

consistent with Congress's intent in creating the NTSB and supplying the NTSB with its broad investigative authority. The NTSB also notes that the investigation of such occurrences will provide critical data and lessons learned that can assist regulators and industry in the development of safety regulations and standards and the monitoring of their effectiveness in improving the safety of unmanned aircraft operations in the NAS.

The NTSB has carefully considered the safety concerns that unmanned aircraft accidents could present. The NTSB notes that Congress's intention in creating the NTSB and providing it with broad authority with regard to investigating transportation accidents indicates a general purpose of preventing transportation accidents, because such accidents can cause death or physical harm. In recognizing this statutory purpose, the NTSB proposes to amend section 830.2 by including a definition of unmanned aircraft accidents, in accordance with the proposed language, below.

#### List of Subjects in 49 CFR Part 830

Aircraft accidents, Aircraft incidents, Aviation safety, Overdue aircraft notification and reporting, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the NTSB proposes to amend 49 CFR Part 830 as follows:

#### PART 830—NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

1. The authority citation for 49 CFR part 830 is revised to read as follows:

**Authority:** Independent Safety Board Act of 1974, as amended (49 U.S.C. 1101–1155); Federal Aviation Act of 1958, Pub. L. No. 85–726, 72 Stat. 731 (codified as amended at 49 U.S.C. 40101).

2. Amend § 830.2 as follows:

A. Add a new sentence at the end of the definition of “Aircraft accident” to read as set forth below; and

B. Add a definition of “Unmanned aircraft accident” in alphabetical order to read as follows:

#### § 830.2 Definitions.

\* \* \* \* \*

*Aircraft accident* \* \* \* For purposes of this part, the definition of “aircraft accident” includes “unmanned aircraft accident,” as defined herein.

\* \* \* \* \*

*Unmanned aircraft accident* means an occurrence associated with the operation of a public or civil unmanned aircraft that takes place between the time that the aircraft is activated with the purpose of flight and the time that the aircraft is deactivated at the conclusion of its mission, in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

Dated: March 24, 2008.

**Vicky D'Onofrio,**

*Federal Register Liaison Officer.*

[FR Doc. E8–6393 Filed 3–28–08; 8:45 am]

**BILLING CODE 7533–01–M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

**RIN 0648–AV34**

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 30A

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

**ACTION:** Notice of availability of Amendment 30A to the Reef Fish Fishery Management Plan; request for comments.

**SUMMARY:** NMFS announces the Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 30A to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico for review, approval, and implementation by NMFS. Amendment 30A proposes actions to end overfishing of greater amberjack and gray triggerfish and to rebuild these stocks to sustainable levels.

**DATES:** Written comments must be received no later than 5 p.m., eastern time, on May 30, 2008.

**ADDRESSES:** You may submit comments, identified by “0648–AV34” by any of the following methods:

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

- Fax: 727–824–5308; Attention: Peter Hood.

- Mail: Peter Hood, Southeast Regional Office, NMFS, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701.

Instructions: All comments received are a part of the public record and will

generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of Amendment 30A, which include a supplemental environmental impact statement, an initial regulatory flexibility analysis, and a regulatory impact review may be obtained from the Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; telephone 813–348–1630; fax 813–348–1711; e-mail [gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org); or may be downloaded from the Council's website at <http://www.gulfcouncil.org/>.

#### FOR FURTHER INFORMATION CONTACT:

Peter Hood, telephone 727–824–5305; fax 727–824–5308; e-mail [peter.hood@noaa.gov](mailto:peter.hood@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit any fishery management plan or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

#### Background

The reauthorized Magnuson-Stevens Act of 2006 requires regional fishery management councils to establish annual catch limits (ACLs) for each stock or stock complex and accountability measures (AMs) to ensure these ACLs are not exceeded. Amendment 30A addresses these requirements for greater amberjack and gray triggerfish.

