

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

2. Revise the following sections of the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

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600 Basic Standards for All Mailing Services

* * * * *

602 Addressing

1.0 Elements of Addressing

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1.5 Return Addresses

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1.5.3 Required Use of Return Addresses

The sender's domestic return address must appear legibly on:

[Add new item m to 1.5.3 as follows:]

* * * * *

m. Detached addressed labels (DALs).

* * * * *

4.0 Detached Address Labels (DALs)

4.1 DALs Use

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[Revise text of 4.1.2 to require that DALs accompanying saturation mailings of Periodicals or Standard Mail flats be automation-compatible as follows:]

4.1.2 Periodicals or Standard Mail Flats Saturation Mailings

Saturation mailings of unaddressed Periodicals or Standard Mail flats may be mailed with detached address labels (DALs). DALs accompanying saturation mailings of Periodicals or Standard Mail flats must be automation-compatible under 201.3.0. For this standard, saturation mailing means a mailing sent to at least 75% of the total addresses on a carrier route or 90% of the residential addresses on a route, whichever is less. Deliveries are not required to every carrier route of a delivery unit.

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4.2 Label Preparation

4.2.1 Label Construction

Each DAL must be made of paper or cardboard stock that is not folded,

perforated, or creased, and that meets these measurements:

* * * * *

[Revise item c of 4.2.1 and add new items d and e as follows:]

c. At least 0.007 inch thick except under 4.2.1.d.

d. If more than 4¼ inches high or more than 6 inches in length, must be at least 0.009 inch thick.

e. Must have an aspect ratio (length divided by height) between 1.3 to 2.5, inclusive.

4.2.2 Addressing

[Revise text of 4.2.2 to require a POSTNET or Intelligent Mail barcode with a delivery point routing code as follows:]

The address for each item must be placed on a DAL, parallel to the longest dimension of the DAL, and must not appear on the item it accompanies. The DAL must contain the recipient's delivery address and the mailer's return address. A ZIP+4 code or 5-digit ZIP code is required unless a simplified address format is used. DALs that accompany saturation mailings of Periodicals or Standard Mail flats must include a correct delivery point POSTNET barcode or Intelligent Mail barcode with an 11-digit routing code (see 708.4) except when using a simplified address.

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4.2.5 Other Information

In addition to the information described in 4.2.2 and 4.2.4 and an indicium of postage payment, only the following may appear on the front of a DAL:

* * * * *

b. Advertising, under the following conditions:

[Delete item 1 and renumber current items 2 and 3 as new items 1 and 2.]

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We will publish an appropriate amendment to 39 CFR 111 to reflect these changes if our proposal is adopted.

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Attorney, Legislative.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 071102640–8952–01]

RIN 0648–AQ63

Magnuson-Stevens Act Provisions; National Standard Guidelines

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

ACTION: Proposed rule; withdrawal.

SUMMARY: NMFS withdraws a proposed rule for revisions to National Standard 1 (NS1) guidelines, which was published on June 22, 2005. Instead of going forward with a final rule directly resulting from the 2005 proposed rule, NMFS published a new proposed rule for the NS1 guidelines in the **Federal Register** on June 9, 2008, to address new provisions enacted in 2007 in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA). Because of new requirements for annual catch limits (ACLs) and accountability measures (AMs), among other things, NMFS decided that it was better to proceed with a new proposed rule rather than try to revise a 3-year old action that preceded the MSRA. The new proposed rule provides guidance on ACLs and AMs and other requirements related to overfishing and rebuilding overfished stocks in the National Standard 1 (NS1) guidelines.

DATES: This proposed rule is withdrawn on August 27, 2008.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: Section 301(a) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) states that any fishery management plan (FMP) prepared and any regulation promulgated to implement such a plan shall be consistent with the ten national standards described in that section. Section 301(b) states that the Secretary of Commerce should establish advisory guidelines (which shall not have the force and effect of law) based on the national standards to assist in development of FMPs.

The guidelines for national standards of the Magnuson-Stevens Act were last revised through a final rule published in the **Federal Register** on May 1, 1998 (63

FR 24212), which brought them into conformance with the Sustainable Fisheries Act of 1996. The May 1998 final rule revised the guidelines for National Standards 1 (optimum yield), 2 (scientific information), 4 (allocations), 5 (efficiency), and 7 (costs and benefits) and added new guidelines for National Standards 8 (communities), 9 (bycatch), and 10 (safety of life at sea).

