

commercial harvest of spiny lobster (50 CFR 622.2 and 622.405), and in South Atlantic Federal waters, black sea bass pots are allowed for the commercial harvest of black sea bass, golden crab traps are allowed for the commercial harvest of golden crab, and crustacean traps are allowed for the commercial harvest of spiny lobster (50 CFR 622.2, 622.198, 622.248, 622.249, and 622.405). The EFP would exempt this research activity from Federal regulations at 50 CFR 622.9(c).

The purpose of this study is to test the effectiveness of different trap designs in capturing lionfish in the Gulf and South Atlantic with a goal of determining the performance of traps as part of a lionfish population control program. Additionally, the project would collect information on lionfish population distribution, density, and life-history information. The applicant also proposes to develop and utilize an outreach and education program to further increase awareness about the lionfish, its status as an invasive species, efforts to control the spread of the population, and utilization of lionfish as a consumer food source.

The Association requests authorization to deploy four fish trap designs at reef sites in the Federal waters of the Gulf and South Atlantic to target lionfish. Fish trap deployment in the Gulf would be off west central Florida (Tampa, FL), in the South Atlantic off east central Florida (Ponce Inlet, FL) and South Carolina (Murrells Inlet, SC), and in the Florida Keys.

As described in the application, the four fish trap designs to be tested are wood spiny lobster trap, wire basket spiny lobster trap, rectangular wire trap, and sea bass pot. All four designs would have biodegradable trap panels and modified funnels not to exceed 4 by 7 inches (10 by 18 cm). Current project plans would have 25 of each of the 4 trap types deployed on the seafloor in a combination resulting in 4 strings of 25 traps per string at each of the four locations twice per month during a 12-month period during the project. The depth of trap deployment is expected to be between 65 to 300 ft (20 to 91 m). Trap soak time will range from several hours to 2 weeks depending on trap type and location. Setting and hauling of the traps is expected to occur during daylight hours. Bait to be used in the traps would include live lionfish, cowhide strips, and/or female lionfish gonads. Sampling at each site would be limited to 100 days per year.

Vessels to be used in the proposed study would be federally permitted commercial fishing vessels under contract to the Association. Vessel crew

or observers onboard the contract vessels during the sampling trips would collect and record date and time of trap deployment and retrieval, location, water depth, and collect biological samples. Video images would also be used to assess the success of the trap designs as structures for attracting lionfish. A percentage of the lionfish catch would be retained for further biological sampling and analysis under the study, a percentage would be tagged and released, and a percentage would be retained to promote lionfish as a food source to the consumer. All other fish species caught in the traps would be released and returned to depth using decompression devices; only lionfish would be retained in the project.

The applicant has requested the EFP be effective for a 1-year period from the date any EFP is issued.

The applicant is still in the process of obtaining funding for this research. Therefore, further information regarding the specific locations for sampling, sampling methods and schedule, are not yet available. If, based on this additional information, the permit as granted is significantly different from the original application, NMFS may publish notification in the **Federal Register** describing the exempted fishing to be conducted under the EFP.

NMFS finds this application warrants further consideration based on a preliminary review. Possible conditions the agency may impose on this permit, if they are granted, include but are not limited to, a prohibition of conducting research within marine protected areas, marine sanctuaries, special management zones, or artificial reefs without additional authorization. Additionally, NMFS may require special protections for species listed under the Endangered Species Act and their critical habitat. A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the appropriate fishery management agencies of the affected states, the Gulf of Mexico and South Atlantic Fishery Management Councils, and the U.S. Coast Guard, and a determination that they are consistent with all applicable laws.

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

Dated: August 11, 2016.

**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

RIN 0648-XE646

#### Conclusion of National Marine Fisheries Service International Trade Data System Tests Concerning the Electronic Submission of Certain Data Required for Fish Imports and Exports

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

**ACTION:** Notice.

**SUMMARY:** U.S. Customs and Border Protection (CBP) and the National Marine Fisheries Service (NMFS) previously announced tests under the National Customs Automation Program (NCAP) concerning the electronic transmission of certain data for NMFS-regulated commodities through the Automated Commercial Environment (ACE) and through the Automated Export System (AES). The tests included electronic data submission for imports (published in the **Federal Register** on June 5, 2015) and for exports (published in the **Federal Register** on June 3, 2016).