Greater amberjack have been under a rebuilding plan since 2003. However, a new stock assessment completed in 2006 concluded that the stock is not recovering as projected. It remains overfished and NMFS recently determined overfishing is recurring. Amendment 30A is necessary to end overfishing and adjust total allowable catch (TAC) and management measures to bring the greater amberjack rebuilding

of this order unless otherwise specifically excluded. The following products are specifically excluded from the order: (1) products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel.

The merchandise subject to the order is currently classifiable under the HTSUS under subheadings: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by the order is dispositive.

#### Rescission of Review

If a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review, the Secretary will rescind the review, in whole or in part, pursuant to 19 CFR 351.213(d)(1). In this case, DSM withdrew its request for an administrative review within 90 days from the date of initiation. No other interested party requested a review of DSM and we have received no comments regarding the respondent's withdrawal of its request for a review. Therefore, consistent with 19 CFR 351.213(d)(1), we are rescinding this review of the countervailing duty order on certain cut-to-length carbon-quality steel plate from Korea with respect to DSM.

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the publication of this notice. The Department will direct CBP to assess countervailing duties at the cash deposit rate in effect on the date of entry for

entries during the period January 1, 2007, through December 31, 2007.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended and 19 CFR 251.213(d)(4).

Dated: April 30, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E8-10090 Filed 5-6-08; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Malcolm Baldrige National Quality Award Board of Overseers

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that there will be a meeting of the Board of Overseers of the Malcolm Baldrige National Quality Award on June 4, 2008. The Board of Overseers is composed of eleven members prominent in the fields of quality, innovation, and performance excellence and appointed by the Secretary of Commerce, assembled to advise the Secretary of Commerce on the conduct of the Baldrige Award. The purpose of this meeting is to discuss and review information received from the National Institute of Standards and Technology with the members of the Judges Panel of the Malcolm Baldrige National Quality Award. The agenda will include: Baldrige Program budget update; Revisions to the award eligibility rules; Baldrige Collaborative activities; and the Baldrige Body of Knowledge and Baldrige Fellows Initiatives.

**DATES:** The meeting will convene June 4, 2008, at 8:30 a.m. and adjourn at 3 p.m. on June 4, 2008.

**ADDRESSES:** The meeting will be held at the National Institute of Standards and Technology, Administration Building, Lecture Room A, Gaithersburg, Maryland 20899. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Please submit your name, time of arrival, e-mail address and phone number to Diane Harrison no later than Tuesday, June 3, 2008, and she will provide you with instructions for admittance. Ms. Harrison's e-mail

address is [diane.harrison@nist.gov](mailto:diane.harrison@nist.gov) and her phone number is (301) 975-2361.

**FOR FURTHER INFORMATION CONTACT:** Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2361.

Dated: May 1, 2008.

**James M. Turner,**

*Deputy Director.*

[FR Doc. E8-10092 Filed 5-6-08; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-AW65

#### Atlantic Highly Migratory Species; Atlantic Shark Management Measures

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

**ACTION:** Stock Status Determinations; Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS); request for comments.

**SUMMARY:** Based on the 2007 small coastal sharks (SCS) stock assessment, NMFS is declaring blacknose sharks to be overfished with overfishing occurring. As such, NMFS announces its intent to prepare an EIS under the National Environmental Policy Act (NEPA). This EIS would assess the potential effects on the human environment of the proposed action taken to rebuild blacknose sharks and prevent overfishing per the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The EIS would amend the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) and examine management alternatives available to rebuild blacknose sharks. NMFS is requesting comments on a range of commercial and recreational management measures in both directed and incidental fisheries including, but not limited to, quota levels, regional and seasonal quotas, retention limits, minimum sizes, and time/area closures. **DATES:** Comments on this action must be received no later than 5 p.m., local time, on August 5, 2008.

**ADDRESSES:** Written comments on this action should be mailed to Karyl Brewster-Geisz, Highly Migratory Species Management Division by any of the following methods:

- Email: [SCS\\_Scoping@noaa.gov](mailto:SCS_Scoping@noaa.gov).

