

with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

#### *Environmental Impact Statement*

We have analyzed this proposed rule for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have concluded that under the categorical exclusions in section 4.05 of Maritime Administrative Order (MAO) 600-1, "Procedures for Considering Environmental Impacts," 50 FR 11606 (March 22, 1985), neither the preparation of an Environmental Assessment, an Environmental Impact Statement, nor a Finding of No Significant Impact for this proposed rule is required.

#### *Unfunded Mandates Reform Act of 1995*

This proposed rule does not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more, in the aggregate, to any of the following: State, local, or Native American tribal governments, or the private sector. This proposed rule is the least burdensome alternative that achieves this objective of U.S. policy.

#### *Paperwork Reduction Act*

This proposed rule contains information collection requirements covered by the Office of Management and Budget approval number 2133-0529. The changes have no impact on the reporting burden.

#### *Privacy Act*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

#### **List of Subjects in 46 CFR Part 388**

Administrative practice and procedure, Maritime carriers, Passenger vessels, Reporting and recordkeeping requirements.

Accordingly, the Maritime Administration amends 46 CFR chapter II, subchapter J, by revising part 388 as follows:

### **PART 388—ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS**

1. The authority citation for part 388 continues to read as follows:

**Authority:** 46 App. U.S.C. 1114(b); Public Law 105-383, 112 Stat. 3445 (46 U.S.C. 12106 note); 49 CFR 1.66.

2. Amend § 388.3 by revising paragraph (a)(1) and the introductory text of paragraph (a)(2) to read as follows:

#### **§ 388.3 Application and fee.**

(a) \* \* \*

(1) The application form contained on MARAD's Web site at <http://www.marad.dot.gov> may be submitted electronically with credit card or Automated Clearinghouse (ACH) payment of the \$500 application fee.

(2) Alternatively, applicants may send written applications to Small Vessel Waiver Applications, Office of Ports and Domestic Shipping, MAR-830, Room 7201, 400 7th St., SW., Washington, DC 20590. Written applications need not be in any particular format, but must be signed, be accompanied by a check for \$500 made out to the order of "Maritime Administration", and contain the following information:

\* \* \* \* \*

Dated: May 6, 2005.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 05-9433 Filed 5-11-05; 8:45 am]

**BILLING CODE 4910-81-P**

### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 622**

**[I.D. 050405E]**

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper**

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

**ACTION:** Receipt of petition for emergency regulations or interim measures; request for comments.

**SUMMARY:** NOAA announces receipt of a petition for emergency regulations or interim measures, filed by The Coastal Conservation Association (CCA) under authority of the Magnuson-Stevens

Fishery Conservation and Management Act and the Administrative Procedure Act. CCA has petitioned the U.S. Department of Commerce to promulgate emergency regulations or interim measures to address overfishing of red snapper in the Gulf of Mexico primarily by further reducing bycatch of juvenile red snapper in the Gulf shrimp fishery. NMFS is soliciting public comment on this petition to help determine whether NMFS should proceed with the development of regulations suggested by the petitioner.

**DATES:** Comments will be accepted through 5 p.m. eastern time July 11, 2005.

**ADDRESSES:** You may submit comments on this petition for rulemaking, including its objectives, the need for such regulation, alternative approaches, and any other comments by any of the following methods:

• E-mail: [RSPetition@noaa.gov](mailto:RSPetition@noaa.gov).

Include in the subject line the following document identifier: RSPetition.

• Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

• Mail: Phil Steele, Southeast Regional Office, NMFS, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701.

• Fax: 727-824-5308; Attention: Phil Steele.

Copies of the petition are available from NMFS at the address above.

**FOR FURTHER INFORMATION CONTACT:** Phil Steele, telephone 727-551-5784, fax 727-824-5308, e-mail [Phil.steele@noaa.gov](mailto:Phil.steele@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The petition filed by CCA states the red snapper stock in the Gulf of Mexico is overfished and undergoing overfishing. Although the petition acknowledges the directed red snapper commercial and recreational sectors share responsibility for rebuilding the stock, the petition asserts failure of bycatch reduction devices (BRDs), required in the Gulf shrimp fishery to meet established bycatch reduction standards, makes recovery of the Gulf red snapper fishery unlikely and ensures years of continued overfishing of red snapper. The petition seeks emergency regulations or interim measures primarily to stop the overfishing resulting from excessive bycatch of juvenile red snapper in the Gulf shrimp fishery.

The CCA petition states that the prevention of overfishing and recovery of the red snapper stock is predicated on at least a 44-percent reduction in bycatch of juvenile red snapper by the Gulf shrimp fishery. Further, because recent research indicates current BRD

use, in practice, yields only a 12-percent bycatch reduction, the existing plan for preventing overfishing and rebuilding the red snapper stock must be declared a failure. The petition seeks implementation of emergency regulations or interim measures that would result in bycatch reduction sufficient to allow the red snapper stock to rebuild within the time period established in the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico. The petition states that such measures should include strict bycatch quotas tracked by observer data, bag limits, TAC restrictions, time and area closures or restrictions, improved BRDs,

season limitations, seasonal closures, and other reduction measures. In addition, a firm target for bycatch reduction of between 60 percent and 80 percent of historic levels should be set, with a time line established that achieves that target within the shortest time possible. The petition also proposes a mandated effort reduction program for the Gulf shrimp fleet. The petition concludes that the directed recreational and commercial red snapper sectors have already adopted many of the measures necessary to rebuild the stock.

NMFS is soliciting public comment on this petition. Comments received by 5 p.m. eastern time July 11, 2005 will

be considered by NMFS in determining whether to proceed with the development of regulations suggested by the petition. Upon determining whether to open the rulemaking suggested by the petition, the Assistant Administrator for Fisheries, NOAA, will publish a notice of the agency's decision or action in the **Federal Register**.

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

Dated: May 9, 2005.

**Alan D. Risenhoover**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 05-9517 Filed 5-11-05; 8:45 am]

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