During the imports test, entry filers were able to use the Automated Broker Interface (ABI) and the Document Image System (DIS) to transmit the NMFS Partner Government Agency (PGA) message data and forms required for NMFS to make admissibility determinations for entries subject to the monitoring programs for tunas, swordfish and toothfish, under the Highly Migratory Species International Trade Program (HMS), the Antarctic Marine Living Resources Trade Monitoring Program (AMR), and the Tuna Tacking and Verification Program (TTVP). During the exports test, exporters were able to use the Automated Export System (AES) and the DIS to transmit the NMFS PGA data and forms required for NMFS to collect required information on exports subject to these same trade monitoring programs.

It has been determined that ACE and AES are capable of accepting NMFS-regulated electronic entries. NMFS regulations effective on September 20, 2016 (published on August 3, 2016) will require the use of ACE or AES, as applicable, for electronic filings of regulated imports or exports of fish products. Accordingly, CBP and NMFS announce that the NCAP tests are ending on September 20, 2016. All importers and exporters of fish products regulated by NMFS are encouraged to

use ACE or AES, as applicable, for their electronic filings in advance of September 20, 2016, when such filings will become mandatory.

**DATES:** The NMFS ACE and AES tests conclude on September 20, 2016. ACE entries and AES export declarations for NMFS-regulated products may be continued until the conclusion of the tests. For NMFS regulated fishery products, use of ACE and AES to file electronically is required beginning September 20, 2016.

**FOR FURTHER INFORMATION CONTACT:** For technical questions related to the Automated Commercial Environment (ACE), ABI transmissions, or AES, contact your assigned CBP client representative. Interested parties without an assigned client representative should direct their questions to Steven Zaccaro at [steven.j.zaccaro@cbp.dhs.gov](mailto:steven.j.zaccaro@cbp.dhs.gov). For PGA reporting related questions, contact Emi Wallace (CBP) at [emi.r.wallace@cbp.dhs.gov](mailto:emi.r.wallace@cbp.dhs.gov) and for NMFS program related questions contact Dale Jones (NMFS) at [dale.jones@noaa.gov](mailto:dale.jones@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

*I. The National Customs Automation Program (NCAP)*

NCAP was established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (Customs Modernization Act). See 19 U.S.C. 1411. Through NCAP, the initial thrust of customs modernization was on trade compliance and the development of ACE, the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions.

CBP's modernization efforts are accomplished through phased releases of ACE and AES component functionalities. Each release begins with a test and ends with mandatory use of the new ACE or AES features. Each release builds on previous releases and

sets the foundation for subsequent releases. ABI and AES allow participants to electronically file required import and export data, respectively, with CBP and transfer that data into ACE.

*II. International Trade Data System*

The NMFS import and export tests were conducted in furtherance of the ITDS, which is statutorily authorized by section 405 of the Security and Accountability for Every (SAFE) Port Act of 2006, Public Law 109–347. The purpose of ITDS, as set forth in section 405 of the SAFE Port Act of 2006, is to eliminate redundant information filing requirements, efficiently regulate the flow of commerce, and effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by CBP, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

*III. Conclusion of the NMFS PGA Message Set and DIS Tests*

Through this notice, CBP and NMFS announce that ACE and AES are capable of accepting required data and/or forms related to electronically filed entries of NMFS regulated commodities via the NMFS PGA Message Set (for imports), in AES Trade Interface Requirements (AESTIR) or American National Standards Institute (ANSI) X12, or in ACE AESDirect using an ACE portal, bulk upload or weblink (for exports) and the DIS. CBP encourages all importers of fish products regulated by NMFS to now use ACE or AES, as applicable, for their electronic filings. Making the transition to ACE and AES now will benefit the filing community when ACE and AES become the NMFS and CBP authorized EDI system for these filings as of September 20, 2016.