• Written: 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope "Scoping Comments on Amendment 3 to HMS FMP."

• Fax: (301) 713-1917.

For a copy of the stock assessments, please contact Jessica Beck (301) 713-2347.

**FOR FURTHER INFORMATION CONTACT:**

Karyl Brewster-Geisz (301) 713-2347 or Jackie Wilson (240) 338-3936.

**SUPPLEMENTARY INFORMATION:**

The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Act. The Consolidated HMS FMP is implemented by regulations at 50 CFR part 635.

**Determination of Overfished Shark Fisheries**

NMFS' determination of the status of a stock relative to overfishing and an overfished condition is based on both the removal of fish from the stock through overfishing (the exploitation rate) and the current stock size. Thresholds used to determine the status of Atlantic HMS are fully described in Chapter 3 of the 1999 FMP for Atlantic Tunas, Swordfish, and Shark. A species is considered overfished when the current biomass is less than the minimum stock size threshold. The minimum stock size threshold is determined based on the natural mortality of the stock and the biomass at maximum sustainable yield ( $B_{MSY}$ ). Maximum sustainable yield is the maximum long-term average yield that can be produced by a stock on a continuing basis. The biomass can be lower than  $B_{MSY}$ , and the stock not declared overfished as long as the biomass is above the biomass at the minimum stock size threshold.

Overfishing may be occurring on a species if the current fishing mortality is greater than the fishing mortality ( $F$ ) at maximum sustainable yield ( $F_{MSY}$ ) ( $F > F_{MSY}$ ). In the case of  $F$ , the maximum fishing mortality threshold is  $F_{MSY}$ . Thus, if  $F$  exceeds  $F_{MSY}$ , the stock is experiencing overfishing.

**A. Small Coastal Sharks (SCS)**

The latest 2007 stock assessment of SCS in the U.S. Atlantic and Gulf of Mexico was recently completed (72 FR 63888, November 13, 2007). This peer-

reviewed assessment, which was conducted according to the Southeast Data, Assessment, and Review (SEDAR) process, provides an update from the 2002 stock assessment on the status of SCS stocks and projects their future abundance under a variety of catch levels in the U.S. Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. The 2007 assessment includes updated catch estimates, new biological data, and a number of fishery-independent catch rate series, as well as fishery-dependent catch rate series.

The peer reviewers determined that the data used in the 2007 stock assessment of the SCS complex and the individual species within the complex were considered the best available at the time and the assessment was considered adequate. However, because the species were individually assessed, the peer reviewers recommended using species-specific results rather than on the aggregated SCS complex results. As a result of this recommendation, and because the stock assessment covered all SCS species, NMFS will no longer provide status updates or determinations on the SCS complex as a whole.

**B. Finetooth Sharks**

According to the 2002 SCS stock assessment, finetooth sharks were experiencing overfishing. However, the 2007 SCS stock assessment found that finetooth sharks are not overfished ( $N_{2005}/N_{MSY} = 1.80$ ) and overfishing is not occurring ( $F_{2005}/F_{MSY} = 0.17$ ) (Table 1). Based on this, NMFS has determined that finetooth sharks are not overfished and no overfishing is occurring. However, NMFS also notes that while the peer reviewers agreed that it is reasonable to conclude that the stock is not currently overfished, they also indicated that given the limited data available on the population dynamics for finetooth, management should be cautious.

**C. Blacknose Sharks**

The 2002 SCS stock assessment found that blacknose were not overfished and overfishing was not occurring. However, the 2007 stock assessment for blacknose sharks indicates that spawning stock fecundity (SSF), i.e., number of reproductive-age individuals in a population, in 2005 and during 2001–

2005 was smaller than  $SSF_{MSY}$  ( $SSF_{2005}/SSF_{MSY} = 0.48$ ) (Table 1). Therefore, NMFS has determined that blacknose sharks are overfished. In addition, the estimate of fishing mortality rate in 2005 and the average for 2001–2005 was greater than  $F_{MSY}$ , and the ratio was substantially greater than 1 in both cases ( $F_{2005}/F_{MSY} = 3.77$ ). Based on these results, NMFS has determined that blacknose sharks are experiencing overfishing. The assessment recommended a rebuilding plan with 70 percent probability of recovering to  $SSF_{MSY}$  by 2019. This recommended rebuilding time is 11 years from 2009. A constant TAC of 19,200 individuals would lead to rebuilding with 70 percent probability by 2027. The constant TAC also allows for rebuilding with 50 percent confidence by 2024.

