

specified f.o.b. origin or destination, whichever the contract so states.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### B. Regulatory Flexibility Act

The General Services Administration does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule will delete information and clauses that are deemed unnecessary. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. GSA will consider comments from small entities concerning the affected GSAR Parts 547 and 552 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (GSAR case 2006-G518), in correspondence.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the GSAM do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR Parts 547 and 552

Government procurement.

Dated: June 2, 2008.

Al Matara,

Director, Office of Acquisition Policy, General Services Administration.

Therefore, GSA proposes to amend 48 CFR parts 547 and 552 as set forth below:

1. The authority citation for 48 CFR parts 547 and 552 is revised to read as follows:

**AUTHORITY:** 40 U.S.C. 121(c).

#### PART 547 [RESERVED]

2. Part 547 is removed and reserved.

#### PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

##### 552.247–70 [Removed]

3. Section 552.247–70 is removed.

##### 552.247–71 [Removed]

4. Section 552.247–71 is removed.  
[FR Doc. E8–12694 Filed 6–5–08; 8:45 am]

**BILLING CODE** 6820–61–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 080509647–8651–01]

RIN 0648–AW84

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

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) proposes to amend the regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP), to delay the effective date of one of the broad-based gear modifications and remove one of the gear-related definitions required in the recent amendment to the ALWTRP. Specifically, NMFS is proposing to delay the broad-based sinking groundline requirement for trap/pot fishermen in the Atlantic for an additional six months, from October 5, 2008 to April 5, 2009. Additionally, the proposed rule would delete the “neutrally buoyant line” term from the regulations to avoid any potential confusion with the requirements and assist enforcement efforts.

**DATES:** Comments on the proposed rule must be received by 5 p.m. EST on July 7, 2008.

**ADDRESSES:** Comments may be submitted on this proposed rule, identified by RIN 0648–AW84, by any one of the following methods:

(1) Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

(2) Mail: Mary Colligan, Assistant Regional Administrator for Protected Resources, NMFS, Northeast Region, 1 Blackburn Dr., Gloucester, MA 01930, ATTN: ALWTRP Proposed Rule.

(3) Facsimile (fax) to: 978–281–9394, Attn: Diane Borggaard

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 Regulatory Impact Review related to this action can be obtained from the ALWTRP website listed under the Electronic Access portion of this document or writing Diane Borggaard, NMFS, Northeast Region, 1 Blackburn Dr., Gloucester, MA 01930. For additional **ADDRESSES** and web sites for document availability see **SUPPLEMENTARY INFORMATION**.  
**FOR FURTHER INFORMATION CONTACT:** Diane Borggaard, NMFS, Northeast Region, 978–281–9300 Ext. 6503; or Kristy Long, NMFS, Office of Protected Resources, 301–713–2322.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at <http://www.nero.noaa.gov/whaletrp/>. The complete text of the regulations implementing the ALWTRP can be found either in the Code of Federal Regulations (CFR) at 50 CFR 229.32 or downloaded from the website, along with a guide to the regulations.

##### Background

In response to the continued serious injury and mortality of large whales from entanglement in commercial fishing gear, NMFS determined that additional modifications to the ALWTRP were warranted. Subsequently, in October 2007, NMFS finalized an amendment to the ALWTRP which implemented a broad-based gear modification strategy that included additional regulated fisheries; expanded weak link and sinking groundline requirements; additional gear marking requirements; changes in boundaries; seasonal restrictions for gear modifications; expanded exempted areas; and regulatory language changes for the purposes of clarification and consistency (72 FR 57104, October 5, 2007; 73 FR 19171, April 9, 2008). Most modifications became effective November 5, 2007, and April 5, 2008, except for one broad-based requirement

which becomes effective October 5, 2008.

Based on the availability of the sinking groundline and time needed to re-rig gear, NMFS built into the final rule a one-year phase-in period to afford trap/pot and gillnet fishermen adequate time to convert their gear. Specifically, the regulations require sinking and/or neutrally buoyant line on groundlines on a year-round or seasonal basis depending on the temporal and spatial distribution of large whales one year after publication of the final rule (except in the Cape Cod Bay Restricted Area and Seasonal Area Management (SAM) Areas). Because the final rule was published on October 5, 2007, the sinking groundline provision becomes effective on October 5, 2008.

#### *Proposed Measures*

In the time since the publication of the October 5, 2007 final rule, NMFS has monitored the availability of the sinking groundline and progress of the commercial trap/pot fisheries in converting to sinking groundlines. Based on its findings, NMFS has determined that additional time to convert to sinking groundline is warranted. This proposed rule would provide an additional six months (through April 5, 2009) for trap/pot fishermen along the Atlantic east coast to comply with this major requirement.

