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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE**Office of the Secretary****13 CFR Ch. III****15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI****19 CFR Ch. III****37 CFR Chs. I, IV, and V****48 CFR Ch. 13****50 CFR Chs. II, III, IV, and VI****Fall 2018 Semiannual Agenda of Regulations**

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled “Regulatory Planning and Review,” and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 2018 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce’s fall 2018 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2018, through September 30, 2019.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation, Regulation, and Oversight, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its fall 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of June 18, 2018, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2018 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

Beginning with the fall 2007 edition, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

In this edition of Commerce’s regulatory agenda, a list of the most important significant regulatory and deregulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, Commerce’s entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of Commerce’s regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA’s National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS’ programs, an “Explanation of Information Contained in NMFS Regulatory Entries” is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare Fishery Management Plans (FMPs) for the fisheries within their respective areas. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary FMP has been issued to govern that foreign fishing. In the development of FMPs, or amendments to FMPs, and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce’s fall 2018 regulatory agenda follows.

Peter B. Davidson,
General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
198	Covered Merchandise Referrals From the Customs Service	0625–AB10

BUREAU OF INDUSTRY AND SECURITY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
199	Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China (China), Russia, or Venezuela.	0694–AH53

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
200	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
201	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
202	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
203	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
204	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648–BF41
205	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648–BG04
206	Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act.	0648–BG11
207	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements to Safeguard Fishery Observers.	0648–BG66
208	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels.	0648–BH70
209	Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region.	0648–BH72
210	Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures	0648–BH75
211	Framework Adjustment to Modify a Commercial Accountability Measure in the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan.	0648–BH80
212	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood (Reg Plan Seq No. 18).	0648–BH87
213	Revisions to Regulations for Species With Sideboard Limits That Cannot Support Directed Fishing by Vessels Subject to Sideboards in the Bering Sea and Aleutian Islands and Gulf of Alaska.	0648–BH88
214	2019–2020 Harvest Specifications and Management Measures for Pacific Coast Groundfish and Fishery Management Plan.	0648–BH93
215	Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico, Modification of Gulf of Mexico Red Snapper and Hogfish Annual Catch Limits.	0648–BI39
216	Revision to Critical Habitat Designation for Endangered Southern Resident Killer Whales	0648–BH95
217	Designation of Critical Habitat for the Mexico, Central American, and Western Pacific Distinct Population Segments of Humpback Whales Under the Endangered Species Act.	0648–BI06

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
218	Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule to Incorporate New Scientific Information.	0648–BE77
219	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for the Pacific Whiting Fishery.	0648–BF52
220	Commerce Trusted Trader Program (Reg Plan Seq No. 20)	0648–BG51
221	Rule to Implement the For-Hire Reporting Amendments	0648–BG75
222	Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups	0648–BG94
223	Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.	0648–BH02
224	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna and North Atlantic Albacore Quotas	0648–BH54
225	Regulation to Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries.	0648–BG45
226	Regulatory Amendment to Authorize a Recreational Quota Entity	0648–BG57
227	Wisconsin-Lake Michigan National Marine Sanctuary Designation	0648–BG01

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
228	Mallows Bay-Potomac River National Marine Sanctuary Designation	0648-BG02

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
229	Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance	0648-BE90
230	Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories.	0648-BG36
231	Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions	0648-AU02
232	Designation of Critical Habitat for the Arctic Ringed Seal	0648-BC56
233	Amendment and Updates to the Pelagic Longline Take Reduction Plan	0648-BF90
234	Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-building Corals.	0648-BG26

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
235	Framework Adjustment 2 to the Tilefish Fishery Management Plan	0648-BF85
236	Amendment 36A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648-BG83
237	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine Fisheries for 2017.	0648-BG93
238	Nontrawl Lead Level 2 Observers	0648-BG96
239	Atlantic Highly Migratory Species; Revisions to Shark Fishery Closure Regulations	0648-BG97
240	Rule to Modify Mutton Snapper and Gag Management Measures in the Gulf of Mexico	0648-BG99
241	Amendment 47 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico	0648-BH07
242	Management Measures for Tropical Tunas in the Eastern Pacific Ocean	0648-BH13
243	Interim 2018 Pacific Coast Tribal Pacific Whiting Allocation	0648-BH31
244	Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan; Northern Gulf of Maine Measures.	0648-BH51
245	Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan	0648-BH52
246	Small-Mesh Multispecies 2018–2020 Specifications	0648-BH76
247	Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment	0648-BC45

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Proposed Rule Stage

198. Covered Merchandise Referrals From the Customs Service

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–125, sec. 421

Abstract: The Department of Commerce (the Department) is proposing to amend its regulations to set forth procedures to address covered merchandise referrals from U.S. Customs and Border Protection (CBP or the Customs Service).

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jessica Link, Department of Commerce, International Trade Administration, 1401 Constitution Avenue NW, Washington, DC 20230, *Phone:* 202 482–1411. *RIN:* 0625–AB10

DEPARTMENT OF COMMERCE (DOC)

Bureau of Industry and Security (BIS)

Proposed Rule Stage

199. Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People’s Republic of China (China), Russia, or Venezuela

E.O. 13771 Designation: Other.

