

Guide for Publishing NMFS Documents in the Federal Register

2013

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INTRODUCTION TO “GUIDE FOR PUBLISHING NMFS DOCUMENTS IN THE FEDERAL REGISTER”

This training handbook is a technical guide for Federal Register document drafters and reviewers. It covers all critical aspects one needs to know to write a document for Federal Register publication.

The goal of this training handbook is to provide uniform guidance to the Regional and Headquarter staff to ease the rigors of the Federal Register’s technical requirements.

The majority of this guidance is taken directly from the *Office of the Federal Register Document Drafting Handbook* found at <http://www.archives.gov/federalregister/write/handbook/>. However, this training handbook covers the style and formatting requirements prescribed by the OFR, as well as NMFS-specific templates and a searchable table of contents and index.

This training handbook differs from NMFS’ previous guidance (2008) in that it: 1) is more logically organized; 2) contains an Index for looking up items more easily; 3) includes a Style Requirements section; and 4) features updates from the OFR throughout (because much has changed since 2008).

Furthermore, this guidance was updated in 2013 to include some of the following changes:

- New DATES section language for rules and proposed rules requesting comments;
- Revised ADDRESSES section for rules and proposed rules accepting comments;
- Guidance for how to correctly revise a Table in regulatory text;
- New telephone numbers for the Regs Unit staff;
- More tips on how to correctly label paragraphs within regulatory text;
- An example template of a correction document;
- An example template of an extension of a comment period; and
- A new web address for post-publication review of your OFR document.

We will continue to update this training handbook as information becomes available.

INTRODUCTION TO THE REGULATIONS UNIT

The Regulations Unit (Regs Unit) staff of the Regulatory Services Division (F/SF5) is pleased to assist you with all phases of the Federal Register (FR) publication process. Our staff will guide you through the Federal Register Document Publication Steps to ensure that your document reaches the Office of the Federal Register (OFR) for publication in a timely fashion. The Regs Unit also contributes in these areas:

- **Review** and edit the FR documents of Domestic Fisheries, Protected Resources, Habitat, International, and other NMFS offices for proper grammar and compliance with OFR format and style requirements.
- **Provide** guidance and training on OFR technical drafting provisions to regulation coordinators and the eight Fishery Management Councils.
- **Assign** Regulation Identifier Numbers (RIN) to Protected Resources Rules and Proposed Rules for tracking documents in the biennial Unified Agenda.
- **Support** the NOAA Agency Administrator for the Federal Docket Management System (FDMS) and Business Rules process.
- **Process** Council meeting and Exempted Fishing Permit (EFP) notice announcements in preparation for FR publication.

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SIMPLIFIED FEDERAL REGISTER DOCUMENT PUBLICATION STEPS

Step 1

All proposed rules and grants notices require a Regulation Identifier Number (RIN) in order to publish in the Federal Register. To receive a RIN, submit a Regulatory Information Data (RID) Form to NMFS.Clearance@noaa.gov. Protected Resources Staff should submit a RID form to Guy.Bellamy@noaa.gov to receive a RIN.

The RIN tracking number should be inserted after the docket number on each submitted document. Please use the same RIN assigned to the proposed rule for the final rule.

Inseason actions and notices not subject to the Department of Commerce, Office of General Counsel's clearance require an XRIN, which is obtained through the Regulatory Tracking System. Insert the XRIN after the sub-agency.

Step 2

Submit an advance copy of your document before General Counsel clears to NMFS.Edits@noaa.gov and attach the Editing & Certification Form (which you can download at http://home.nmfs.noaa.gov/sf/sf5/frdoc_editing_certification_form.pdf). Each document must be edited by the Regs Unit editorial staff at least once unless other arrangements have been made with the Regs Unit Program Lead, [Tracey Thompson](#).

Step 3

Allow three days for editing. Generally, most documents are edited and returned within the time you have specified. The Regs Unit editors will return your document to the Regulation Coordinator, who incorporates any editorial changes or corrections. Some editorial corrections are negotiable, but OFR requirements are not. Failure to follow OFR requirements will likely mean your document will be delayed in publishing in the FR until the regulation coordinator makes the changes to the document to satisfy the OFR requirements.

Step 4

If submitting from a Region (Regional Regulation Coordinator), submit your entire regulatory package to nmfs.clearance@noaa.gov. Your FR document will be routed through headquarters for proper review with General Counsel and OMB—and signature—prior to sending to the OFR for publication.