National Standard 1 (NS1) states "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry." NMFS considered revising the NS1 guidelines when it published an advance notice of proposed rulemaking in 2003 (68 FR 7492, February 14, 2003), and a proposed rule in 2005 (70 FR 36240, June 22, 2005). NMFS received over 250,000 comments. NMFS reviewed all of the comments, and the majority consisted of one of ten different form letters, expressing concern that: (1) Overfishing is occurring for many stocks, (2) many fish stocks are overfished, (3) oceans and fish stocks are in trouble, and (4) at the rate fish stocks are being depleted, there could be severe impacts on future generations of people who enjoy eating fish. Almost all commenters stated that overfishing should be ended immediately. NMFS decided not to publish a final rule directly related to the 2005 proposed rule when it became clear that Congress was preparing an amendment to the Magnuson-Stevens Act that seemed likely to revise provisions related to overfishing and rebuilding overfished stocks.

On January 12, 2007, President Bush signed into law the MSRA. MSRA revised the Magnuson-Stevens Act by adding section 303(a)(15), which requires that any FMP that is prepared by a regional fishery management council or the Secretary shall: "establish a mechanism for specifying annual catch limits in the plan (including a

multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability." Because of this new requirement to use ACLs and AMs to end/prevent overfishing, NMFS published a proposed rule (73 FR 32526, June 9, 2008) emphasizing new recommendations and requirements related to ACLs and AMs, as well as other issues related to NS1 (especially related to rebuilding overfished fisheries and the concepts of maximum sustainable yield (MSY) and optimum yield (OY)). The 2008 proposed rule also contains guidance about four issues contained in the 2005 proposed rule. The issues covered in the 2005 proposed rule, that are reconsidered in the 2008 proposed rule include: (1) Guidance on how to determine the target time to rebuild a stock; (2) action to take at the end of a rebuilding plan if a stock is no longer overfished, but not rebuilt yet; (3) the definition of several components of MSY; and (4) exceptions to the requirement to prevent overfishing. The four issues listed above contain different wording in the 2008 proposed rule. The remaining issues in the 2005 proposed rule are not covered in the 2008 proposed rule. NMFS' priority is to develop guidance on ACLs and AMs and make other related changes in the NS1 guidelines as soon as possible, given the MSRA statutory requirements to use ACLs and AMs to end overfishing in 2010, and prevent overfishing beginning in 2011. Thus, NMFS' new proposed revisions to the NS1 guidelines published in the **Federal Register** on June 9, 2008 (73 FR 32526) focus on changes needed to address ACLs and AMs and other new MSRA requirements, and NMFS is withdrawing the 2005 proposed rule.

The proposed revisions contained in the 2005 proposed rule that are not addressed in the 2008 proposed rule are not critical to accomplishing the new MSRA requirements related to ending/

preventing overfishing and rebuilding overfished stocks, and include:

- Renaming "minimum stock size threshold" as "minimum biomass limit (B_{lim})";
- Renaming "maximum fishing mortality threshold (MFMT)" as "maximum fishing mortality limit";
- Renaming "overfished" as "depleted";
- Specifying that FMPs may be revised so that species/stocks may be classified as "core stocks" or stocks falling within a "stock assemblage";
- Specifying that B_{lim} should equal one-half of the biomass that produces MSY (B_{msy}) as a default value and clarifying when exceptions greater than or less than the $1/2 B_{msy}$ value are appropriate for B_{lim} ;
- Revising the maximum rebuilding time horizon formula to remove the discontinuity that results from the formula in the current guidelines;
- Establishing a default value for the target time for rebuilding that equals a time value halfway between minimum time to rebuild (T_{min}) and maximum time to rebuild (T_{max});
- Using MFMT to determine when a stock is rebuilt if the stock's B_{msy} and T_{min} are not known;
- Establishing guidance for how to revise rebuilding plans when a rebuilding plan has not shown adequate progress as described under section 304(e)(7) of the Magnuson-Stevens Act; and
- Revising the current requirement to develop "target" (OY) control rules in addition to limit (MSY) control rules from "may" to "must."

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

Dated: August 21, 2008.

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