC) could be increased. The purpose of this regulatory amendment is to adjust TAC and the resulting recreational and commercial quotas consistent with the goals and objectives of the Council's red snapper rebuilding plan and achieve the mandates of the Magnuson-Stevens Fishery Conservation and Management Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/30/10	75 FR 15665
NPRM Comment	04/14/10	
Period End		
Final Action	05/03/10	75 FR 23186
Final Action Effective	06/02/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AY57

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**286. FISHERIES OFF WEST COAST STATES; PACIFIC COAST GROUNDFISH FISHERY; INTERIM 2010 TRIBAL WHITING REGULATIONS**

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

**Abstract:** NMFS takes this action to establish an interim 2010 tribal whiting allocation, reporting and closure regulations, and refine existing regulations on tribal whiting reapportionment. This action also sets the 2010 Pacific whiting acceptable biological catch and optimum yield specifications for 2010 based on the most recent Pacific whiting stock assessment from March 2010.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/10	75 FR 11829
NPRM Comment	04/02/10	
Period End		
Interim Final Rule for	05/04/10	75 FR 23620
2010 Tribal Whiting		
Interim Final Rule	05/19/10	
Effective		

**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  
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**RIN:** 0648–AY59

**287. FISHERIES OFF WEST COAST STATES; WEST COAST SALMON FISHERIES; 2010 MANAGEMENT MEASURES****Legal Authority:** 16 USC 1854

**Abstract:** This rule implements the 2010 ocean salmon management measures.

**Timetable:**

Action	Date	FR Cite
Final Action	05/05/10	75 FR 24482
Final Action Effective	05/20/10	

**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  
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**RIN:** 0648–AY60

**288. • 2010 ATLANTIC BLUEFIN TUNA QUOTA SPECIFICATIONS****Legal Authority:** 16 USC 1801

**Abstract:** This action would establish Atlantic bluefin tuna (BFT) quota specifications by adjusting the U.S. annual BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas in 2008, and allocating that quota among the domestic fishing categories for the 2010

fishing year (January 1–December 31, 2010). This action would be consistent with the Magnuson–Stevens Fishery Conservation and Management Act and the Atlantic Tunas Convention Act. The annual specification process is set forth in current regulations implemented under the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. This action is not expected to be controversial.

**Timetable:**

Action	Date	FR Cite
NPRM	12/02/09	74 FR 63095
NPRM Comment	01/04/10	
Period End		
Final Action	06/02/10	75 FR 30732
Final Rule Correction	06/15/10	75 FR 33731
Final Action Effective	07/02/10	

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

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East–West Highway, Silver Spring, MD 20910  
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**RIN:** 0648–AY77

**289. • PACIFIC COAST GROUNDFISH FISHERY; BIENNIAL SPECIFICATIONS AND MANAGEMENT MEASURES; INSEASON ADJUSTMENTS****Legal Authority:** 16 USC 1801 et seq

**Abstract:** On March 6, 2009, NMFS published a final rule to implement the 2009–2010 West Coast groundfish harvest specifications and management measures (74 FR 9874). This action takes routine and frequent management action to modify harvest specifications and management measures to meet the mandates outlined by the Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act).

**Timetable:**

Action	Date	FR Cite
Final Rule — Inseason Effective	05/01/10	
Final Rule — Inseason	05/04/10	75 FR 23615

**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  
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**RIN:** 0648–AY82

**290. • INSEASON ADJUSTMENT TO THE FY 2010 ATLANTIC DEEP SEA RED CRAB SPECIFICATIONS****Legal Authority:** 16 USC 1801 et seq

**Abstract:** This action is an inseason Adjustment to modify the red crab specifications to raise the target TAC to the revised recommended Acceptable Biological Catch (ABC) by the New England Fishery Management Council's Scientific and Statistical Committee. In May 2010, NMFS published the final rule for the FY 2010 red crab specifications implementing the Council's original recommended specifications (target TAC equal to 3.56 million lb; 582 DAS). In March 2010, the Council's Scientific and Statistical Committee met to review their previous recommendation for red crab. NMFS does not have the regulatory authority to implement specifications higher than the Council's recommendation. The regulations do, however, allow for an in-season adjustment to the specifications, after consultation with the Council. The Council met on April 28, 2010, and has recommended that NMFS adjust the FY 2010 specifications commensurate with the SSCs revised recommendation. The adjusted specifications would be 3.91 million lb and 657 DAS.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/10	75 FR 35435
NPRM Comment	07/10/10	
Period End		
Final Action	08/13/10	75 FR 49420
Final Action Effective	09/13/10	

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

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**RIN:** 0648–AY88

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## Completed Actions

**291. 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 rule would apply the prohibitions under ESA section 9(a)(1)(A) through 9(a)(1)(G) for threatened Southern DPS green sturgeon, but would include certain exceptions and exemptions from the take prohibitions. Exceptions are included for certain scientific research,

emergency fish rescue, law enforcement, and habitat restoration activities that meet the criteria specified in the protective regulations under Section 4(d) of the ESA for Southern DPS green sturgeon. Exemptions are included for state scientific research, fisheries activities, and tribal activities conducted under NMFS approved ESA 4(d) programs. Thus, take of Southern DPS fish may be authorized under ESA section 7 or 10, or under an exception or exemption to the take prohibitions if the activities are conducted in compliance with NMFS criteria or NMFS-approved plans.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/09	74 FR 23822

Action	Date	FR Cite
NPRM Comment Period End	07/20/09	
Final Action	04/02/10	75 FR 30714
Final Action Effective	07/02/10	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 0648–AV94**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)**

## Proposed Rule Stage

**292. REVISION OF USPTO FEES FOR FISCAL YEAR 2011****Legal Authority:** 35 USC 41, 119, 120, 132(b) and 376; PL 109–383; PL 110–116; PL 110–137; PL 110–149; PL 110–161; PL 110–5; PL 110–92**Abstract:** The United States Patent and Trademark Office (USPTO) is taking this action to adjust certain patent and trademark fee amounts set in the aggregate to recover the estimated cost to the USPTO for processing activities and services and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the USPTO.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/10	
NPRM Comment Period End	02/00/11	
Final Action	05/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Walter Schlueter, Budget Analyst—Fees and Forecasting, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313  
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**RIN:** 0651–AC43

to the USPTO for processing activities and services and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the USPTO.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/10	
NPRM Comment Period End	02/00/11	
Final Action	06/00/11	
Final Action Effective	07/00/11	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 0651–AC44**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)**

## Final Rule Stage

**294. INTERIM INCREASE ON PATENT FEES FOR FISCAL YEAR 2011****Legal Authority:** PL 110–137; PL 110–149; PL 110–161; PL 110–5; PL 110–92; 35 USC 41, 119, 120, 132(b) and 376; PL 109–383; PL 110–116**Abstract:** The United States Patent and Trademark Office (USPTO) is proposing an interim increase on certain patent fees to fund the requirements for putting the USPTO on a sustainable path to fund agency operations, reduce

patent inventory and pendency, and invest in information technology.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/10	

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DOC—PTO

Final Rule Stage

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Walter Schlueter,  
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am]**BILLING CODE 3510-12-S**