The proposed action is warranted given the confusion that has occurred regarding which trap/pot fishermen are impacted by the ALWTRP and what type of groundline line is required. As far as trap/pot fisheries, the ALWTRP has regulated only American lobster since it was first implemented in 1997, and many trap/pot fisheries are being regulated for the first time through the October ALWTRP amendment. These new trap/pot fisheries include, but are not limited to, crab (red, Jonah, rock, and blue), hagfish, finfish (black sea bass, scup, tautog, cod, haddock, pollock, redfish (ocean perch), and white hake), conch/whelk, and shrimp.

The delay of the broad-based sinking groundline requirement would occur partially during a time of year when most trap/pot gear is out of the water while fishermen traditionally repair and replace gear. The delay will also enable fishermen to purchase the appropriate sinking line and rectify any confusion they may have regarding sinking line. All other ALWTRP amendments would be effective, including the sinking groundline requirement for gillnet fisheries. The requirements for sinking groundline for lobster trap/pot fisheries in Cape Cod Bay, Dynamic Area Management (DAM) zones (now no

longer in effect), and SAM area have facilitated the conversion to sinking groundline. Floating groundline gear buyback programs in Maine, Massachusetts, New York and the mid-Atlantic have also facilitated the conversion to sinking groundline for trap/pot fisheries, but primarily for lobster trap/pot. This proposed action will eliminate the confusion in the trap/pot industry as to which fisheries are impacted and what type of line is required to assist all Atlantic trap/pot fishermen in fully converting to sinking groundline when much of the gear is out of the water. As a result, trap/pot fishermen would be able to convert their gear over an extended period of time to help ensure gear availability and avoid any potential spike in demand for sinking line, which if it materialized, might temporarily outstrip the capacity of cordage manufacturers, drive up prices, and impair fishermen's ability to comply.

The impact on large whales from this delay would be minimal given that: (1) the majority of the conservation measures included in the amendment to the ALWTRP would already be in place; (2) special right whale management areas have already converted to sinking groundline as described above; (3) most trap/pot gear is out of the water during a portion of the time period before the broad-based sinking groundline requirements go into effect; (4) the primary seasonal distribution of large whales in the Northeast occurs before the proposed effective date (Pace and Merrick 2008, NMFS 2007) (where the majority of confusion has been reported to have occurred); and (5) gear buyback programs from Maine to North Carolina that have assisted in the conversion of sinking groundline for lobster trap/pot fisheries have already removed a large amount of sinking groundline from the ocean.

In addition to the proposal to extend the implementation of the broad-based gear requirements, this proposed rule would delete the "neutrally buoyant line" term and definition from the regulations, so that only the "sinking line" term and definition would remain. In the October 5, 2007 final rule, NMFS included both the terms "sinking" and "neutrally buoyant" line, with identical definitions for each, in an attempt to include familiar industry terms and assist in the understanding of the regulations. However, industry feedback since the final rule published indicates that using two terms has led to confusion and resulted in some fishermen not understanding what type of line is required for the groundline. Additionally, trap/pot fishermen have

inquired about the definition of low profile groundline (a line that does not sink, but loops some distance above the ocean bottom lower than floating line), and have asked NMFS for clarification on whether neutrally buoyant line is the same as low profile line. Therefore, in order to ensure clarity regarding the groundline requirement, this proposed action would remove all references to the term "neutrally buoyant line" from the regulations to facilitate both industry understanding of the regulations and enforcement efforts of this requirement. The term would be removed for both buoy line and groundline requirements and for both gillnet and trap/pot fisheries. Accordingly, the "sinking line" definition would be modified to eliminate reference to "see also neutrally buoyant line." NMFS discussed the removal of the "neutrally buoyant line" term with the Atlantic Large Whale Take Reduction Team, a NMFS advisory group composed of various marine resource stakeholders, at its April 2008 meeting and this suggested ALWTRP revision was supported.

#### **Classification**

This action is categorically excluded from the requirement to prepare an Environmental Assessment in accordance with sections 6.03a.3(a) and 6.03c.3(d) of NOAA Administrative Order (NAO) 216-6. Specifically, this proposed action includes revisions that "will hold no potential for significant environmental impacts," and will facilitate enforcement efforts. This action does not trigger the exceptions to categorical exclusions listed in NAO 216-6, Section 5.05c; thus, a categorical exclusion memorandum to the file has been prepared.

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866.

This proposed rule does not contain a collection of information requirements subject to the Paperwork Reduction Act (PRA).

