

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Certification Requirements for Distributors of NOAA Electronic Navigational Charts/NOAA Hydrographic Products**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before July 7, 2008.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Julia Powell, (301) 713-0388 ext. 169, or [Julia.Powell@noaa.gov](mailto:Julia.Powell@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The National Ocean Service (NOS), Office of Coast Survey manages the Certification Requirements for Distributors of NOAA Electronic Navigational Charts (NOAA ENC<sup>s</sup>). The certification allows entities to download, redistribute, repack, or in some cases reformat, official NOAA ENC<sup>s</sup> and retain the NOAA ENC<sup>s</sup> official status. The regulations for implementing the Certification are at 15 CFR part 995.

The recordkeeping and reporting requirements of 15 CFR part 995 form the basis for this collection of information. This information allows the Office of Coast Survey to administer the regulation, and to better understand the marketplace resulting in products that meet the needs of the customer in a timely and efficient manner.

**II. Method of Collection**

Electronic reports are required from participants, and methods of submittal include Internet and e-mail.

**III. Data**

*OMB Number:* 00648-0508.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Not-for-profit institutions; and business or other for-profit organizations.

*Estimated Number of Respondents:* 8.

*Estimated Time per Response:* 1 hour to provide a distribution report twice a year; and 18 hours for reporting of errors in the ENC.

*Estimated Total Annual Burden Hours:* 320.

*Estimated Total Annual Cost to Public:* \$0.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 5, 2008.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8-10225 Filed 5-7-08; 8:45 am]

**BILLING CODE 3510-JE-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-AW75**

**Fisheries of the Northeastern United States; Atlantic Herring Fishery; Scoping Process**

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

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS) and notice of initiation of scoping process; request for comments.

**SUMMARY:** The New England Fishery Management Council (Council) announces its intent to prepare an amendment (Amendment 4) to the Fishery Management Plan (FMP) for Atlantic Herring and to prepare an EIS to analyze the impacts of any proposed management measures. The goals of the amendment are to improve monitoring of catch in the Atlantic herring (herring) fishery and to manage the fishery at long-term sustainable levels, consistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Council is initiating a public process to determine the scope of alternatives to be addressed in the amendment and EIS. NMFS is alerting the interested public of the commencement of the scoping process and providing for public participation in compliance with environmental documentation requirements.

**DATES:** Written and electronic scoping comments must be received on or before 5 p.m., local time, June 30, 2008.

**ADDRESSES:** Written comments on Amendment 4 may be sent by any of the following methods:

- E-mail to the following address: [HerringAmendment4@noaa.gov](mailto:HerringAmendment4@noaa.gov);
- Mail to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Scoping Comments on Herring Amendment 4;" or
- Fax to Patricia A. Kurkul, 978-281-9135.

Requests for copies of the scoping document and other information should be directed to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone 978-465-0492. The scoping document is accessible electronically via the Internet at <http://www.nefmc.org>.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council, 978-465-0492.

**SUPPLEMENTARY INFORMATION:****Background**

The U.S. herring fishery is managed as one stock complex along the East Coast from Maine to Cape Hatteras, NC, although evidence suggests that separate spawning components exist within the stock complex. The Council and the Atlantic States Marine Fisheries Commission (ASMFC) adopted management measures for the herring fishery in state and Federal waters in 1999, and NMFS approved most of the management measures in the Herring

FMP on October 27, 1999. The Herring FMP became effective on January 10, 2001.

The state and Federal management plans contain similar management measures. The state and Federal management plans for herring establish total allowable catches (TACs) levels in each of four management areas. Under ASFMC's management plan, there are spawning area restrictions and requirements for vessels to take specified days out of the fishery for state waters. Both plans include limits on the size of vessels that can take, catch, or harvest herring. Each plan includes administrative elements, such as requirements for vessel, dealer, and processor permits and reporting requirements.

Amendment 1 to the Herring FMP was developed by the Council and became effective on June 1, 2007. It established elements of a limited access program for the herring fishery and a seasonal purse seine and fixed gear-only area in the inshore Gulf of Maine. Several additional management measures were also included which primarily addressed issues related to the herring fishery specifications, management area boundaries, fixed gear fisheries for herring, and the regulatory definition of midwater trawl gear.

