

roundtail chub in the lower Colorado River basin was not warranted because populations of roundtail chub in the lower Colorado River basin did not meet our definition of a DPS (71 FR 26007).

On September 7, 2006, we received a complaint from the Center for Biological Diversity for declaratory and injunctive relief, challenging our decision not to list the lower Colorado River basin population of the roundtail chub as an endangered species under the Act. On November 5, 2007, in a stipulated settlement agreement, we agreed to commence a new status review of the lower Colorado basin population of the roundtail chub and to submit a 12-month finding to the **Federal Register** by June 30, 2009.

At this time, we are soliciting new information on the status of and potential threats to the roundtail chub. We will base our new determination as to whether listing of a DPS for roundtail chub in the lower Colorado River basin is warranted on a review of the best scientific and commercial information available, including all information we receive as a result of this notice. For more information on the biology, habitat, and range of the roundtail chub, please refer to our previous 90-day finding published in the **Federal Register** on July 12, 2005 (70 FR 39981), and our previous 12-month finding published in the **Federal Register** on May 3, 2006 (71 FR 26007).

#### Author

The primary authors of this notice are the staff members of the Arizona Ecological Services Office.

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 20, 2009.

#### Ken Stansell,

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. E9-4155 Filed 3-2-09; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 20

[FWS-R9-MB-2009-0003; 91200-1231-9BPP]

RIN 1018-AW46

#### Migratory Bird Hunting; Application for Approval of Tungsten-Iron-Fluoropolymer Shot as Nontoxic for Waterfowl Hunting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of application for nontoxic shot approval.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce that Tundra Composites, LLC, of White Bear Lake, Minnesota, has applied for our approval of shot composed of alloys of tungsten, iron, and fluoropolymer as nontoxic for waterfowl hunting in the United States. The alloys are 41.5 to 95.2 percent tungsten, 1.5 to 52.0 percent steel, and 3.5 to 8.0 percent fluoropolymer by weight. We have initiated review of the shot under the criteria we have set out in our nontoxic shot approval procedures in our regulations.

**DATES:** Our comprehensive review of the application information is to conclude by May 4, 2009.

**ADDRESSES:** You may review the Tundra Composites application at the Fish and Wildlife Service, Division of Migratory Bird Management, 4501 North Fairfax Drive, Arlington, VA 22203-1610.

**FOR FURTHER INFORMATION CONTACT:** Ron Kokel, Wildlife Biologist, Division of Migratory Bird Management, (703) 358-1967.

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of 1918 (Act) (16 U.S.C. 703-712 and 16 U.S.C. 742 a-j) implements migratory bird treaties between the United States and Great Britain for Canada (1916 and 1996 as amended), Mexico (1936 and 1972 as amended), Japan (1972 and 1974 as amended), and Russia (then the Soviet Union, 1978). These treaties protect certain migratory birds from take, except as permitted under the Act. The Act authorizes the Secretary of the Interior to regulate take of migratory birds in the United States. Under this authority, we control the hunting of migratory game birds through regulations in 50 CFR part 20. We prohibit the use of shot types other than those listed in the Code of Federal Regulations (CFR) at 50 CFR 20.21(j) for hunting waterfowl and coots and any species that make up aggregate bag limits.

Since the mid-1970s, we have sought to identify types of shot for waterfowl hunting that are not toxic to migratory birds or other wildlife when ingested. We have approved nontoxic shot types and added them to the migratory bird hunting regulations in 50 CFR 20.21(j). We will continue to review all shot types submitted for approval as nontoxic.

Tundra Composites has submitted its application to us with the counsel that it contained all of the specified information for a complete Tier 1 submittal, and has requested unconditional approval pursuant to the Tier 1 timeframe. Having determined that the application is complete, we have initiated a comprehensive review of the Tier 1 information under 50 CFR 21.134. After review, we will either publish a notice of review to inform the public that the Tier 1 test results are inconclusive, or we will publish a proposed rule to approve the candidate shot. If the Tier 1 tests are inconclusive, the notice of review will indicate what other tests we will require before we will again consider approval of the Tungsten-Iron-Fluoropolymer shot as nontoxic. If the Tier 1 data review results in a preliminary determination that the candidate material does not pose a significant toxicity hazard to migratory birds, other wildlife, or their habitats, the Service will commence with a rulemaking proposing to approve the candidate shot and add it to our list at 50 CFR 20.21(j).

Dated: February 25, 2009.