Legal Authority: 10 U.S.C. 7420; 10 U.S.C. 7430(e); 15 U.S.C. 1824a; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; 30 U.S.C. 185(s); 30 U.S.C. 185(u); 42 U.S.C. 2139a; 43 U.S.C. 1354; 50 U.S.C. 1701 *et seq.*; 50 U.S.C. 4305;

50 U.S.C. 4601 *et seq.*; E.O. 12058; E.O. 12851; E.O. 12938; E.O. 12947; E.O. 13026; E.O. 13099; E.O. 13222; E.O. 13224; Pub. L. 108–11

Abstract: The Bureau of Industry and Security (BIS) proposes to amend the Export Administration Regulations (EAR) to expand license requirements on exports, reexports, and transfers (in-country) of items intended for military end use or military end users in the Peoples Republic of China (China), Russia, or Venezuela. Specifically, this rule would expand the licensing requirements for China to include “military end users,” in addition to “military end use.” It would broaden the items for which the licensing requirements and review policy apply and expand the definition of “military end use.” Next, it would create a new reason for control and associated review policy for regional stability for certain items to China, Russia, or Venezuela, moving existing text related to this policy. Finally, it would add Electronic

Export Information filing requirements in the Automated Export System for exports to China, Russia, and Venezuela.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230, *Phone:* 202 482-2440, *Fax:* 202 482-3355, *Email:* hillary.hess@bis.doc.gov.

RIN: 0694-AH53

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

200. Comprehensive Fishery Management Plan for Puerto Rico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive Puerto Rico Fishery Management Plan. The Plan will incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. If approved, this new Puerto Rico Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov. *RIN:* 0648-BD32

201. Comprehensive Fishery Management Plan for St. Croix

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive St. Croix Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. If approved, this new St. Croix Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for Puerto Rico and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov. *RIN:* 0648-BD33

202. Comprehensive Fishery Management Plan for St. Thomas/St. John

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive St. Thomas/St. John

Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. If approved, this new St. Thomas/St. John Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and Puerto Rico, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov. *RIN:* 0648-BD34

203. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: Criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. This rule

is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231-6266, *Email:* barry.thom@noaa.gov.

RIN: 0648-BD59

204. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories

E.O. 13771 Designation: Deregulatory. *Legal Authority:* 16 U.S.C. 6901 *et seq.*

Abstract: This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the

Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
NPRM	06/00/19	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* michael.tosatto@noaa.gov.

RIN: 0648-BF41

205. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 973 *et seq.*

Abstract: Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands

Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* michael.tosatto@noaa.gov.

RIN: 0648-BG04

206. Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 114-81

Abstract: This proposed rule will make conforming amendments to regulations implementing the various statutes amended by the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2015 (Pub. L. 114-81). The Act amends several regional fishery management organization implementing statutes as well as the High Seas Driftnet Fishing Moratorium Protection Act. It also provides authority to implement two new international agreements under the Antigua Convention, which amends the Convention for the establishment of an Inter-American Tropical Tuna Commission, and the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement), which restricts the entry into U.S. ports by foreign fishing vessels that are known to be or are suspected of engaging in illegal, unreported, and unregulated fishing. This proposed rule will also implement the Port State Measures Agreement. To that end, this proposed rule will require the collection of certain information from foreign fishing vessels requesting permission to use U.S. ports. It also includes procedures to designate and publicize the ports to which foreign fishing vessels may seek entry and procedures for conducting inspections of these foreign vessels accessing U.S. ports. Further, the rule establishes procedures for notification of: The denial of port entry or port services for a foreign vessel, the withdrawal of the denial of port services if applicable, the taking of enforcement action with respect to a foreign vessel, or the results of any inspection of a foreign vessel to the flag nation of the vessel and other competent authorities as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427-8314, *Email:* john.henderschedt@noaa.gov.

RIN: 0648-BG11

207. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements To Safeguard Fishery Observers

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This rule would establish requirements to enhance the safety of fishery observers on highly migratory species fishing vessels. This rule would be issued under the authority of the Western and Central Pacific Fisheries Convention Implementation Act, and pursuant to decisions made by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. This action is necessary for the United States to satisfy its obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* michael.tosatto@noaa.gov.

RIN: 0648-BG66

208. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels

E.O. 13771 Designation: Deregulatory.

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

Abstract: The proposed action would implement a regulatory amendment to the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan to allow bottom trawl and midwater trawl vessels targeting non-whiting species

the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the fleet.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231-6266, *Email:* barry.thom@noaa.gov.

RIN: 0648-BH70

209. Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action, recommended by the Gulf of Mexico Fishery Management Council, would modify data reporting for owners or operators of federally permitted for-hire vessels (charter vessels and headboats) in the Gulf of Mexico, requiring them to declare the type of trip (for-hire or other) prior to departing for any trip, and electronically submit trip-level reports prior to off-loading fish at the end of each fishing trip. The declaration would include the expected return time and landing location. Landing reports would include information about catch and effort during the trip. The action would also require that these reports be submitted via approved hardware that includes a global positioning system attached to the vessel that is capable, at a minimum, of archiving global positioning system locations. This requirement would not preclude the use of global positioning system devices that provide real-time location data, such as the currently approved vessel monitoring systems.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/21/18	83 FR 28797

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov.

RIN: 0648-BH72

210. Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: Atlantic Highly Migratory Species fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act, which implements U.S. obligations as member of the International Commission for the Conservation of Atlantic Tunas. North Atlantic shortfin mako sharks were recently determined to be overfished and experiencing overfishing, and the Commission's member countries, including the United States, adopted management measures in 2017 to take immediate action to reduce fishing mortality of the stock, including releasing of live sharks and increasing minimum sizes. This proposed action for shortfin mako sharks would implement the United States' obligations under those management measures to help prevent overfishing of the U.S. component of that stock and establish a foundation for a rebuilding program. Through the rulemaking process, NMFS would amend the 2006 Consolidated Highly Migratory Species Fishery Management Plan and examine management alternatives to address overfishing and establish a foundation for a rebuilding plan. This rulemaking would likely impact recreational and commercial fishing vessels that interact with shortfin mako sharks.

Timetable:

Action	Date	FR Cite
NPRM	07/27/18	83 FR 35590
NPRM Comment Period End.	10/01/18	
Final Action	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713-2334, *Fax:* 301 713-0596, *Email:* alan.risenhoover@noaa.gov.