Amendment 2 to the Herring FMP was part of an omnibus amendment developed by NMFS to ensure that all FMPs of the Northeast Region comply with the Standardized Bycatch Reporting Methodology (SBRM) requirements of the MSA. The purpose of the SBRM amendment was to: (1) Explain the methods and processes by which bycatch is currently monitored and assessed for Northeast Region fisheries; (2) determine whether these methods and processes need to be modified and/or supplemented; (3) establish standards of precision for bycatch estimation for all Northeast Region fisheries; and (4) document the SBRMs established for all fisheries managed through the FMPs of the Northeast Region.

Amendment 3 to the Herring FMP is currently under development by the Council and represents an omnibus amendment to all Council FMPs to address Essential Fish Habitat (EFH) consistent with the MSA. The amendment proposes to redefine, refine, or update the identification and description of all EFH for those species of finfish and mollusks managed by the Council, and identify and implement mechanisms to minimize to the extent practicable the adverse effects of fishing on the EFH.

For Federal waters, the Council developed, and NMFS, approved 3-year specifications (2007–2009) that specify an Allowable Biological Catch (ABC) of 194,000 mt and established an optimum yield (OY) of 145,000 mt for the herring fishery. Based on data and analysis presented in the most recent stock assessment and at the 2006 Transboundary Resource Assessment Committee (TRAC) Meeting, the Area 1A TAC was reduced from 60,000 mt to 50,000 mt for 2007, and 45,000 mt for 2008 and 2009. The Area 3 TAC was set at 55,000 mt in 2007, and increased to 60,000 mt in 2008 and 2009. The Area 1B and Area 2 TACs were set at 10,000 mt and 30,000 mt, respectively, and remain constant during the 3-year specification period.

Additional management measures are being considered in Amendment 4 to the Herring FMP for several reasons. The original Herring FMP and Amendment 1 represent important milestones in the Council's efforts to maintain a sustainably managed herring fishery throughout the Northeast. Recently, concerns about the fishery have led the Council to determine that additional action is needed to further address issues related to the health of the herring resource throughout its range, how the resource is harvested, how catch/bycatch are accounted for, and the important role of herring as a forage fish in the Northeast region. These concerns are reflected in the unprecedented level of interest in managing this fishery by New England's commercial and recreational fishermen, eco-tourism and shoreline businesses, and the general public.

Finally, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) requires that NMFS and the Councils establish Annual Catch Limits (ACLs) and Accountability Measures (AMs) by the year 2011 for every federally managed fishery that is not subject to overfishing. The MSRA also includes new provisions for the formation of Limited Access Privilege Programs (LAPPs). Amendment 4 is therefore necessary to update the Herring FMP in a manner that is consistent with the new requirements of the MSRA.

#### Measures Under Consideration

The Herring Committee and the Council, through public meetings and after taking public comment, have identified a set of goals and objectives for this management action. In general, the goal of the amendment is to improve catch monitoring and ensure compliance with the 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 ACLs and AMs 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 LAPP 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 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.

The Council is also considering measures in this amendment to address concerns about potential herring bycatch in the Atlantic mackerel fishery and is seeking scoping comments on this issue. The concerns relate to vessels that may be directing on mackerel without a limited access permit for herring, and consequently without the ability to retain the herring they may catch incidentally when targeting mackerel. The TAC in Areas 2 and 3 is not fully utilized at this time, so it may be appropriate to provide vessels in these areas an opportunity to retain the herring they may catch when fishing for mackerel. This may help to better achieve OY for the fishery, while minimizing bycatch.

