

Dated: November 19, 2007.

David I. Maurstad,

*Federal Insurance Administrator of the
National Flood Insurance Program,
Department of Homeland Security, Federal
Emergency Management Agency.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

RIN 0648-AU32

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan

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

ACTION: Notice of availability of a fishery
management plan amendment; request
for comments.

SUMMARY: NMFS announces that the
New England Fishery Management
Council (Council) has submitted
Amendment 11 to the Atlantic Sea
Scallop Fishery Management Plan
(FMP) (Amendment 11), incorporating
the Final Supplemental Environmental
Impact Statement (FSEIS) and the Initial
Regulatory Flexibility Analysis (IRFA),
for review by the Secretary of
Commerce. NMFS is requesting
comments from the public on
Amendment 11. Amendment 11 was
developed by the Council to control the
capacity of the open access general
category fleet. Amendment 11 would
establish a new management program
for the general category fishery,
including a limited access program with
individual fishing quotas (IFQs) for
qualified general category vessels, a
specific allocation for general category
fisheries, and other measures to improve
management of the general category
scallop fishery.

DATES: Comments must be received on
or before January 29, 2008.

ADDRESSES: An FSEIS was prepared for
Amendment 11 that describes the
proposed action and its alternatives and
provides a thorough analysis of the
impacts of proposed measures and their
alternatives. Copies of Amendment 11,
including the FSEIS and the IRFA, are

available from Paul J. Howard,
Executive Director, New England
Fishery Management Council, 50 Water
Street, Newburyport, MA 01950. These
documents are also available online at
<http://www.nefmc.org>.

You may submit comments, identified
by 0648-AU32, by any one of the
following methods:

- **Electronic Submissions:** Submit all
electronic public comments via the
Federal eRulemaking Portal [http://
www.regulations.gov](http://www.regulations.gov).
- Fax: (978) 281-9135, Attn: Peter
Christopher.
- Mail: Patricia A. Kurkul, Regional
Administrator, NMFS, Northeast
Regional Office, One Blackburn Drive,
Gloucester, MA 01930. Mark the outside
of the envelope, "Comments on Scallop
Amendment 11."

Instructions: All comments received
are a part of the public record and will
generally be posted to [http://
www.regulations.gov](http://www.regulations.gov) without change.
All Personal Identifying Information (for
example, name, address, etc.)
voluntarily submitted by the commenter
may be publicly accessible. Do not
submit Confidential Business
Information or otherwise sensitive or
protected information. NMFS will
accept anonymous comments.
Attachments to electronic comments
will be accepted in Microsoft Word,
Excel, WordPerfect, or Adobe PDF file
formats only.

FOR FURTHER INFORMATION CONTACT:
Peter Christopher, Fishery Policy
Analyst, phone 978-281-9288, fax 978-
281-9135.

SUPPLEMENTARY INFORMATION:

Background

The general category scallop fishery is
currently an open access fishery that
allows any vessel to fish for up to 400
lb (181.44 kg) of scallops, provided the
vessel has been issued a general
category or limited access scallop
permit. This open access fishery was
established in 1994 by Amendment 4 to
the FMP to allow vessels fishing in non-
scallop fisheries to catch scallops as
incidental catch, and to allow a small-
scale scallop fishery to continue outside
of the limited access and effort control
programs aimed at the large-scale
scallop fishery. Over time, the overall
participation in the general category
fishery has increased. In 1994, there
were 1,992 general category permits
issued. By 2005 that number had
increased to 2,950. In 1994, there were
181 general category vessels that landed
scallops, while in 2005 there were over
600.

Out of concern about the level of
fishing effort and harvest from the

general category scallop fleet, the
Council recommended that a **Federal
Register** notice should be published to
notify the public that the Council would
consider limiting entry to the general
category scallop fishery as of a specified
control date. NMFS subsequently
established the control date of
November 1, 2004 (69 FR 63341,
November 1, 2004). In January of 2006,
the Council began the development of
Amendment 11 to evaluate alternatives
for a limited access program and other
measures for general category vessels.
The Council held 35 meetings open to
the public on Amendment 11 between
January 2006 and June 2007. After
considering a wide range of issues,
alternatives, and public input, the
Council adopted a draft supplemental
environmental impact statement
(DSEIS) for Amendment 11 on April 11,
2007. Following the public comment
period that ended on June 18, 2007, the
Council adopted Amendment 11 on
June 20, 2007.

