

and 55 of title 28, Code of Federal Regulations.

The Voting Rights Act—Generally

The Voting Rights Act, signed by President Lyndon B. Johnson on August 6, 1965, and amended in 1970, 1975, 1982, 1992, and 2006, enforces the permanent guarantee of the Fifteenth Amendment to the Constitution that no person shall be denied the right to vote on account of race or color, among other protections. In addition, the Voting Rights Act contains several special temporary provisions that impose more stringent requirements on covered jurisdictions in certain areas of the country and provides protections for designated language minority groups. Under the Voting Rights Act, DOJ is responsible for enforcement and OPM is responsible for providing Federal observers to monitor and report on the election process in areas designated by the Attorney General or a Federal court. Prior to enactment of the VRARA, the Voting Rights Act authorized the Attorney General to request that OPM assign Federal examiners to certified jurisdictions to ensure that legally qualified persons were free to register for Federal, State, and local elections.

The Federal Examiner Program

Sections 6, 7, and 9 of the Voting Rights Act, previously codified at 42 U.S.C. 1973d, 1973e, and 1973g (2005), established the Federal examiner program. Under this program, persons in covered political subdivisions could attest to their eligibility to vote in Federal, State, and local elections by applying to a Federal examiner when such an examiner had been designated to serve in the jurisdiction. The examiner would, in turn, assess the applicant's voter qualifications as prescribed by State law and consistent with the Constitution and laws of the United States, and—if the person were eligible—instruct the voter's county/parish to include him/her on its voter rolls. Such voters could then not be removed from local voter rolls unless and until approval had been obtained from the Federal examiner. The OPM (formerly the Civil Service Commission) was responsible for administering the program and was authorized to promulgate regulations prescribing the times, places, manner and procedures for the listing and removal of the names of persons on voter eligibility lists. In accordance with this responsibility, OPM promulgated regulations for the Federal examiner program at part 801 of title 45, Code of Federal Regulations.

Congressional Hearings on Reauthorization and Amendment

With various provisions of the Voting Rights Act, including those establishing the Federal examiner program (sections 6, 7, and 9), scheduled to expire in 2007, Congress held hearings in 2005 and 2006 on reauthorization and amendment of the Voting Rights Act. During these hearings, Congress heard testimony from voting rights experts and representatives from OPM and DOJ who had worked with and supported the Federal examiner program. Congressional testimony revealed that Federal examiners had not been used to list eligible voters since 1983 and enactment of the National Voter Registration Act of 1993 (NVRA), Public Law 103–31, and the Help America Vote Act of 2002 (HAVA), Public Law 107–252, has significantly improved voter registration. Under the NVRA, States are required to make registration materials available at all driver's license offices, public benefits offices, and other social service agencies. States are also required to maintain voter registration lists for Federal elections in accordance with standards set out by the NVRA. Under HAVA, States are required to meet minimum standards with regard to updating voting equipment, administering provisional balloting, and maintaining one centrally located Statewide voter registration list. Therefore, in the final version of the bill to reauthorize and amend the Voting Rights Act (H.R. 9), Congress chose to include provisions to repeal sections 6, 7, and 9 and remove all references to Federal examiners. See H. Rept. 109–478, 2d Sess., at 61–62 (2006).

Repeal of Authority for the Federal Examiner Program and Attendant Regulations

On July 27, 2006, the President signed the VRARA into law, thereby repealing sections 6, 7 and 9 of the Voting Rights Act and eliminating the Federal examiner program. Section 9 had previously provided the statutory authority for OPM to promulgate regulations prescribing the times, places, manner and procedures for the listing and removal of the names of persons on voter eligibility lists. Therefore, OPM is no longer authorized to maintain part 801 of title 45, Code of Federal Regulations.

Conclusion of the Federal Examiner Program

Removal of part 801 of title 45, Code of Federal Regulations, is consistent with repeal of authority for the Federal examiner program. The DOJ and OPM

have taken additional steps to effectuate the conclusion of the Federal examiner program. By letter dated May 1, 2007, the Chief of the Voting Section, DOJ, notified the five States affected by the end of the Federal examiner program (Alabama, Georgia, Mississippi, Louisiana, and South Carolina) that enactment of the VRARA had ended the program and enclosed, for each State, a final listing of remaining eligible voters listed by Federal examiners. The DOJ letter informed these States that final responsibility for making determinations on whether these Federally listed voters remain eligible in accordance with voter qualifications prescribed by State law and consistent with the Constitution and laws of the United States now rests with these States and their counties or parishes. Similarly, by letters dated May 17 or 18, 2007, OPM notified affected counties and parishes in those States that the Federal examiner program had ended and enclosed a copy of the DOJ letter to the respective State. OPM has also returned all unprocessed requests from counties and parishes to remove names from Federal examiner lists.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains only to the removal of regulatory language made obsolete in 2006 by the enactment of Public Law 109–246.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 45 CFR Part 801

Public welfare, Voting Rights Program.