All persons affected by or otherwise interested in herring management are invited to participate in determining the scope and significance of issues to be analyzed in Amendment 4 by submitting written comments (see **ADDRESSES**) or by attending one of the meetings where scoping comments will be taken. Scoping consists of identifying the range of actions, alternatives, and impacts to be considered. Alternatives include the following: Not amending the FMP (taking no action); developing an amendment that addresses the goal and objectives discussed in this notice; or other reasonable courses of action. Impacts may be direct, individual, or cumulative. This scoping process will also identify and eliminate from detailed analysis issues that are not significant. When, after the scoping process is completed, the Council

proceeds with the development of an amendment to the Herring FMP, the Council will prepare an EIS to analyze the impacts of a range of alternatives under consideration. The Council will hold public hearings to receive comments on the draft amendment and on the analysis of its impacts presented in the EIS.

#### Scoping Hearing Schedule

The Council will discuss and take scoping comments at the following public meetings:

1. *Thursday, May 22, 2008, 9 a.m.*; Clarion Hotel Portland, 1230 Congress Street, Portland, ME 04102; telephone: (207) 774-5611.

2. *Monday, June 2, 2008, 5 p.m.*; Holiday Inn By The Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775-2311.

3. *Tuesday, June 10, 2008, 6 p.m.*; Sheraton Atlantic City Convention Center Hotel, 2 Miss America Way, Atlantic City, NJ 08401; telephone: (609) 344-3535.

#### Special Accommodations

The meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to this meeting date.

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

Dated: May 1, 2008.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8-10275 Filed 5-7-08; 8:45 am]

**BILLING CODE 3510-22-S**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XG95

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notification and clarification of a proposal to conduct exempted fishing; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the

subject exempted fishing permit (EFP) application that would authorize the harvest of set-aside herring awarded to Gulf of Maine Research Institute (GMRI) through the 2008/2009 Atlantic Herring (herring) Research Set-Aside (RSA) Program should be issued for public comment. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Herring Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made.

**DATES:** Comments on this document must be received on or before May 23, 2008.

**ADDRESSES:** Comments may be submitted by e-mail to: [herring.efp@noaa.gov](mailto:herring.efp@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: "Comments on GMRI herring EFP." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on GMRI herring EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

#### FOR FURTHER INFORMATION CONTACT:

Ryan Silva, Cooperative Research Program Specialist, phone: 978-281-9326, fax: 978-281-9135.

**SUPPLEMENTARY INFORMATION:** Pending final approval by NOAA's Grants Management Division, the Science and Research Director for NMFS's Northeast Fisheries Science Center has preliminarily selected an Atlantic Herring RSA proposal submitted by GMRI to conduct a study entitled "Effects of Fishing on Herring Aggregations," which would assess the effects of midwater trawling on herring aggregations. GMRI submitted a separate EFP request for research activities, which published in the **Federal Register** for public comment on March 10, 2008 (73 FR 12707). A final determination on the research EFP is pending.

GMRI was awarded the following total allowable catch (TAC) set-asides for both 2008 and 2009 to fund the proposed research and to compensate compensation fishing vessels: Management Area 1A/2,976,240 lb (1,350 mt); and Management Area 1B/661,380 lb (300 mt). The subject EFP would exempt vessels conducting compensation fishing from herring Management Area 1A, 1B, 2, and 3 quota closures, and herring trip

possession limits, as specified at 50 CFR 648.201 and 648.204, respectively. All compensation trips would be completed prior to the end of the fishing year from which the compensation was awarded. GMRI proposes to combine some research and compensation fishing trips, although compensation trips would also occur separately from research activities. If a TAC set aside allocation limit is caught while on a compensation/research trip, research activities would be required to cease in order to prevent the project from exceeding a set-aside allocation. If the research project is terminated for any reason prior to completion, any unused funds collected from catch sold to pay for research expenses may be required to be refunded to NOAA.

The quota closure and possession limit exemptions would apply only to the 2008 fishing year. A subsequent EFP application would need to be approved prior to any 2009 compensation fishing.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs. The applicant may place requests for minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and minimal so as not to change the scope or impact of the initially approved EFP request.

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

Dated: May 2, 2008.

**Emily H. Menashes**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8-10176 Filed 5-7-08; 8:45 am]

**BILLING CODE 3510-22-S**

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## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Commodity Futures Trading Commission.

**TIME AND DATE:** 2 p.m., Wednesday, May 21, 2008.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Rule Enforcement Review.