

landings of summer flounder in Connecticut by vessels holding summer flounder commercial Federal fisheries permits are prohibited for the remainder of the 2007 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, December 4, 2007, federally permitted dealers are also notified that they may not purchase summer flounder from federally permitted vessels that land in Connecticut for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: November 28, 2007.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 071106654-7655-01]

RIN 0648-AW20

#### Fisheries of the Northeastern United States; Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements; Correction

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** On April 23, 2007, NMFS published in the **Federal Register** a final rule to implement measures requiring observers for participating hagfish vessels in the **Federal Register** as part of the hagfish information collection program. On June 13, 2007, NMFS published a separate final rule that inadvertently deleted these regulations implemented in the April 23, 2007, rule. This correcting amendment corrects this error by reinstating the language regarding hagfish observer requirements.

**DATES:** Effective December 4, 2007.

**FOR FURTHER INFORMATION CONTACT:** Emily Bryant, Fishery Management Specialist, (978) 281-9244.

**SUPPLEMENTARY INFORMATION:** On October 3, 2006, the New England Fishery Management Council (Council) sent NMFS a request to prepare an information collection program for the Atlantic hagfish fishery under the provisions of section 402(a) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). On April 23, 2007, in response to the Council's request, NMFS published a final rule to implement measures to modify the existing reporting and recordkeeping requirements for federally permitted seafood dealers/processors and the observer requirements for participating hagfish vessels in the **Federal Register** (72 FR 20036). The adjustments made to the at-sea sea sampler/observer coverage regulations at 50 CFR 648.11 through the April 23, 2007, final rule were inadvertently deleted when another final rule that revised the same section of regulations was published in the **Federal Register** on June 13, 2007 (72 FR 32549). This correcting amendment corrects this error by reinstating language previously added to 50 CFR 648.11, stating that under the hagfish information collection program, any vessel owner/operator that fishes for, catches, or lands hagfish, or intends to fish for, catch, or land hagfish in or from the exclusive economic zone (EEZ) will be required to carry an observer when requested by the Regional Administrator. This language is reinstated so as to maintain the regulatory text implementing Amendment 13 of the Atlantic Sea Scallop Fishery Management Plan.

#### Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for additional public comment for this action because any delay of this action would be contrary to the public interest. As explained above, this rule reinstates regulatory text that had already been implemented but was unintentionally and inadvertently deleted during the implementation of another unrelated rule. Observer coverage is particularly important to determine potentially high discard rates that have been reported to occur in the hagfish fishery in order to determine what management measures may be necessary to reduce such discard. Further, without data collected from the observer program, the status of the stock can not be adequately determined and it

is not possible to capture accurately the geographic and seasonal aspects of the fishery, which reflect overseas demand, and ensure that the resource may be sustained for future years. Without this information, future management efforts cannot be developed and, therefore, will be delayed unnecessarily. Such a delay may negatively impact commercial fishermen that fish for hagfish, who have reported that regional depletion in the fishery is occurring. Moreover, pursuant to 5 U.S.C. 553(d), the Assistant Administrator finds good cause to waive the 30-day delay in effective date for the reasons given above. Without data collected from the observer program, the status of the stock can not be adequately determined and it is not possible to capture accurately the geographic and seasonal aspects of the fishery, which reflect overseas demand, and ensure that the resource may be sustained for future years. Without this information, future management efforts cannot be developed and, therefore, will be delayed unnecessarily. Delaying the rule for 30 days may negatively impact fishermen who fish for hagfish and have observed regional depletion occurring in this fishery. In addition, the final rule that had added the subsequently deleted text had already been subjected to a 30-day delay in implementation and, therefore, an additional delay to correct the deletion is unnecessarily duplicative.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 28, 2007.