**D. Atlantic Sharpnose Sharks**

The 2002 SCS stock assessment found that Atlantic sharpnose sharks were not overfished and overfishing was not occurring. The 2007 assessment for Atlantic sharpnose sharks also indicated that the stock is not overfished ( $SSF_{2005}/SSF_{MSY} = 1.47$ ) and that no overfishing is occurring ( $F_{2005}/F_{MSY} = 0.74$ ) (Table 1). Based on these results, NMFS has determined that the Atlantic sharpnose sharks are not overfished with no overfishing occurring. However, because estimates of  $F$  from the assessment indicate that  $F$  is close to, but presently below,  $F_{MSY}$  (i.e., overfishing is not occurring), the peer reviewers suggest setting a threshold for  $F$  to keep it below the  $F_{MSY}$  threshold to prevent overfishing in the future.

**E. Bonnethead Sharks**

Based on the bonnethead stock assessment, the peer reviewers determined that bonnethead sharks are not overfished ( $SSF_{2005}/SSF_{MSY} = 1.13$ ). In addition, the estimate of fishing mortality rate in 2005 was less than  $F_{MSY}$ , ( $F_{2005}/F_{MSY} = 0.61$ ) (Table 1), thus overfishing was not occurring. As a result, NMFS has determined that bonnethead sharks are not overfished with no overfishing occurring. However, fishing mortality rates in the recent past have fluctuated above and below  $F_{MSY}$ .

Copies of the 2007 SCS stock assessment are available for review (see ADDRESSES).

TABLE 1. SUMMARY TABLE OF BIOMASS AND FISHING MORTALITY FOR SMALL COASTAL SHARKS (SCS).

Source: SEDAR 13 Stock Assessment Panel, July 9, 2007. Age-structured State-Space Age-Structured Production Models (SPASMs) were used for bonnethead, Atlantic sharpnose, and blacknose sharks. Surplus production Bayesian Surplus Production (BSP) models were used for the SCS complex and finetooth sharks.

Species	Current Relative Biomass Level*	Current Biomass (N <sub>2005</sub> )	Stock Abundance (N <sub>MSY</sub> )	Minimum Stock Size Threshold (MSST)	Current Relative Fishing Mortality Rate (F <sub>2005</sub> /F <sub>MSY</sub> )	Maximum Fishing Mortality Threshold (F <sub>MSY</sub> )	Outlook
Atlantic Sharpnose Sharks	1.47 (SSF <sub>2005</sub> / SSF <sub>MSY</sub> )	5.96E+06	4.45E+06	4.09E+06	0.74	0.19	Not overfished; overfishing is not occurring
Blacknose Sharks	0.48 (SSF <sub>2005</sub> / SSF <sub>MSY</sub> )	3.49E+05	5.7E+05	4.3E+05	3.77	0.07	Overfished; Overfishing is occurring
Bonnethead Sharks	1.13 (SSF <sub>2005</sub> / SSF <sub>MSY</sub> )	1.59E+06	1.92E+06	1.4E+06	0.61	0.31	Not overfished; overfishing is not occurring
Finetooth Sharks	1.80 (N <sub>2005</sub> /N <sub>MSY</sub> )	6.00E+06	3.20E+06	2.4E+06	0.17	0.03	Not overfished; Overfishing is not occurring

\*Spawning stock fecundity (SSF) or spawning stock number (SSN) was used as a proxy of biomass when biomass (B) does not influence pup production in sharks. For finetooth stocks, N was used to estimate biomass levels due to data limitations; therefore, only surplus production models were run.