Office of Personnel Management.

Linda M. Springer,

Director.

■ Therefore, under the authority of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, OPM removes part 801.

PART 801—[REMOVED]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 060525140-6221-02]

RIN 0648-XG34

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Withdrawal of Trip Limit Reduction

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

ACTION: Temporary rule; withdrawal of trip limit reduction.

SUMMARY: NMFS withdraws the reduction of the commercial trip limit for golden tilefish in the South Atlantic to 300 lb (136 kg) per trip in or from the exclusive economic zone (EEZ) that was published in the **Federal Register** on March 28, 2008. Based on updated information, NMFS has determined that the threshold level for implementation of the trip limit will not have been reached by April 6 as originally projected.

DATES: The rule published on March 28, 2008 (73 FR 16571) is withdrawn as of April 2, 2008.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone 727-824-5305, fax 727-824-5308, e-mail susan.gerhart@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic is managed under the Fishery Management Plan for the Snapper-Grouper Resources of the South Atlantic (FMP). The FMP was prepared by the South Atlantic Fishery Management 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.

Under 50 CFR 622.44(c)(2), NMFS is required to reduce the trip limit in the commercial fishery for golden tilefish from 4,000 lb (1,814 kg) to 300 lb (136 kg) per trip when 75 percent of the fishing year quota is met, by filing a notification to that effect in the **Federal Register**. Based on reports through February, NMFS determined that 75 percent of the available commercial quota of 295,000 lb (133,810 kg), gutted weight, for golden tilefish would be reached on or before April 6, 2008. Accordingly, NMFS published a trip

limit reduction (73 FR 16571, March 28, 2008) reducing the commercial golden tilefish trip limit to 300 lb (136 kg) in the South Atlantic EEZ from 12:01 a.m., local time, on April 6, 2008 through December 31, 2008, unless changed by further notification in the **Federal Register**. However, a new report including March landings indicated that 75 percent of the quota would not be reached by that date due to unexpected decreases in fishing effort and reporting errors. Therefore, NMFS is withdrawing the trip limit reduction, will continue monitoring the fishery, and will publish a new trip limit reduction in the **Federal Register** when 75 percent of the applicable quota is projected to be reached.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such prior notice and opportunity for public comment is contrary to the public interest. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to avoid an unnecessary regulatory restriction and the associated adverse social and economic impacts. Prior notice and opportunity for public comment would require time and would potentially result in economic loss to participants in the fishery. For these same reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: April 2, 2008.

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 665**

[Docket No. 071211828-8448-02]

RIN 0648-XG90

Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the commercial and non-commercial fisheries in the Main Hawaiian Islands fishery for seven deepwater bottomfish species ("Deep 7" bottomfish) as a result of reaching the total allowable catch (TAC) for the 2007-08 fishing year.

DATES: Effective April 16, 2008 through August 31, 2008.

FOR FURTHER INFORMATION CONTACT:

Karla Gore, NMFS Pacific Islands Region, 808-944-2273.

SUPPLEMENTARY INFORMATION:

Bottomfish fishing in Hawaii is managed under the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Bottomfish FMP), developed by the Western Pacific Fishery Management Council (Council) and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the Bottomfish FMP appear at 50 CFR part 665 and at subpart H of 50 CFR part 600.

The regulations at § 665.72 authorize NMFS and the Council to set a TAC limit for Deep 7 bottomfish for the fishing year, based on the best available scientific, commercial, and other information, and taking into account the associated risk of overfishing. The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapu'upu'u (*Epinephelus quernus*).

When the TAC limit for the year is projected to be reached, the Regional Administrator is required to publish notification that the fishery will be closed beginning on a specified date (not earlier than 14 days after the date of filing the closure notice for public inspection at the Office of the **Federal Register**) until the end of the fishing