RIN: 0648-BH75

211. Framework Adjustment To Modify a Commercial Accountability Measure in the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: As per action by the Mid Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission, this rule would propose to adjust the current pound-for-pound accountability measures required for non-landings overages (*i.e.*, overages that occur because of higher-than-expected dead discard estimates) in the summer flounder, scup, and black sea bass fisheries. When overages cannot be addressed through a landings-based accountability measure alone, this action would allow for a scaled payback of an annual catch limit overage, depending on the condition of the stock rather than a pound-for-pound payback of the annual catch limit overage.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Fax:* 978 281-9207, *Email:* michael.pentony@noaa.gov.

RIN: 0648-BH80

212. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood

Regulatory Plan: This entry is Seq. No. 18 in part II of this issue of the Federal Register.

RIN: 0648-BH87

213. Revisions to Regulations for Species With Sideboard Limits That Cannot Support Directed Fishing by Vessels Subject to Sideboards in the Bering Sea and Aleutian Islands and Gulf of Alaska

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule proposes to implement an action of the Northern Pacific Fishery Management Council by revising Federal regulations to prohibit directed fishing for those species with sideboard limits that are not large enough to support directed fishing by non-exempt American Fisheries Act vessels in the Bering Sea/Aleutian Islands and Gulf of Alaska and crab vessels in the Crab Rationalization Program (CR Program) in the Gulf of Alaska, or for those species that are fully allocated to other programs (*e.g.*, flathead sole, rock sole, Western Aleutian Islands Atka mackerel). NMFS would then no longer publish American Fisheries Act and CR Program sideboard amounts for those species in the annual harvest specifications. In addition, the action would remove the sideboard limit on American Fisheries Act catcher/processors for Central Aleutian Islands Atka mackerel because the sideboard limit under the American Fisheries Act (11.5 percent) is constrained by the allocation to the trawl limited access sector (10 percent) that was established by the Amendment 80 Program. The primary benefits of this action are that it would streamline the annual harvest specifications, reduce the annual costs of preparing and publishing the annual harvest specifications in the **Federal Register**, and simplify NMFS' annual programming changes to the agency's groundfish catch accounting system. This action would not alter how NMFS actually manages the relevant sideboard limits, and NMFS would continue to monitor Bering Sea/Aleutian Islands and Gulf of Alaska groundfish catch to ensure that each species' total allowable catch limit is not exceeded. This action would not incur any negative impacts to American Fisheries Act and crab sideboard limited vessels for the foreseeable future.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National

Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7221, *Fax:* 907 586-7465, *Email:* jim.balsiger@noaa.gov.

RIN: 0648-BH88

214. • 2019-2020 Harvest Specifications and Management Measures for Pacific Coast Groundfish and Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Every other year, the Pacific Fishery Management Council (Council) makes recommendations to set biennial allowable harvest levels for Pacific Coast groundfish, and recommends management measures for commercial, recreational, and tribal fisheries that are designed to achieve those harvest levels consistent with the Pacific Coast Groundfish Fishery Management Plan. For the 2019-2020 biennium, the Council has recommended the following: Harvest specifications, including overfishing limits, acceptable biological catches, and annual catch limits; management measures to achieve those specifications; changes to the yelloweye rockfish rebuilding plan, which would increase the annual catch limit for this species for the 2-year biennial management period; and measures to reduce salmon bycatch in the groundfish fisheries. The specifications and management measures that would be forwarded by this action would be in effect from January 1, 2019, through December 31, 2020.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231-6266, *Email:* barry.thom@noaa.gov.

RIN: 0648-BH93

215. • Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico, Modification of Gulf of Mexico Red Snapper and Hogfish Annual Catch Limits

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The Gulf of Mexico Fishery Management Council recently took action to revise the acceptable biological catch and the annual catch limits for the Gulf of Mexico stocks of red snapper and hogfish. This action was taken in response to the most recent stock assessments for these species and the recommendations from the Council's Scientific and Statistical Committee. The red snapper and hogfish assessments found the stocks are neither overfished nor undergoing overfishing. This rulemaking would implement the Council's action by increasing the acceptable biological catch for red snapper and setting the annual catch limit to be equal to the acceptable biological catch. The established allocations would be used to set the commercial and recreational component annual catch limits, and recreational component annual catch targets. The acceptable biological catch for hogfish would decrease and the stock annual catch limit would be set equal to the acceptable biological catch. There are no allocations or annual catch targets for Gulf hogfish.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov, *RIN:* 0648-BI39

216. • Revision to Critical Habitat Designation for Endangered Southern Resident Killer Whales

E.O. 13771 Designation: Regulatory. *Legal Authority:* 16 U.S.C. 1531 *et seq.* *Abstract:* The proposed action would revise the designation of critical habitat for the endangered Southern Resident killer whale distinct population segment, pursuant to section 4 of the Endangered Species Act. Critical habitat for this population is currently designated within inland waters of Washington. In response to a 2014 petition, NMFS is proposing to expand the designation to include areas occupied by Southern Resident killer whales in waters along the U.S. West Coast. Impacts from the designation would stem mainly from Federal agencies' requirement to consult with NMFS, under section 7 of the

Endangered Species Act, to ensure that any action they carry out, permit (authorize), or fund will not result in the destruction or adverse modification of critical habitat of a listed species. Federal agencies are already required to consult on effects to the currently designated critical habitat in inland waters of Washington, but consultation would be newly required for actions affecting the expanded critical habitat areas. Federal agencies are also already required to consult within the Southern Resident killer whales' range (including along the U.S. West Coast) to ensure that any action they carry out, permit, or fund will not jeopardize the continued existence of the species; this requirement would not change with a revision to the critical habitat designation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *RIN:* 0648-BH95

217. • Designation of Critical Habitat for the Mexico, Central American, and Western Pacific Distinct Population Segments of Humpback Whales Under the Endangered Species Act