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The October 5, 2007 ALWTRP final rule (72 FR 57104, October 5, 2007; 73 FR 19171, April 9, 2008) and Final Environmental Impact Statement (FEIS) (August 2007) identified approximately 4,353 vessels that would be affected by the final rule, including 2,889 from the lobster trap/pot fishery. This proposed

action would merely delete the term "neutrally buoyant line" from the regulations, and delay the implementation of the broad based gear requirements for an additional 6 months. Because this action would not impose any new requirements, it would have no economic impact beyond that previously analyzed in the prior rulemaking and Final Environmental Impact Statement, and would not significantly reduce profit for affected vessels.

NMFS has determined that this action is consistent to the maximum extent practicable with the approved coastal management program of the U.S. Atlantic coastal states. This determination was submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This proposed rule contains policies with federalism implications as that term is defined in Executive Order 13132. Accordingly, the Assistant Secretary for Legislative and Intergovernmental Affairs will provide notice of the proposed action to the appropriate official(s) of affected state, local, and/or tribal governments.

References

NMFS. 2007. Final Environmental Impact Statement for Amending the Atlantic Large Whale Take Reduction Plan: Broad-Based Gear Modifications. Prepared by: Industrial Economics, Inc. and NOAA's National Marine Fisheries Service. Northeast Region.

Pace, Richard M. III, and Merrick, Richard. 2008. Northwest Atlantic Ocean Habitats Important to the Conservation of North Atlantic Right Whales. Northeast Fisheries Science Center Reference Document 08-07. 32 PP.

List of Subjects 50 CFR Part 229

Administrative practice and procedure, Confidential business information, Fisheries, Marine mammals, Reporting and recordkeeping requirements.

Dated: June 2, 2008.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 229 is proposed to be amended as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

1. The authority citation for 50 CFR part 229 continues to read as follows:

Authority: 16 U.S.C. 1361 et seq.

2. In § 229.2, the definition "Neutrally buoyant line" is removed. The definition of "Sinking line" is revised to read as follows:

§ 229.2 Definitions.

Sinking line means, for both groundlines and buoy lines, line that has a specific gravity greater than or equal to 1.030, and, for groundlines only, does not float at any point in the water column.

3. In § 229.32, revise paragraphs (a)(4), (c)(2)(ii)(D), (c)(2)(ii)(E), the first sentence of paragraphs, (c)(5)(ii)(B), (c)(6)(ii)(B), (c)(7)(ii)(C), (c)(8)(ii)(B), (c)(9)(ii)(B), (d)(6)(ii)(D), (d)(7)(ii)(D), (i)(3)(i)(B)(1)(i), (i)(3)(i)(B)(2)(i), and the second sentence of (d)(1)(i) to read as follows:

§ 229.3 Atlantic large whale take reduction plan regulations.

(a) Sinking groundline exemption. The fisheries regulated under this section are exempt from the requirement to have groundlines composed of sinking line if their groundline is at a depth equal to or greater than 280 fathoms (1,680 ft or 512.1 m) (as shown on NOAA charts 13200 (Georges Bank and Nantucket Shoals, 1:400,000), 12300 (NY Approaches—Nantucket Shoals to Five Fathom Bank, 1:400,000), 12200 (Cape May to Cape Hatteras, 1:419,706), 11520 (Cape Hatteras to Charleston, 1:432,720), 11480 (Charleston Light to Cape Canaveral, 1:449,659) and 11460(Cape Canaveral to Key West, 1:466,940)).

(D) Buoy lines. All buoy lines must be composed of sinking line except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line.

(E) Groundlines. All groundlines must be composed entirely of sinking line. The attachment of buoys, toggles, or other floatation devices to groundlines is prohibited.

- (5) (i)
(ii)

(B) Groundlines. On or before April 5, 2009, all groundlines must be composed entirely of sinking line unless exempted from this requirement under paragraph (a)(4) of this section.

(B) Groundlines. On or before April 5, 2009, all groundlines must be composed entirely of sinking line unless exempted from this requirement under paragraph (a)(4) of this section.

(C) Groundlines. On or before April 5, 2009, all groundlines must be composed entirely of sinking line unless exempted from this requirement under paragraph (a)(4) of this section.

(B) Groundlines. On or before April 5, 2009, all groundlines must be composed entirely of sinking line unless exempted from this requirement under paragraph (a)(4) of this section.

(B) Groundlines. On or before April 5, 2009, all groundlines must be composed entirely of sinking line unless exempted from this requirement under paragraph (a)(4) of this section.

(i) If more than one buoy is attached to a single buoy line or if a high flyer and a buoy are used together on a single buoy line, sinking line must be used between these objects.