Amendment 11 includes the
following: A limited access program for
the general category fishery establishing
three new limited access general
category (LAGC) scallop permits (IFQ
scallop permit, Northern Gulf of Maine
(NGOM) scallop permit, and Incidental
scallop permit); initial application
procedures for an LAGC scallop permit;
LAGC scallop permit provisions (initial
eligibility, landings history,
confirmation of permit history (CPH),
permit transfers, permit splitting,
qualification restriction, appeal of LAGC
scallop permit denial, vessel
replacements, ownership cap, voluntary
relinquishment of eligibility, and permit
renewals and CPH issuance); provisions
for limited access scallop vessels fishing
under general category rules; allocation
of the total annual projected scallop
catch to the general category fishery
under the IFQ program; IFQs for IFQ
scallop vessels; measures for the
transition period to IFQ; a mechanism to
allow voluntary sectors in the general
category fishery; separate management
measures for a NGOM scallop
management area; monitoring
provisions, including a requirement for
all LAGC scallop vessels to operate
vessel monitoring systems (VMS) with
catch reporting requirements; a change
issuance date of general category permit;
a measure to clarify the maximum trawl
sweep size restriction under the scallop
regulations; and an allowance for LAGC
scallop vessels to possess up to 100 bu
(35.24 hL) of in-shell scallops seaward
of the VMS demarcation line.

Amendment 11 would establish the
percentage of scallop catch allocated to
the general category fleet and would

establish the IFQ program. These percentages would be applied to specific total allowable catch (TAC) amounts that were developed by the Council as part of Framework 19 to the FMP, which will establish scallop fishery management measures for the 2008 and 2009 fishing years. After determining the allowable levels of fishing based on updated survey information and fishing mortality targets, the TAC that would be allocated to the current limited access fleet and the IFQ scallop vessels, as well as the NGOM TAC and estimated landings under the Incidental catch LAGC scallop permit, would be specified through a separate rulemaking for Framework 19. Framework 19 also will specify management measures for the 2008 and 2009 fishing years that would be recommended if Amendment 11 is not approved.

Public comments are being solicited on Amendment 11 and its incorporated documents through the end of the comment period stated in this notice of availability. A proposed rule that would implement Amendment 11 will be published in the **Federal Register** for public comment. Public comments on the proposed rule must be received by the end of the comment period provided in this notice of availability of Amendment 11 to be considered in the approval/disapproval decision on the amendment. All comments received by January 29, 2008, whether specifically directed to Amendment 11 or the proposed rule for Amendment 11, will be considered in the approval/disapproval decision on Amendment 11. Comments received after that date will not be considered in the decision to approve or disapprove Amendment 11. To be considered, comments must be received by close of business on the last day of the comment period; that does not mean postmarked or otherwise transmitted by that date.

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

Dated: November 26, 2007.

Emily H. Menashes,

Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E7-23266 Filed 11-29-07; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070816465-7466-01]

RIN 0648-AV96

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to repeal regulations providing for a groundfish vessel incentive program (VIP) that was designed to reduce the rate at which Pacific halibut and red king crab are taken as incidental catch in Alaska groundfish trawl fisheries. The VIP has not performed as intended because of the cost associated with enforcement, the relatively small number of vessels impacted by the regulation, and the implementation of more effective bycatch reduction programs. This action is necessary to reduce a regulatory burden on the industry and to reduce the administrative costs necessary to support a program no longer considered an effective means to reduce bycatch rates.

DATES: Written comments must be received by December 31, 2007.

ADDRESSES: You may submit comments, identified by 0648-AV96, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>;
- Mail: Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802; Attn: Ellen Sebastian, Records Officer;
- Hand delivery: 709 West 9th Street, Room 420A, Juneau, AK; or
- Fax: 907-586-7557, Attention: Sue Salvesson.

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

accept anonymous comments.

Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for this action may be obtained from the addresses stated above or from the Alaska Region NMFS website at <http://www.fakr.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Ben Muse, 907-586-7228, or ben.muse@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the U.S. groundfish fisheries of the exclusive economic zone off Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations implementing the FMPs appear at 50 CFR part 679. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

Fisheries off Alaska targeting groundfish incidentally catch other species as well. Some of these non-groundfish species are themselves the objects of valuable targeted fisheries and retention of these species is prohibited in the groundfish fishery. These prohibited species include Pacific halibut, Chinook and "Other" salmon, several crab species, and herring. Measures to restrict the catch of these species have been incorporated into the FMPs for the GOA and the BSAI and into regulation. Among these measures are prohibited species catch (PSC) limits. PSC limits restrict the amount of a prohibited species that may be taken incidentally in a groundfish fishery. Groundfish fisheries are routinely closed in all or part of a management area when a PSC limit is reached. These closures are expensive for industry because they mean that valuable groundfish are left unharvested.

Section 3.6.4 of the GOA FMP authorizes regulations to reduce halibut bycatch rates in fisheries subject to halibut PSC limits to increase the opportunity to fish groundfish TACs before established PSC limits are reached. Specifically, this provision is intended to encourage individual vessels to maintain average bycatch