E.O. 13771 Designation: Regulatory. *Legal Authority:* 16 U.S.C. 1531 *et seq.* *Abstract:* This action will propose the designation of critical habitat for three distinct population segments of humpback whales (Megaptera novaeangliae) pursuant to section 4 of the Endangered Species Act. The three distinct population segments of humpback whales concerned—the Mexico, Central American, and Western Pacific distinct population segments—were listed under the Endangered Species Act on September 8, 2016, thereby triggering the requirement under section 4 of the Endangered Species Act to designate critical habitat to the maximum extent prudent and determinable. Proposed critical habitat for these three distinct population segments of humpback whales will include marine habitats within the Pacific Ocean and Bering Sea and will likely overlap with several existing designations, including critical habitat

for leatherback sea turtles, North Pacific right whales, Steller sea lions, southern resident killer whales, and the southern distinct population segment of green sturgeon. Impacts from the designations for humpback whales would stem from the statutory requirement for Federal agencies to consult with NMFS, under section 7 of the Endangered Species Act, to ensure that any action they carry out, authorize, or fund will not result in the destruction or adverse modification of humpback whale critical habitat. Within many of the areas we are evaluating for potential proposal as critical habitat for the humpback whales distinct population segments, Federal agencies are already required to consult on effects to currently designated critical habitat for other listed species. Federal agencies are also already required to consult with NMFS under section 7 of the Endangered Species Act to ensure that any action they authorize, fund or carry out will not jeopardize the continued existence of the listed distinct population segments of humpback whales.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *RIN:* 0648-BI06

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

218. Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule To Incorporate New Scientific Information

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Pursuant to a recommendation of the Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act, the National Marine Fisheries Service is proposing to use a new temperature index to

calculate the temperature parameter of the Pacific sardine harvest guideline control rule under the Fishery Management Plan. The harvest guideline control rule, in conjunction with the overfishing limit and acceptable biological catch control rules, is used to set annual harvest levels for Pacific sardine. The temperature parameter is calculated annually. The National Marine Fisheries Service determined that a new temperature index is more statistically sound and this action will adopt that index.

Timetable:

Action	Date	FR Cite
NPRM	08/23/17	82 FR 39977
NPRM Comment Period End.	09/22/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231-6266, *Email:* barry.thom@noaa.gov, *RIN:* 0648-BE77

219. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for the Pacific Whiting Fishery

E.O. 13771 Designation: Derogatory. *Legal Authority:* 16 U.S.C. 1801 *et seq.* *Abstract:* This action would implement a regulatory amendment to the Pacific Coast Groundfish Fishery Management Plan to allow Pacific whiting vessels the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. Vessels participating in the catch share program are required to carry an observer on all trips to ensure total accountability for at-sea discards. For some vessels, electronic monitoring may have lower costs than observers and a reduced logistical burden. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the Pacific whiting fleet.

Timetable:

Action	Date	FR Cite
NPRM	09/06/16	81 FR 61161

Action	Date	FR Cite
NPRM Comment Period End.	10/06/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231-6266, *Email:* barry.thom@noaa.gov, *RIN:* 0648-BF52

220. Commerce Trusted Trader Program

Regulatory Plan: This entry is Seq. No. 20 in part II of this issue of the **Federal Register**. *RIN:* 0648-BG51

221. Rule To Implement the For-Hire Reporting Amendments

E.O. 13771 Designation: Not subject to, not significant. *Legal Authority:* 16 U.S.C. 1801 *et seq.* *Abstract:* This rule proposes to implement Amendment 39 for the Snapper-Grouper Fishery of the South Atlantic Region, Amendment 9 for the Dolphin and Wahoo Fishery of the Atlantic, and Amendment 27 to the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and Atlantic Regions (For-Hire Reporting Amendments). The For-Hire Reporting Amendments rule proposes mandatory weekly electronic reporting for charter vessel operators with a Federal for-hire permit in the snapper-grouper, dolphin wahoo, or coastal migratory pelagics fisheries; reduces the time allowed for headboat operators to complete their electronic reports; and requires location reporting by charter vessels with the same level of detail currently required for headboat vessels.

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/14/18	83 FR 11164
NPRM	04/04/18	83 FR 14400
NPRM Comment Period End.	05/04/18	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:*

727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov, *RIN:* 0648-BG75

222. Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups

E.O. 13771 Designation: Derogatory. *Legal Authority:* 16 U.S.C. 1861 *et seq.*; 16 U.S.C. 773 *et seq.* *Abstract:* This action would allow Western Alaska Community Development Quota groups to lease halibut individual fishing quota in the Bering Sea and Aleutian Islands in years of low halibut catch limits. The Community Development Quota Program is an economic development program that provides eligible western Alaska villages with the opportunity to participate and invest in fisheries. The Community Development Quota Program receives annual allocations of total allowable catches for a variety of commercially valuable species. In recent years, low halibut catch limits have hindered most Community Development Quota groups' ability to create a viable halibut fishing opportunity for their residents. This proposed rule would authorize Community Development Quota groups to obtain additional halibut quota from commercial fishery participants to provide Community Development Quota community residents more fishing opportunities in years when the halibut Community Development Quota allocation may not be large enough to present a viable fishery for participants.

Timetable:

Action	Date	FR Cite
NPRM	02/23/18	83 FR 8028
NPRM Comment Period End.	03/26/18	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7221, *Fax:* 907 586-7465, *Email:* jim.balsiger@noaa.gov, *RIN:* 0648-BG94

223. Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area

E.O. 13771 Designation: Not subject to, not significant. *Legal Authority:* 16 U.S.C. 1801 *et seq.* *Abstract:* This action would further limit access to the Bering Sea and

Aleutian Islands yellowfin sole Trawl Limited Access fishery by catcher vessels delivering to offshore motherships or catcher/processors. In recent years, an unexpected increase in participation in the offshore sector of this fishery by catcher vessels allowed under current regulations has resulted in an increased yellowfin sole catch rate and a shorter fishing season. The North Pacific Fishery Management Council recently determined that limiting the number of eligible licenses assigned to catcher vessels in this fishery could stabilize the fishing season duration, provide better opportunity to increase production efficiency, and help reduce bycatch of Pacific halibut. This action would modify the License Limitation Program by establishing eligibility criteria for licenses assigned to catcher vessels to participate in this fishery based on historic participation.