### Request for Comments

Currently, both commercial and recreational fishermen may target Atlantic sharpnose, blacknose, finetooth, and bonnethead sharks. Commercial regulations for SCS species include, but are not limited to, no retention limit for directed permit holders, 16 pelagic and SCS species combined per vessel per trip for incidental permit holders, and annual quota of 454 mt dw split between three regions (North Atlantic, South Atlantic, and Gulf of Mexico). Amendment 2 to the Consolidated HMS FMP proposed combining the SCS regions into one (71 FR 41392). Recreational regulations for SCS species include, but are not limited to, retention limit of 1 shark per vessel per trip with a 4.5-ft (54-in) fork length minimum size, plus 1 Atlantic sharpnose and 1 bonnethead per person per trip (no minimum size).

NMFS anticipates changes to shark management as a result of the latest SCS stock assessment and requests comments on a variety of management options for this action. Specifically, NMFS requests comments on commercial management options including, but not limited to, quota levels, regional and seasonal quotas, trip limits, minimum sizes, quota monitoring, authorized gears, permit structure, and prohibited species. In addition, NMFS is seeking comments on recreational management options

including, but not limited to, retention limits, minimum sizes, authorized gears, and landing requirements. NMFS also seeks comments on display quotas and collection of sharks through exempted fishing permits, display permits, and scientific research permits. Comments received on this action will assist NMFS in determining the options for rulemaking to conserve and manage shark resources and shark fisheries, consistent with the Magnuson-Stevens Act and the Consolidated HMS FMP. Specifically, comments are requested on management measures to reduce fishing mortality on blacknose sharks in shrimp trawl fisheries because a significant proportion of fishing mortality is occurring in these fisheries as bycatch.

NMFS will hold scoping meetings to gather public comment on the implementation of new management measures for SCS (time and location details of which will be announced in a subsequent **Federal Register** notification).

Based on the 2007 stock assessment, NMFS believes the implementation of new management measures via an amendment to the Consolidated HMS FMP is necessary to rebuild blacknose sharks. NMFS anticipates completing this amendment and any related documents by January 1, 2010.

Dated: May 1, 2008.

**Emily H. Menashes**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 08-1225 Filed 5-2-08; 2:04 pm]

**BILLING CODE 3510-22-S**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeals by Weaver's Cove Energy, LLC, and Mill River Pipeline, LLC

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (Commerce).

**ACTION:** Notice of closure—administrative appeal decision records.

**SUMMARY:** This announcement provides notice that the decision records for two administrative appeals filed with the Department of Commerce by Weaver's Cove Energy, LLC, and Mill River Pipeline, LLC, have been closed.

**DATES:** The decision records for these two administrative appeals were closed on May 5, 2008.

**ADDRESSES:** Materials from the appeal records are available at the Internet site <http://www.ogc.gov/czma.htm> and at the Office of General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S.

plan back on course for stock recovery within the original 10-year time frame. To achieve this goal, TAC must be reduced by 32 percent to rebuild the stock by 2012.

For greater amberjack, Amendment 30A considers actions to constrain harvest to a TAC of 1.9 million lb (863,636 kg). Measures to constrain recreational harvest include a quota (which would also function as an ACL) of 1,368,000 lb (620,514 kg), increasing the minimum size limit to 30 inches (76 cm) fork length (FL), and prohibiting the bag limit for captain and crew of for-hire vessels. These measures are expected to reduce recreational landings by 26 percent. For the commercial fishery, Amendment 30A would establish a commercial quota (which would function as an ACL) of 503,000 lb (228,157 kg), thus reducing the commercial harvest by 38 percent.

The amendment proposes an allocation for greater amberjack of 73 percent for the recreational sector and 27 percent for the commercial sector. These allocations were derived from long-term average landings from 1981–2004.

