

on September 15, 1972, when the Potato Research and Promotion Plan (Plan) (7 CFR part 1207) was issued. The plan was amended in May 1984, to increase the maximum assessment rate from 1 cent per hundredweight to 0.5 percent of the previous 10-year average price received by growers. The Plan was amended again on March 8, 2006, to increase the assessment rate from 2 cents per hundredweight to 2.5 cents per hundredweight.

Assessments under this Program are used to fund promotional campaigns and to conduct research in the areas of U.S. marketing, and international marketing and to enable the Potato Board (Board) to exercise its duties in accordance with the Plan.

The Plan is administered by the Board, which is composed of producer members, importer members, and one public member appointed by the Secretary of Agriculture from nominations submitted by eligible groups. Producer membership on the Board is based upon potato production within each State. Importer members, limited to five, are based upon the amount of potatoes, potato products, and seed potatoes imported into the U.S. All members serve terms of three years.

AMS published in the **Federal Register** (63 FR 8014; February 18, 1999) its plan to review certain regulations, including the Potato Research and Promotion Plan, (conducted under the Potato Research and Promotion Act), under criteria contained in Section 610 of the Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612). The Plan to review certain regulations was updated in the **Federal Register** on August 14, 2003 (68 FR 48574), and updated again on March 24, 2006 (71 FR 14827).

AMS published a notice of review and request for written comments in the **Federal Register** on December 14, 2005 (70 FR 73945). The comment period ended on February 13, 2006. AMS received three written comments. One commenter encouraged the Board to place more emphasis on the nutritional benefits of potatoes. The Board routinely conducts research into the nutritional benefits of potatoes and uses that information to promote the benefits of potatoes. A second commenter questioned why potato research is needed and suggested that the program be terminated. However, the Board does not conduct production research. The Board establishes and carries out research and development projects and studies in order to encourage, expand, improve or more efficiently market and utilize potatoes. The third commenter

merely sent their organizational structure and did not provide any substantive comment.

The review was undertaken to determine whether the Potato Research and Promotion Plan should be continued without change, amended, or rescinded (consistent with the objectives of the Potato Research and Promotion Act of 1971) to minimize the impacts on small entities. In conducting this review, AMS considered the following factors: (1) The continued need for the Potato Research and Promotion Plan; (2) the nature of complaints or comments received from the public concerning the Potato Research and Promotion Plan; (3) the complexity of the Potato Research and Promotion Plan; (4) the extent to which the Potato Research and Promotion Plan overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local regulations; and (5) the length of time since the Potato Research and Promotion Plan has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Potato Research and Promotion Plan.

Currently, there are approximately 1,353 handlers, 5,223 producers, and 300 importers of potatoes and potato products who are subject to the provisions of the Plan. Producers of less than 5 acres of potatoes are exempt from assessment.

AMS provides Federal oversight of the Potato Research and Promotion Plan. The Plan is not unduly complex, and AMS has not identified any Federal rules, or State and local regulations that duplicate, overlap, or conflict with the Plan. Over the years, regulation changes have been made to address industry operation changes and to improve program administration. The goal of these evaluations is to assure that the Plan and the regulations implemented under it fit the needs of the industry and are consistent with the Act.

Based upon its review, AMS has determined that the Plan should be continued without change. AMS plans to continue working with the potato industry in maintaining an effective program.

Dated: January 10, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 060928250–6250–01; I.D. 092506A]

RIN 0648–AU90

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

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

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** On November 15, 2006, NMFS proposed to revise the regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) by expanding the southeast U.S. restricted area to include waters out to 35 nautical miles from the South Carolina coast and modifying regulations pertaining to gillnetting within the southeast U.S. restricted area. The proposed action was determined to be necessary to protect northern right whales from serious injury or mortality from entanglement in gillnet gear in their calving area in Atlantic Ocean waters off the Southeastern U.S. With this notice, NMFS is reopening the public comment period for 15 days beginning January 16, 2007.

**DATES:** Written comments on this proposed rule must be received by 5 p.m. EST on January 31, 2007. Comments received between the close of the first comment period on December 15, 2006, and the reopening of the comment period on January 16, 2007 will be considered timely received.

**ADDRESSES:** Written comments should be identified by the Regulatory Information Number (RIN) “0648–AU90” and submitted by any of the following methods:

- E-mail: [sewhalerule.comments@noaa.gov](mailto:sewhalerule.comments@noaa.gov). Include RIN 0648–AU90 in the subject line of the message.
- Mail: Assistant Regional Administrator for Protected Resources, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.
- Facsimile (fax) to: 727–824–5309, Attn: Assistant Regional Administrator, Protected Resources, NMFS.
- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and docket number or RIN for this proposed rulemaking.