Timetable:

Action	Date	FR Cite
Notice of Availability.	05/18/18	83 FR 23250
NPRM	06/06/18	83 FR 26237
NPRM Comment Period End.	07/06/18	
Correction	07/20/18	83 FR 28604
Final Action	10/00/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7221, *Fax:* 907 586-7465, *Email:* jim.balsiger@noaa.gov.
RIN: 0648-BH02

224. Atlantic Highly Migratory Species; Atlantic Bluefin Tuna and North Atlantic Albacore Quotas

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: The rule would modify the baseline annual U.S. Atlantic bluefin tuna quota and subquotas, as well as the baseline annual U.S. North Atlantic albacore (northern albacore) quota. This action is necessary to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas, as required by the Atlantic Tunas Convention Act, and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act. The rule also would implement a minor change to the Atlantic tunas size limit

regulations to address retention, possession, and landings of tunas damaged by shark bites.

Timetable:

Action	Date	FR Cite
NPRM	07/06/18	83 FR 31517
NPRM Comment Period End.	08/06/18	
Final Action	10/00/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713-2334, *Fax:* 301 713-0596, *Email:* alan.risenhoover@noaa.gov.
RIN: 0648-BH54

225. Regulation To Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The purpose of the proposed action is to aid in the protection and recovery of listed sea turtle populations by reducing incidental bycatch and mortality of small sea turtles in the Southeastern U.S. shrimp fisheries. As a result of new information on sea turtle bycatch in shrimp trawls and turtle excluder device testing, NMFS conducted an evaluation of the Southeastern U.S. shrimp fisheries that resulted in a draft environmental impact statement. This rule proposes to withdraw the alternative tow time restriction, and require certain vessels using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls), with the exception of vessels participating in the Biscayne Bay wing net fishery in Miami-Dade County, Florida, to use turtle excluder devices designed to exclude small sea turtles.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91097
NPRM Comment Period End.	02/14/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov.

RIN: 0648-BG45

226. Regulatory Amendment To Authorize a Recreational Quota Entity

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 773 to 773k

Abstract: The proposed action would authorize a recreational quota entity in International Pacific Halibut Commission Regulatory Areas 2C and 3A in the Gulf of Alaska to purchase a limited amount of commercial halibut quota share for use in the charter halibut fishery. The recreational quota entity would provide a mechanism for a compensated reallocation of a portion of commercial halibut quota share from the Pacific Halibut and Sablefish Individual Fishing Quota Program to the charter halibut fishery in order to promote long-term planning and greater stability in the charter halibut fishery. Any halibut quota share from Area 2C or Area 3A purchased by the recreational quota entity would augment the amount of halibut available for harvest in the charter halibut fishery in that area. Underlying allocations to the charter and commercial halibut sectors would not change.

Timetable:

Action	Date	FR Cite
NPRM	10/03/17	82 FR 46016
NPRM Comment Period End.	11/17/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7221, *Fax:* 907 586-7465, *Email:* jim.balsiger@noaa.gov.
RIN: 0648-BG57

NOS/ONMS

227. Wisconsin-Lake Michigan National Marine Sanctuary Designation

E.O. 13771 Designation: Other.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On December 2, 2014, pursuant to section 304 of the National Marine Sanctuaries Act and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate an area of Wisconsin's Lake Michigan waters as a national marine sanctuary. The area is a region that includes 875 square miles of Lake Michigan waters and bottomlands

adjacent to Maniwoc, Sheboygan, and Ozaukee counties and the cities of Port Washington, Sheboygan, Manitowoc, and Two Rivers. It includes 80 miles of shoreline and extends 9 to 14 miles from the shoreline. The area contains an extraordinary collection of submerged maritime heritage resources (shipwrecks) as demonstrated by the listing of 15 shipwrecks on the National Register of Historic Places. The area includes 39 known shipwrecks, 123 reported vessel losses, numerous other historic maritime-related features, and is adjacent to communities that have embraced their centuries-long relationship with Lake Michigan. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on February 5, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the National Marine Sanctuaries Act would allow NOAA to supplement and complement work by the State of Wisconsin and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2269
NPRM Comment Period End.	03/31/17	
Final Action	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713-7237, *Fax:* 301 713-0404, *Email:* vicki.wedell@noaa.gov.

RIN: 0648-BG01

228. Mallows Bay-Potomac River National Marine Sanctuary Designation

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On September 16, 2014, pursuant to section 304 of the National Marine Sanctuaries Act and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate Mallows Bay-Potomac River as a national marine sanctuary. The Mallows Bay area of the tidal Potomac River is an area 40 miles south

of Washington, DC, off the Nanjemoy Peninsula of Charles County, MD. The designation of a national marine sanctuary would focus on conserving the collection of maritime heritage resources (shipwrecks) in the area as well as expand the opportunities for public access, recreation, tourism, research, and education. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on January 12, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the National Marine Sanctuaries Act would allow NOAA to supplement and complement work by the State of Maryland and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2254
NPRM Comment Period End.	03/31/17	
Final Action	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713-7237, *Fax:* 301 713-0404, *Email:* vicki.wedell@noaa.gov.

RIN: 0648-BG02

DEPARTMENT OF COMMERCE (DOC)

Long-Term Actions

National Oceanic and Atmospheric Administration (NOAA)

National Marine Fisheries Service

229. Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 1861 *et seq.*; 5 U.S.C. 561 *et seq.*

Abstract: Congress enacted the 2015 National Defense Authorization Act to refinance the existing debt obligation funding the fishing capacity reduction program for the Pacific Coast Groundfish fishery implemented under section 212. Pending appropriation of funds to effect the refinance, the

National Marine Fisheries Service issued proposed regulations to seek comment on the refinancing and to prepare for an industry referendum and final rule. However, a subsequent appropriation to fund the refinancing was never enacted. As a result, the National Marine Fisheries Service has no funds with which to proceed, and the refinancing authority cannot be implemented at this time.