**Jerome Ford,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. E9-4455 Filed 3-2-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

RIN 0648-AX72

#### Identification and Certification of Nations Whose Fishing Vessels Are Engaged in Illegal, Unreported, or Unregulated Fishing or Bycatch of Protected Living Marine Resources

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

**ACTION:** Notice of public hearing; request for comments.

**SUMMARY:** NMFS published a proposed rule for developing identification and certification procedures to address illegal, unreported, or unregulated (IUU) fishing activities and bycatch of protected living marine resources (PLMRs) pursuant to the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act). This notice is to announce five public hearings and to discuss and collect comments on the issues described in the proposed rule.

**DATES:** Written comments must be received no later than 5:00 pm Eastern time on May 14, 2009. Public hearings will be held in March, April, and May of 2009. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** Public hearings will be held in Boston, MA; Silver Spring, MD; La Jolla, CA; Seattle, WA; and Miami, FL. For specific locations, see

**SUPPLEMENTARY INFORMATION.** Written comments on this action, identified by RIN 0648-AV51, may be submitted by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.
- Mail: Laura Cimo, Trade and Marine Stewardship Division, Office of International Affairs, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

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 (enter "N/A" in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Laura Cimo (ph. 301-713-9090, fax 301-713-9106, e-mail [Laura.Cimo@noaa.gov](mailto:Laura.Cimo@noaa.gov)).

**SUPPLEMENTARY INFORMATION:** On January 14, 2009 (74 FR 2019), NMFS published a proposed rule for developing certification procedures to address IUU fishing activities and PLMR bycatch pursuant to the Moratorium Protection Act. The regulatory measures proposed in this rule encourage nations to cooperate with the United States towards ending IUU fishing and reducing the bycatch of PLMRs.

Under the proposed rule, NMFS is required to identify foreign nations whose fishing vessels are engaged in IUU fishing or fishing activities or practices that result in bycatch of PLMRs in a biennial report to Congress. Once a nation has been identified in the biennial report, a notification and consultation process will be initiated. Subsequent to this process, NMFS will initiate a certification process regarding identified nations that considers whether the government of an identified nation has provided evidence that sufficient corrective action has been taken with respect to the activities described in the report or whether the relevant international fishery management organization has implemented measures that are effective in ending the IUU fishing activity by vessels of that nation. Nations will either receive a positive or a negative certification.

The absence of sufficient action by an identified nation to address IUU fishing and/or PLMR bycatch may lead to the denial of port privileges for vessels of that nation, prohibitions on the importation of certain fish or fish products into the United States from that nation, or other measures.

Identified nations that are not positively certified by the Secretary of Commerce could be subject to prohibitions on the importation of certain fisheries products into the United States and other measures, including limitations on port access, under the High Seas Driftnet Fisheries Enforcement Act (Enforcement Act)(16 U.S.C. 1826a).

#### Request for Comments

NMFS will hold five public hearings to receive oral and written comments on these proposed actions. Comments received on the proposed rule will assist NMFS in developing a final rule.

#### Dates, Times, and Locations

The public hearings will be held as follows:

1. Monday, March 16, 2009, 9:00–11:00 a.m., Boston Convention & Exhibition Center, 415 Summer Street, meeting room 203, Boston, MA 02210; phone 617-954-2000.
2. Monday, April 6, 2009, 6:30–8:30 p.m., Hilton Hotel, 8727 Colesville Road, Lincoln Ballroom, Silver Spring, MD 20910; phone 301-589-5200.
3. Monday, April 13, 2009, 4:00–6:00 p.m., NMFS Southwest Fisheries Science Center, 3333 N. Torrey Pines Court, meeting room 370, La Jolla, CA 92037; phone 858-546-7000.
4. Tuesday, April 14, 2009, 4:00–6:00 p.m., NMFS Northwest Fisheries

Science Center, 2725 Montlake Boulevard East, Auditorium, Seattle, WA 98112; phone 206-860-3200. Proof of identification will be required for entry.

5. Tuesday, May 12, 2009, 6:30–8:00 p.m., Miami Airport Marriott, 1201 NW LeJeune Road, Caribbean Room, Miami, FL 33126; phone 305-649-5000.

#### Special Accommodations

The sessions are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Laura Cimo (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the session.

Dated: February 25, 2009.

**Rebecca J. Lent,**

*Director, Office of International Affairs, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 090129076-9092-01]

RIN 0648-AX56

#### Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 2

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

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

**SUMMARY:** NMFS proposes to implement Framework Adjustment 2 (Framework 2) to the Spiny Dogfish Fishery Management Plan (FMP), developed by the Mid-Atlantic and New England Fishery Management Councils (Councils). Framework 2 would broaden the FMP stock status determination criteria for spiny dogfish, while maintaining objective and measurable criteria to identify when the stock is overfished or approaching an overfished condition. The framework action would also establish acceptable categories of peer review of new or revised stock status determination criteria for the Council to use in its specification-setting process for spiny dogfish. This action is necessary to ensure that changes or modification to the stock status determination criteria, constituting the best available, peer-