**FOR FURTHER INFORMATION CONTACT:**

Laura Engleby, 727-824-5312, or Barb Zoodsma, 904-321-2806. Individuals who use telecommunications devices for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. eastern time, Monday through Friday, excluding Federal holidays.

*Electronic Access:* Regulations and background documents for the ALWTRP can be downloaded from the ALWTRP web site at <http://www.nero.noaa.gov/whaletrp/>.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 15, 2006, NMFS published a proposed rule to revise the regulations implementing the ALWTRP by expanding the southeast U.S. restricted area and modifying regulations pertaining to gillnetting within the southeast U.S. restricted area (71 FR 66482). That proposed rule allowed for a NMFS' 30-day public comment period, which ended on December 15, 2006.

NMFS subsequently received requests from the State of North Carolina and the Marine Mammal Commission (MMC) to extend the comment period. These requests stated that more time is necessary for the North Carolina public and members of the MMC to more fully review and provide comments on the proposed rule. Therefore, NMFS is reopening the public comment period for 15 additional days to allow additional time for these requesters and other interested parties to provide comments while ensuring permanent protections are in place for right whales before the end of the calving season. In this notice, NMFS is reopening the public comment period for 15 days from January 16, 2007 until January 31, 2007.

**Authority:** 16 U.S.C. 1361 *et seq.*; § 229.32(f) also issued under 16 U.S.C. 1531 *et seq.*

Dated: January 8, 2007.

**Samuel D. Rauch III,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

[Docket No. 061229343-6343-01; I.D. 121406A]

**RIN 0648-AV03**

**Pacific Halibut Fisheries; Catch Sharing Plan**

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

**ACTION:** Proposed rule.

**SUMMARY:** NMFS proposes to approve and implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) regulatory Area 2A off Washington, Oregon, and California (Area 2A). NMFS proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC, which includes the sport fishery management measures for Area 2A. NMFS also proposes to revise the Area 2A non-treaty commercial fishery closed areas, codified at 50 CFR part 300, subpart E. These actions are intended to enhance the conservation of Pacific halibut, to provide greater angler opportunity where available, to protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries, and to ensure consistency between Federal groundfish and halibut regulations and between State and Federal regulations.

**DATES:** Comments on the proposed changes to the Plan and on the proposed domestic Area 2A halibut management measures must be received no later than 5 p.m., local time on February 2, 2007.

**ADDRESSES:** Copies of the Plan, Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), and/or Categorical Exclusion (CE) are available from D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070. Electronic copies of the Plan, including proposed changes for 2007, and of the CE and draft RIR/IRFA are also available at the NMFS Northwest Region website: <http://www.nwr.noaa.gov>, click on "Groundfish & Halibut."

You may submit comments on the proposed Plan and domestic Area 2A halibut management measures or supporting documents, identified by I.D.

121406A, by any of the following methods:

- E-mail: [PHalibut2007.nwr@noaa.gov](mailto:PHalibut2007.nwr@noaa.gov). Include the I.D. number 121406A in the subject line of the message.
- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, Attn: Jamie Goen, 7600 Sand Point Way NE, Seattle, WA 98115-0070.
- Fax: 206-526-6736, Attn: Jamie Goen.

**FOR FURTHER INFORMATION CONTACT:**

Jamie Goen or Yvonne deReynier (Northwest Region, NMFS), phone: 206-526-6150, fax: 206-526-6736 or e-mail: [jamie.goen@noaa.gov](mailto:jamie.goen@noaa.gov) or [yvonne.dereynier@noaa.gov](mailto:yvonne.dereynier@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Northern Pacific Halibut Act (Halibut Act) of 1982, at 16 U.S.C. 773c, gives the Secretary of Commerce (Secretary) general responsibility for implementing the provisions of the Halibut Convention between the United States and Canada (Halibut Convention). It requires the Secretary to adopt regulations as may be necessary to carry out the purposes and objectives of the Halibut Convention and the Halibut Act. Section 773c of the Halibut Act authorizes the regional fishery management councils to develop regulations governing the Pacific halibut catch in their corresponding U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Each year between 1988 and 1995, the Pacific Fishery Management Council (Pacific Council) had developed a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-treaty harvesters and among non-treaty commercial and sport fisheries in Area 2A.

In 1995, NMFS implemented the Pacific Council-recommended long-term Plan (60 FR 14651, March 20, 1995). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries. The Plan allocates 35 percent of the Area 2A TAC plus 25,000 lb (11.3 mt) to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent minus 25,000 lb (11.3 mt) to non-Indian fisheries in Area 2A. The annual shift of 25,000 lb (11.3 mt) from the non-tribal to the tribal fisheries has been made in response to a court order; 2007 is the final year that this shift must be made. The allocation to non-Indian fisheries is