Timetable:

Action	Date	FR Cite
NPRM	08/06/15	80 FR 46941
NPRM Comment Period End.	09/08/15	
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Brian Pawlak, *Phone:* 301 427-8621, *Email:* brian.t.pawlak@noaa.gov.

RIN: 0648-BE90

230. Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Amendment 42 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico (Amendment 42) proposes to establish a catch share program for up to five species of reef fish for headboats with landings history in the Southeast Region Headboat Survey. This rule would inform the public of the procedures, schedule, and eligibility requirements that NOAA Fisheries would use in conducting the referendum that is required before the Gulf of Mexico Fishery Management Council (Council) can submit Amendment 42 for Secretarial review.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov.

RIN: 0648-BG36

231. Reducing Disturbances to Hawaiian Spinner Dolphins from Human Interactions

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would implement regulatory measures under the Marine Mammal Protection Act to protect Hawaiian spinner dolphins that are resting in protected bays from take due to close approach interactions with humans.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/05	70 FR 73426
ANPRM Comment Period End.	01/11/06	
NPRM	08/24/16	81 FR 57854
NPRM Comment Period End.	10/23/16	
NPRM Comment Period Re-opened.	11/16/16	81 FR 80629
NPRM Comment Period Re-opened End.	12/01/16	
Final Action	11/00/19	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Donna Wieting, Phone: 301 427-8400.

RIN: 0648-AU02

232. Designation of Critical Habitat for the Arctic Ringed Seal

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71714
Proposed Rule	12/09/14	79 FR 73010
Notice of Public Hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
Proposed Rule 2	11/00/19	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Donna Wieting, Phone: 301 427-8400.

RIN: 0648-BC56

233. Amendment and Updates to the Pelagic Longline Take Reduction Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Serious injury and mortality of the Western North Atlantic short-finned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action will examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

Timetable:

Action	Date	FR Cite
To Be Determined		To Be Determined

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Donna Wieting, Phone: 301 427-8400.

RIN: 0648-BF90

234. Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: On September 10, 2014, the National Marine Fisheries Service listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (*Acropora globiceps*, *Acropora jacquelineae*, *Acropora retusa*, *Acropora speciosa*, *Euphyllia paradivisa*, *Isopora crateriformis*, and *Seriatorpora aculeata*). The proposed designation would cover coral reef habitat around 17 island or

atoll units in the Pacific Islands Region, including four in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and five in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. This rule also proposes to designate critical habitat for the five Caribbean corals and proposed to revise critical habitat for two, previously-listed corals, *Acropora palmata* and *Acropora cervicornis*.

Timetable:

Action	Date	FR Cite
To Be Determined		To Be Determined

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Donna Wieting, Phone: 301 427-8400.

RIN: 0648-BG26

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

235. Framework Adjustment 2 to the Tilefish Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The Mid-Atlantic Fishery Management Council developed a framework adjustment to its Tilefish Fishery Management Plan, which modified management measures for the tilefish fishery to improve the management of the species. The measures eliminated the current call-in reporting requirement; prohibited a vessel from fishing for more than one Individual Fishing Quota allocation at the same time; required tilefish to be landed with the head attached; clarified what fishing gears are allowed in the recreational fishery; and made an administrative change to how assumed discards are accounted for in the specifications setting process.

Timetable:

Action	Date	FR Cite
NPRM	10/23/17	82 FR 48967
NPRM Comment Period End.	11/07/17	
Final Action	03/13/18	83 FR 10390
Final Action Effective.	04/12/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic

Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Fax:* 978 281-9207, *Email:* michael.pentony@noaa.gov, *RIN:* 0648-BF85

236. Amendment 36A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implemented Amendment 36A to the Fishery Management Plan for reef fish resources in the Gulf of Mexico to improve compliance and increase management flexibility in the red snapper and grouper-tilefish commercial individual fishing quota programs in the Gulf of Mexico. In accordance with Amendment 36A, this action improved compliance with the individual fishing quota program by requiring all commercial reef fish permit holders to hail-in at least 3 hours, but no more than 24 hours, in advance of landing. It also addressed non-activated individual fishing quota accounts and provided the regional administrator with authority to retain annual allocation if a quota reduction is expected to occur.

Timetable:

Action	Date	FR Cite
Notice of Availability.	02/21/18	83 FR 7447
NPRM	03/22/18	83 FR 12326
NPRM Comment Period End.	04/20/18	
Final Action	06/12/18	83 FR 27297
Final Action Effective.	07/12/18	

Regulatory Flexibility Analysis

Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov, *RIN:* 0648-BG83

237. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine Fisheries for 2017

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: As authorized under the Western and Central Pacific Fisheries Convention Implementation Act, this rule would enable NOAA Fisheries to

implement a recent decision of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission). The rule would establish a limit for calendar year 2017 on fishing effort by U.S. purse seine vessels in the U.S. exclusive economic zone and on the high seas between the latitudes of 20 degrees N and 20 degrees S in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The limit is 1,828 fishing days. The rule also would make corrections to outdated cross-references in existing regulatory text. This action is necessary to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party. This action has been superseded by another rulemaking for Western and Central Pacific Fisheries for Highly Migratory Species (0648-BH77).