*IV. Transition to Use of ACE for Imports and Exports*

On February 29, 2016, CBP published a notice in the **Federal Register** (81 FR 10264) announcing that, starting on March 31, 2016, CBP would begin decommissioning the Automated Commercial System (ACS) for certain entry and entry summary filings, making ACE the sole CBP-authorized EDI system for processing those electronic filings. CBP explained that the PGA Message Set and DIS pilots would be concluded on a rolling basis and that, as each pilot was concluded, ACE would become the sole CBP-authorized EDI system for electronic entry and entry summary filings for merchandise subject to the specified

PGA import requirements and that merchandise subject to the specified PGA import requirements would no longer be permitted in ACS. In the case of NMFS, no PGA data was previously collected via ACS, so ACE implementation for these commodities is an important step in the NMFS effort to collect import data electronically.

Subsequently, CBP published a notice in the **Federal Register** (81 FR 32339, May 23, 2016) announcing that, effective July 23, 2016, CBP will decommission ACS for most entry and entry summary filings, making ACE the sole CBP-authorized EDI system for processing those electronic filings. As of July 23, 2016, electronic entry filings for NMFS-regulated fishery products were no longer accepted in ACS.

With respect to exports and electronic filing within ITDS, the Bureau of the Census issued a proposed rule on March 9, 2016 (81 FR 12423) to amend regulations pertaining to export requirements. In that notice of proposed rulemaking, Census explained how the AES was being integrated into ACE consistent with the “single window” concept of ITDS, as required by the SAFE Port Act. Comments submitted on that proposed rule may be viewed in the rulemaking docket: <https://www.regulations.gov/docket?D=USBC-2016-0001>.

*VI. Process Changes*

Although CBP and NMFS are concluding the NCAP tests, importers and exporters are encouraged to continue filing in ACE or AES, as applicable, in advance of the September 20, 2016 transition date for mandatory ACE and AES filings as recently announced by NMFS.

In December 2015, NMFS published a proposed rule that would require submission of the import and exports data and forms through ACE/AES. See 80 FR 81251 (December 29, 2015). For imports, these data elements and forms are set forth in the supplemental Customs and Trade Automated Interface Requirements (CATAIR) guidelines for NMFS. These specifications, including the CATAIR chapters can be found at the following link: <http://www.cbp.gov/trade/ace/catair>. For exports, the CBP Web page that contains the primary information on export requirements is: <https://www.cbp.gov/trade/aes>. Details on how to submit export data via AES are available at: <https://www.cbp.gov/trade/aes/aestir/introduction-and-guidelines>.

NMFS published a final rule on August 3, 2016 (81 FR 51126) to require electronic entry and/or export filings in ACE/AES for fish and fish products

subject to permitting, reporting and recordkeeping requirements under these three programs: Highly Migratory Species International Trade Program (HMS), Antarctic Marine Living Resources Trade Monitoring Program (AMR), and the Tuna Tacking and Verification Program (TTVP). Importers, exporters, shippers and customs brokers should note that the NMFS final rule, effective September 20, 2016, requires ACE or AES electronic filings for imports and exports, respectively, including the message set, International Fisheries Trade Permit (IFTP) check, and DIS submissions.

For information regarding imports of fish products regulated by NMFS and the data elements, forms and documentation required by NMFS, importers and customs brokers should consult the ITDS implementation guidelines for NMFS at: <https://www.cbp.gov/document/guidance/nmfs-pga-message-set-guidelines>. For exports, the PGA record formats are listed at: <https://www.cbp.gov/document/guidance/aestir-draft-appendix-q-pga-record-formats>. The Appendix Q Record Layout Key provides details how each record should be structured: <https://www.cbp.gov/document/guidance/appendix-q-record-layout-key>.

NMFS Office of International Affairs and Seafood Inspection will host two public webinar meetings on August 18, 2016 and September 1, 2016, 2:30 p.m.–4:00 p.m. Eastern, to inform interested stakeholders about this regulation and its implementation. Instructions on how to join the webinars are provided at the following internet link: [http://www.nmfs.noaa.gov/ia/slider\\_stories/2016/07/08022016\\_itds\\_final\\_rule.html](http://www.nmfs.noaa.gov/ia/slider_stories/2016/07/08022016_itds_final_rule.html).