To ensure the greater amberjack stock recovers, AMs are proposed. These AMs are intended to ensure landings do not exceed the TAC allowed by the rebuilding plan. The amendment authorizes the Assistant Administrator for Fisheries, NOAA, (AA) to shorten fishing seasons by sector within the current fishing year, or in the subsequent year, if landings are exceeded or are projected to be exceeded.

NMFS has determined gray triggerfish are undergoing overfishing based on the 2006 stock assessment. Based on status determination criteria proposed by the Council in Amendment 30A, the gray triggerfish stock would be considered overfished. Amendment 30A is necessary to establish management measures to end overfishing of gray triggerfish and would establish a rebuilding plan.

The proposed gray triggerfish rebuilding plan in Amendment 30A uses a constant fishing mortality strategy that optimizes yield while allowing the stock to rebuild by the end of 2012. Under the proposed rebuilding plan, TAC would be set at 500,000 lb (226,796 kg). In lieu of a recreational quota, Amendment 30A proposes to establish ACLs for the recreational sector of 394,000 lb (178,715 kg) for 2008, 426,000 lb (193,230 kg) for 2009, and 457,000 lb (207,291 kg) for 2010 and subsequent fishing years, until revised based on a subsequent stock assessment and appropriate rulemaking.

Increasing the recreational minimum size limit for gray triggerfish to 14 inches (36 cm) FL is intended to constrain harvest to a level less than the ACL. This action is expected to reduce recreational landings by 60 percent, and achieve a 45 percent reduction in recreational harvest, necessary to rebuild the gray triggerfish stock. For the commercial fishery, actions in Amendment 30A would increase the commercial size limit to 14 inches (36 cm) FL and establish a commercial quota, which is less than the proposed commercial ACL. For 2008, the quota would be 80,000 lb (36,287 kg), 93,000 lb (42,184 kg) for 2009, and 106,000 lb (48,081 kg) for 2010. The commercial quota would remain at the 2010 level until revised based on a subsequent stock assessment and appropriate rulemaking. These measures are expected to reduce the commercial harvest by 61 percent in 2008, and improve the probability of achieving the 49 percent reduction in commercial harvest necessary for the stock to rebuild.

To ensure the stock recovers, AMs are proposed in Amendment 30A which give the AA the authority to shorten recreational and commercial fishing seasons. For the recreational fishery, AMs would provide the AA authority to shorten the fishing year in the following year if multi-year running average landings exceed the recreational ACL, with the exception of 2008, the first year of the rebuilding plan. The first year would use only 2008 landings as the basis of whether the following year would need to be shortened. For the commercial fishery, the proposed AMs would give the AA the authority to shorten the fishing season within the fishing year, or in the following year, if multi-year running average landings exceed, or are projected to exceed, the commercial ACLs. The exception to this would be for 2008, the first year of the rebuilding plan, which would use only 2008 landings. For both the recreational and commercial fisheries, ACLs are based on the yield from the fishing mortality rate associated with optimum yield. These yield levels are higher than the harvest allowed under the proposed management actions.

Amendment 30A would also define status determination criteria for gray triggerfish, as required by the Magnuson-Stevens Act. Currently, only a maximum fishing mortality threshold has been defined for gray triggerfish equal to the fishing mortality rate associated with harvesting the maximum sustainable yield ( $F_{MSY}$ ). Amendment 30A would define the minimum stock size threshold as (1–

$M$ )\* $B_{MSY}$  where  $M$  is the natural mortality rate and  $B_{MSY}$  is the stock size capable of supporting maximum sustainable yield on a continuing basis. The optimum yield would be defined as the yield associated with  $0.75 * F_{MSY}$ .

A proposed rule that would implement measures outlined in Amendment 30A has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

#### Consideration of Public Comments

Comments received by May 30, 2008, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: March 25, 2008.

#### Alan D. Risenhoover

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

[FR Doc. E8–6523 Filed 3–28–08; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 680

[Docket No. 080129098–8101–01]

RIN 0648–AW45

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program

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

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

**SUMMARY:** NMFS proposes regulations implementing Amendment 26 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP). These proposed