Timetable:

Action	Date	FR Cite
NPRM	09/20/17	82 FR 43926
NPRM Comment Period End.	10/05/17	
Withdrawn	07/02/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* michael.tosatto@noaa.gov, *RIN:* 0648-BG93

238. Nontrawl Lead Level 2 Observers

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action modified regulations pertaining to the nontrawl lead level 2 observer deployment endorsement and required vessels to participate in a pre-cruise meeting when necessary. An observer deployed on a catcher/processor that participates in the Bering Sea and Aleutian Islands hook-and-line Pacific cod fishery or on a catcher/processor using pot gear to harvest groundfish in the Western Alaska Community Development Quota fisheries is required to have a nontrawl lead level 2 deployment endorsement.

Since 2014, vessel owners and observer provider firms have reported an ongoing shortage of nontrawl lead level 2 endorsed observers that has delayed fishing trips and increased operational costs. This action increased the pool of observers that could obtain the nontrawl lead level 2 endorsement by allowing sampling experience on trawl catcher/processors to count toward the minimum experience necessary to obtain a nontrawl lead level 2 deployment endorsement. The action benefitted the owners and operators of catcher/processor vessels required to carry an observer with a nontrawl lead level 2 endorsement, observer provider firms, and individuals serving as certified observers. This action also included a revision to the observer coverage requirement for motherships receiving unsorted codends from catcher vessels groundfish Community Development Quota fishing and numerous housekeeping measures and technical corrections. These additional updates and corrections were necessary to improve terminology consistency throughout the regulations and, for operational consistency, to align mothership observer coverage requirements with Amendment 80 vessels consistent with the regulation of harvest provisions of the Magnuson-Stevens Act.

Timetable:

Action	Date	FR Cite
NPRM	12/27/17	82 FR 61243
NPRM Comment Period End.	01/26/18	
Final Action	06/29/18	83 FR 30528
Final Action Effective.	07/30/18	

Regulatory Flexibility Analysis

Required: No.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7221, *Fax:* 907 586-7465, *Email:* jim.balsiger@noaa.gov, *RIN:* 0648-BG96

239. Atlantic Highly Migratory Species; Revisions to Shark Fishery Closure Regulations

E.O. 13771 Designation: Deregulatory.

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

Abstract: This rulemaking revises the procedures in place for Atlantic Highly Migratory Species shark fishery closures. The rulemaking would change the landings level that prompts fishery closure and the length of time between public notice and the effective date of a

fishery closure. This action would facilitate more timely action by the National Marine Fisheries Service when a closure is necessary to prevent overharvest and help commercial shark fisheries more fully utilize available quota by preventing early closures.

Timetable:

Action	Date	FR Cite
NPRM	02/23/18	83 FR 8037
NPRM Comment Period End.	03/26/18	
Final Action	07/09/18	83 FR 31677
Final Action Effective.	08/08/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713-2334, *Fax:* 301 713-0596, *Email:* alan.risenhoover@noaa.gov.

RIN: 0648-BG97

240. Rule To Modify Mutton Snapper and Gag Management Measures in The Gulf Of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule established annual catch limits from 2017 through 2020 for the Gulf of Mexico apportionment of mutton snapper and removed the annual catch target because this target is not currently used for management purposes. This rule established a recreational bag limit for mutton snapper, modified the minimum size limit for commercial and recreational mutton snapper, and modified the commercial minimum size limit for gag. The majority of mutton snapper and gag landings are from waters adjacent to Florida, and the changes in bag and size limits would make these management measures consistent with those established for Florida state waters and in the case of gag, with South Atlantic Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/15/18	83 FR 6830
NPRM Comment Period End.	03/17/18	
Final Action	06/22/18	83 FR 29041
Final Action Effective.	07/23/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov.
RIN: 0648-BG99

241. Amendment 47 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action revised the maximum sustainable yield proxy and adjust the annual catch limit for the vermilion snapper stock within the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico. The Gulf of Mexico Fishery Management Council (Council) approved this action at their June 2017 meeting in response to a 2016 stock assessment for vermilion snapper. The estimate of maximum sustainable yield is dependent upon the spawner-recruit relationship. For vermilion snapper, there is a high degree of variability in the data used and the Council's Scientific and Statistical Committee had little confidence in the resulting estimate of maximum sustainable yield. Instead, the SSC recommended the use of a maximum sustainable yield proxy. This action established a maximum sustainable yield proxy and associated status determination criteria that are consistent with the best scientific information available, and an annual catch limit that does not exceed the acceptable biological catch yields from the 2016 stock.

Timetable:

Action	Date	FR Cite
Notice of Availability.	12/19/17	82 FR 60168
NPRM	12/27/17	82 FR 61241
NPRM Comment Period End.	01/26/18	
Final Action	05/14/18	83 FR 22210
Final Action Effective.	06/13/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Fax:* 727 824-5308, *Email:* roy.crabtree@noaa.gov.
RIN: 0648-BH07

242. Management Measures for Tropical Tunas in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.*

Abstract: This rule implemented the Inter-American Tropical Tuna Commission's Resolution C-17-02, which contains provisions intended to prevent the overfishing of tropical tuna (bigeye, yellowfin, and skipjack) in the eastern Pacific Ocean for fishing years 2018 to 2020. In addition to rolling over measures from the 2017 resolution, this resolution included additional management measures related to fish aggregating devices, made minor revisions to the definition of force majeure, included provisions related to transferring longline catch limits for bigeye tuna between Inter-American Tropical Tuna Commission members, and increased the bigeye tuna catch limit U.S. longline vessels greater than 24 meters in overall length that fish in the Inter-American Tropical Tuna Commission Convention Area.

Timetable:

Action	Date	FR Cite
NPRM	11/14/17	82 FR 52700
NPRM Comment Period End.	12/14/17	
Final Action	04/11/18	83 FR 15503
Final Action Effective.	05/11/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231-6266, *Email:* barry.thom@noaa.gov.

RIN: 0648-BH13

243. Interim 2018 Pacific Coast Tribal Pacific Whiting Allocation

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: NMFS implemented a rule for the tribal Pacific whiting (whiting) fishery off the coast of Washington State. The purpose is to establish an interim 2018 tribal whiting allocation. As in prior years, this allocation is an "interim" allocation that is not intended to set precedent for future years—a new allocation will be set each year after discussions with the affected tribes and fisheries interests.