Dated: August 10, 2016.

**John Henderschedt,**

*Director, Office for International Affairs and Seafood Inspection, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648–XE668**

**Magnuson-Stevens Act Provisions; National Standard 2—Scientific Information; Regional Peer Review Processes**

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

**ACTION:** Notice of regional peer review processes.

**SUMMARY:** NMFS is providing notice of the regional peer review processes established pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This notice provides a summary of each regional peer review process which has been jointly established by the Secretary and the relevant regional fishery management council (Council) for review of scientific information used to advise the Council about the conservation and management of fisheries. It also directs the public to a Web page where detailed guidelines can be found for each peer review process. NMFS and the Councils may update those guidelines as necessary.

**DATES:** Effective August 16, 2016.

**FOR FURTHER INFORMATION CONTACT:**

William Michaels by phone 301–427–8155, or by email: [william.michaels@noaa.gov](mailto:william.michaels@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Section 301(a)(2) of the MSA specifies that fishery conservation and management measures shall be based upon the best scientific information available. 16 U.S.C. 1851(a)(2). Section 302(g)(1)(E) of the MSA provides that the Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. 16 U.S.C. 1852(g)(1)(E). Section 301(b) of the MSA states that the Secretary [of Commerce] shall establish advisory guidelines (which shall not have the force and effect of law), based on national standards, to assist in the development of fishery management plans. 16 U.S.C. 1851(b). These national standards include National Standard 2 (NS2), which provides guidance on the best scientific information available (BSIA) standard, including guidance on standards for establishing a peer review process per MSA section 302(g)(1)(E). The NS2 guidelines appear at 50 CFR 600.315.

The decision to establish a 302(g)(1)(E) peer review process is a joint decision made by the Secretary and a Council. If the Secretary and a Council establish such a process, it will be deemed to satisfy the requirements of the Information Quality Act (44 U.S.C. 3516), including the Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review (70 FR 2664, January 14, 2005). 16 U.S.C. 1852(g)(1)(E). Under the NS2 guidelines, the Secretary will announce the establishment of a peer review

process under MSA 302(g)(1)(E), which may include existing committees or panels, in the **Federal Register**. See 50 CFR 600.315(b)(4). This notice fulfills that requirement and is an affirmation that the existing regional peer review processes jointly commissioned by the Secretary and Council are consistent with widely accepted peer review standards and the NS2 guidelines, including requirements for public transparency.

The NS2 guidelines provide guidance and standards to establish a 302(g)(1)(E) review process and adopts many of the OMB Peer Review Bulletin standards. See 50 CFR 600.315(b). These standards emphasize the importance of expert qualifications; balance in knowledge and perspectives; lack of conflicts of interest; independence from the work being reviewed; and transparency of the peer review process. The NS2 guidelines specify that the degree of independence for a peer review may vary depending of the novelty, controversy, and complexity of the scientific information being reviewed. For reviews requiring a high degree of independence, the Center for Independent Experts (CIE) has often been used as an independent selection process for obtaining highly qualified experts to participate on review panels. Further information on CIE and NS2 is available at: <https://www.st.nmfs.noaa.gov/science-quality-assurance/index>. The NS2 guidelines also provide guidance on participation in the peer review process by members of the Council's Scientific and Statistical Committee (SSC). This notice provides links to publicly available Web pages that set forth detailed guidelines for each 302(g)(1)(E) peer review process. The guidelines may be updated as necessary and appropriate to improve the review processes. Although not within the scope of this notice, there are other important processes, including peer review, that are used by NMFS to inform fishery conservation and management that are not jointly established by the Secretary and Council pursuant to section 302(g)(1)(E), such as peer reviews pertaining to scientific information supporting international fisheries management agreements.

*Description of Regional Peer Review Processes.* Five regional peer review processes have been established jointly by the Secretary and Councils pursuant to MSA section 302(g)(1)(E); an overview of each is provided below.