**Samuel D. Rauch III,**

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

■ For the reasons set out in the preamble, 50 CFR part 648 is corrected by making a correcting amendment as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.11, paragraph (a) is revised to read as follows:

#### § 648.11 At-sea sampler/observer coverage.

(a) The Regional Administrator may request any vessel holding a permit for Atlantic sea scallops, NE multispecies, monkfish, skates, Atlantic mackerel, squid, butterflyfish, scup, black sea bass, bluefish, spiny dogfish, Atlantic herring, tilefish, or Atlantic deep-sea red crab; or

a moratorium permit for summer flounder; to carry a NMFS-certified fisheries observer. A vessel holding a permit for Atlantic sea scallops is subject to the additional requirements specific in paragraph (g) of this section. Also, any vessel or vessel owner/operator that fishes for, catches or lands hagfish, or intends to fish for, catch, or land hagfish in or from the exclusive economic zone must carry a NMFS-certified fisheries observer when requested by the Regional Administrator in accordance with the requirements of this section.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 060824226-6322-02]

RIN 0648-AW27

#### Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments

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

**ACTION:** Final rule; inseason adjustments to biennial groundfish management measures; request for comments.

**SUMMARY:** This final rule announces inseason changes to management measures in the commercial Pacific Coast groundfish fishery. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

**DATES:** Effective 0001 hours (local time) December 4, 2007. Comments on this final rule must be received no later than 5 p.m., local time on January 3, 2008.

**ADDRESSES:** You may submit comments, identified by RIN 0648-AW27 by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.
- Fax: 206-526-6736, Attn: Gretchen Arentzen

• Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Gretchen Arentzen.

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.

#### FOR FURTHER INFORMATION CONTACT:

Gretchen Arentzen (Northwest Region, NMFS), phone: 206-526-6147, fax: 206-526-6736 and e-mail [gretchen.arentzen@noaa.gov](mailto:gretchen.arentzen@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This final rule is accessible via the Internet at the Office of the Federal Register's Website at <http://www.gpoaccess.gov/fr/index.html>. Background information and documents are available at the Pacific Fishery Management Council's (Council's) website at <http://www.pcouncil.org/>.

##### Background

The Pacific Coast Groundfish FMP and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subpart G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS. A proposed rule to implement the 2007-2008 specifications and management measures for the Pacific Coast groundfish fishery and Amendment 16-4 of the FMP was published on September 29, 2006 (71 FR 57764). The final rule to implement the 2007-2008 specifications and management measures for the Pacific Coast Groundfish Fishery was published on December 29, 2006 (71 FR 78638). These specifications and management measures were codified in the CFR (50 CFR part 660, subpart G). The final rule was subsequently amended on: March 20, 2007 (72 FR 13043); April 18, 2007 (72 FR 19390); July 5, 2007 (72 FR 36617); August 3, 2007 (72 FR 43193);

September 18, 2007 (72 FR 53165); and October 4, 2007 (72 FR 56664).

Changes to current groundfish management measures implemented by this action were recommended by the Council, in consultation with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, at its November 5-9, 2007, meeting in San Diego, California. At that meeting, the Council recommended adjusting current groundfish management measures to respond to updated fishery information and other inseason management needs in order to allow access to groundfish without exceeding the 2007 optimum yields (OYs) for the target species or the 2007 OYs for overfished and depleted stocks.

For the remainder of 2007, the Council recommended increasing the 2-month cumulative limits for sablefish in the limited entry non-whiting trawl fishery for large and small footrope trawl gear north of 40°10.00' N. lat., increasing trip limits for sablefish in the limited entry non-whiting trawl fishery south of 40°10.00' N. lat., and increasing the open access sablefish daily trip limits between 40°10.00' N. lat. and 36° N. lat.

The Council also recommended adjusting management measures beginning January 1, 2008; these measures will be implemented in a separate rulemaking.

NMFS has considered the recommendations for the remainder of 2007, and is implementing them as described below. Pacific Coast groundfish landings will be monitored throughout the remainder of the biennium, and further adjustments to trip limits or management measures may be made as necessary to allow achievement of, or to avoid exceeding, optimum yields (OYs).

#### Commercial Sablefish Fishery Management Measures

The Council considered adjustments to 2007 sablefish trip limits in the limited entry non-whiting trawl fishery and in the open access daily trip limit (DTL) fishery. At the Council's November 2007 meeting, an advisory body to the Council, the Groundfish Management Team (GMT), reviewed the best available data on estimates of landed catch and total mortality for the sablefish in the limited entry trawl and open access fisheries. These data, which estimated catch through the end of October, were compared to catch and mortality estimates modeled for these fisheries and were used to update catch predictions through the end of the year. Based on the Pacific Fishery Information Network's (PacFIN's) Quota