Timetable:

Action	Date	FR Cite
NPRM	01/24/18	83 FR 3291
NPRM Comment Period End.	02/23/18	
Final Action	05/15/18	83 FR 22401
Final Action Effective.	05/15/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, Phone: 503 231-6266, Email: barry.thom@noaa.gov.

RIN: 0648-BH31

244. Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan; Northern Gulf of Maine Measures

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implemented the New England Fishery Management Council's Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan. The Atlantic sea scallop fishery consists of two primary fleets, the Limited Access fleet, and the Limited Access General Category fleet. The Limited Access fleet is managed with days-at-sea a number of days that can be fished per year and an access area rotation program. Framework 29 sets management measures in the Northern Gulf of Maine for the scallop fishery for the 2018 fishing year, including dividing the annual total allowable catch between the Limited Access and Limited Access General Category fleets. Currently, Limited Access vessels can access the Northern Gulf of Maine while on days-at-sea with no hard limit on landings while in the area. This has resulted in total landings from the Northern Gulf of Maine by the Limited Access fleet that far exceeded the total allowable catch for the Limited Access General Category fleet. Instead, this action would allow Limited Access vessels access through research set-aside compensation fishing. Currently the limited access fleet is allocated days-at-sea based on the condition of the scallop resource in the open area. They can choose to use these days-at-sea in the Northern Gulf of Maine if the area has not been closed. This action would prohibit the Limited Access fleet from accessing the Northern Gulf of Maine while participating in the days-at-sea program. The Limited Access fleet share of the Northern Gulf of Maine total

allowable catch would be available through research set-aside compensation fishing only.

Timetable:

Action	Date	FR Cite
NPRM	02/20/18	83 FR 7129
NPRM Comment Period End.	03/07/18	
Final Action	03/26/18	83 FR 12857
Final Action Effective.	04/01/18	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, Phone: 978 281-9283, Fax: 978 281-9207, Email: michael.pentony@noaa.gov.

RIN: 0648-BH51

245. Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implemented management measures included in Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan (Framework 57) that were developed by the New England Fishery Management Council in response to new scientific information. This action has set 2018-2020 specifications for 20 Northeast multispecies stocks, including the three U.S./Canada stocks (Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder). Specifically, this action has revised the trimester quotas for the common pool fishery; set the southern New England/mid-Atlantic yellowtail flounder quota for the scallop fishery; revised the areas, seasons, and vessels subject to the Atlantic halibut accountability measures; adjusted the areas, seasons, and triggers for southern windowpane flounder accountability measures for non-groundfish fisheries; revised catch thresholds for implementing the scallop fishery's accountability measures for southern New England yellowtail flounder; and provided the Regional Administrator with authority to adjust recreational measures for Georges Bank cod for 2018 and 2019 to address recent increases in catch.

Timetable:

Action	Date	FR Cite
NPRM	03/22/18	83 FR 12531
NPRM Comment Period End.	04/06/18	
Final Action	05/01/18	83 FR 18985
Final Action Effective.	05/01/18	

Regulatory Flexibility Analysis

Required: No.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, Phone: 978 281-9283, Fax: 978 281-9207, Email: michael.pentony@noaa.gov.

RIN: 0648-BH52

246. Small-Mesh Multispecies 2018-2020 Specifications

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action set the small-mesh multispecies specifications for the 2018-2020 fishing years and reinstated regulatory text that was inadvertently removed from the regulations in a previous action. The action recommended by the New England Fishery Management Council adjusted the catch specifications during 2018-2020 for four target stocks caught by small mesh fishing gear ("the small-mesh fishery"): northern silver hake, northern red hake, southern whiting, and southern red hake. The action adjusted the overfishing limit, the allowable biological catch, the annual catch limits, the total allowable landings and the total allowable landings trigger values. These adjustments account for the changes in stock biomass shown in the latest assessment update and changes in the discard rate since the last specifications were established. The specification limits are intended to keep the risk of overfishing at acceptable levels. This action reinstated regulatory text that specifies the red hake possession limits in the southern small mesh exemption area that NMFS inadvertently removed during a previous rulemaking action. The removal was a drafting error and not recommended by the New England Council. The text specified the 5,000 lbs possession limit for red hake harvested in the southern small mesh exemption area. Reinstatement reduced confusion in the industry because it clarified the possession limits in the regulations as originally intended by the Council to help avoid exceeding the catch limits, which could harm to the resource.

Timetable:

Action	Date	FR Cite
NPRM	04/12/18	83 FR 15780
NPRM Comment Period End.	04/27/18	
Final Action	06/14/18	83 FR 27713
Final Action Effective.	06/14/18	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Fax:* 978 281-9207, *Email:* michael.pentony@noaa.gov.

RIN: 0648-BH76

247. Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment

E.O. 13771 Designation: Regulatory.
Legal Authority: 16 U.S.C. 1531 *et seq.*
Abstract: In 2012, NMFS listed as endangered the main Hawaiian Islands (MHI) insular false killer whale (*Pseudorca crassidens*) Distinct Population Segment (DPS). The Endangered Species Act (ESA) requires NMFS to designate critical habitat to support the conservation and recovery of newly listed species. Accordingly, this proposed rule would designate critical habitat for the MHI insular false killer whale DPS in waters around the MHI. NMFS will evaluate the economic, national security, or other relevant impacts of the proposed designation to identify areas where such negative impacts would outweigh the benefits of critical habitat designation.

Timetable:

Action	Date	FR Cite
NPRM	11/03/17	82 FR 51186
NPRM Comment Period End.	01/02/18	
Final Action	07/24/18	83 FR 35062
Final Action Effective.	08/23/18	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400.

RIN: 0648-BC45

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