(D) Groundlines. On or before October 5, 2008, all groundlines must be composed entirely of sinking line unless exempted from this requirement under paragraph (a)(4) of this section.

(D) Groundlines. On or before October 5, 2008, all groundlines must be composed entirely of sinking line unless exempted from this requirement under paragraph (a)(4).

(1) Anchored gillnet gear—(i) Groundlines. All groundlines must be

made entirely of sinking line. Floating groundlines are prohibited. \* \* \*

\* \* \* \* \*

(2) *Trap/pot gear*—(i) *Groundlines*.

All groundlines must be made entirely of sinking line. Floating groundlines are prohibited. \* \* \*

\* \* \* \* \*

[FR Doc. 08–1326 Filed 6–3–08; 2:14 pm]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

RIN 0648–AU28

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 14

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

**ACTION:** Notice of Availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) has submitted Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. The amendment would establish eight Type 2 marine protected areas (MPAs) in which fishing for or possession of snapper-grouper species would be prohibited, but other types of legal fishing would be allowed. The MPAs would be located in the following areas: one off southern North Carolina, three off South Carolina, one off Georgia, and three off Florida, and range from 5 by 10 nautical miles to 22 by 23 nautical miles in area. Amendment 14 also proposes to prohibit the use of shark bottom longlines within the MPAs, however, NMFS is proposing to implement the prohibition of shark bottom longlines through separate rulemaking. If implemented, these measures are expected to enhance the optimum size, age and genetic structure of slow growing long-lived deepwater grouper species.

**DATES:** Written comments will be accepted through August 5, 2008.

**ADDRESSES:** You may submit comments, identified by 0648–AU28, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- **Fax:** 727–824–5308, Attn: Kate Michie.

- **Mail:** Kate Michie, NMFS Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, FL 33701.

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 Amendment 14 may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place, Suite 201, North Charleston, South Carolina 29405; phone: 843–571–4366 or toll free at 1–866–SAFMC–10; fax: 843–769–4520; e-mail: [safmc@safmc.net](mailto:safmc@safmc.net). Amendment 14 includes a Final Environmental Impact Statement, a Biological Assessment, an Initial Regulatory Flexibility Analysis, a Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council; toll free 1–866–SAFMC–10 or 843–571–4366; [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The Magnuson-Stevens Act requires a regional fishery management council to submit an amendment to a fishery management plan to NMFS for review, approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, publish a notice in the **Federal Register** stating that the amendment is available for public review and comments.

#### Background

Many snapper-grouper species are vulnerable to overfishing because they

are long-lived (e.g., snowy grouper, golden tilefish, red snapper, gag, scamp, red grouper, and red porgy); they are protogynous, i.e., they may change sex from females to males as they grow older/larger (e.g., snowy grouper, speckled hind, Warsaw grouper, yellowedge grouper, gag, scamp, red porgy, and black sea bass); they form spawning aggregations (e.g., snowy grouper, gag, scamp, and red snapper); and they suffer high release mortality when taken from deep water. Deepwater snapper-grouper species (speckled hind, snowy grouper, Warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, and blueline tilefish) are most vulnerable to overfishing because they live longer than 50 years, do not survive the trauma of capture, and are protogynous (groupers) or exhibit sexual dimorphism, i.e., males and females grow at different rates (tilefishes).

Stock assessments indicate that black sea bass, red porgy, and snowy grouper are overfished, i.e., spawning stock biomass is not sufficient to reproduce and support continued productivity. In addition, black sea bass, golden tilefish, snowy grouper, and vermilion snapper are experiencing overfishing, i.e., the current rate of fishing mortality jeopardizes the capacity of the fishery to produce its maximum sustainable yield on a continuing basis. Reductions in catch and protection of habitat are needed.

#### Proposed Measures

This amendment and its implementing rule would establish eight MPAs in which a portion of the population and habitat of long-lived, slow growing, deepwater snapper-grouper species would be protected from directed fishing pressure. Fishing for or possession of South Atlantic snapper-grouper would be prohibited in the MPAs. However, the prohibition on possession would not apply to a person aboard a vessel that is in transit with fishing gear appropriately stowed. MPAs are considered to be an effective fishery management tool that would allow deepwater snapper-grouper to reach a more natural sex ratio, age, and size structure. They are also expected to protect spawning locations, and provide a refuge for early developmental stages of fish species.

The prohibition of use of shark bottom longlines in the MPAs is considered necessary for habitat protection and to prevent the mortality of incidentally caught snapper-grouper. The Council voted to include this measure in an effort to address enforcement concerns regarding the similarity between snapper-grouper