If you are at headquarters and are physically dropping off your signed FR document to the Regs Unit, submit four signed hard copies, one additional hard copy for the Regs Unit's records, and

What is the Federal Register?

Published every Federal working day, the *Federal Register* is the official gazette of the United States Government. It provides a comprehensive legal notice of:

- Federal Agency Regulations
- Proposed Rules and Public Notices
- Executive Orders
- Proclamations
- Other Presidential Documents

one properly labeled CD for final review and certification by the Regs Unit editors. (See OFR SUBMISSION REQUIREMENTS.) The Regs Unit will use the additional copy to coordinate changes with the OFR.

Step 5

The Regs Unit editor sends signed documents and discs to the OFR at 11:30 a.m. (eastern time) daily (i.e., three copies with an original signature, one CD, and one certification letter). You, or someone from your Headquarters office, may hand carry the FR document to the OFR when filing or publication timing is critical.

The Regs Unit will immediately notify you via e-mail when we receive the filing and publication information from the OFR. You will receive the one signed original, including any changes made by the OFR, for the Administrative Record.

Pre-Publication Review

All documents filed with the OFR are available for review at least one day prior to publication on the OFR's **Electronic Public Inspection Desk** website. Once a document is published in the Federal Register, it is removed from the Electronic Public Inspection Desk website.

To view a pre-publication .pdf version of your document:

- Go to the OFR's Electronic Public Inspection Desk website at www.federalregister.gov/public-inspection.
- Click on "Special Filing," and click on the "N" for NOAA and NOAA file immediately actions come up
- Click on "Regular Filings" and the "N" to get regular filings

Post Publication Review

You can access your published document by visiting www.gpo.gov/fdsys/, then clicking on "Federal Register," then the year "2013," the applicable month, and then "NOAA," and, finally, the specific date that the action published.

You (regulation coordinator) are responsible for reviewing the FR publication to ensure that the document published matches the copy of the document sent to the OFR. Should substantive printing errors be found in the FR document, you must provide a copy of the original hard copy submitted to the OFR, along with a copy of the document as it published in the FR. The OFR staff prepares correction documents when printing errors are made by GPO, and GPO pays the cost of printing the correction.

If you discover that substantive errors were omitted in the original submission, then you should write a correction document to publish in the FR.

Drafting and Formatting Guidance

Listed below is some formatting guidance that you must follow when drafting a Federal Register document.

Typography and Format

- Create your Federal Register document in Microsoft Word.
- Set font to 12 Times New Roman or Courier New and be consistent throughout.
- Set margins to 1 inch at the top, bottom, and right side, and to 1 1/2 inches on the left side.
- Set line spacing to 2.0.
- Insert page numbers bottom center.
- Insert a Billing Code in the top right hand corner of the document.
- Flush left all headings; no punctuation.
- Indent all paragraphs in the Supplementary Information section.
- Insert two double spaces between “Dated:” and the signature line at the end of the preamble.
- Insert at least three lines of text on the signature page.
- Do not spell whole hours with a “:00.” For example, write “5 p.m.,” not “5:00 p.m.”
- Underline e-mail and web addresses.
- Underline names of species.
- Include metric equivalent.
- Use the correct cross references.
- Use the word “percent,” not the sign “%.”
- Define all acronyms before you use them.
- Run a spell check.
- Print text on one side of the paper.

Tables and Illustrations

This refers to figures, maps, diagrams, graphs or other pictorial material.

Placement

Insert the table or the illustration where it belongs on the hard copy and the electronic file. Do not insert a table or an illustration in the middle of a sentence.

Appearance

The table or the illustration should appear on a page by itself, not with other text. On the back side of the page, bottom center, softly pencil the page number. Do not use any type of shading where there is text. Words must be legible, and lines must be clear. If the table or the illustration is to be photographed, it must be of camera-ready quality when submitted.

OFR Submission Requirements

A complete FR document package includes:

- Five paper copies of the FR document (Four (4) signed copies, one (1) copy for Regs Unit records)
- One CD containing a file that is identical to the five paper copies
- CD label that includes Agency and RIN, which can also be written in permanent marker on the front of the CD
- Only one document per CD

CD Label Example:



The Regs Unit staff will be the final checkpoint to ensure that the above criteria are met prior to submission. Passwords are not to appear in the file (although, we do not normally put passwords on files anyway); passwords would keep the OFR and GPO out of the file and present a problem. If the OFR encounters a problem with the CD once the package reaches it, a replacement CD and certification letter will be sent.

The **certification process** involves the Regs Unit editors verifying that the text of a document that has been copied to a CD and that the hard copy of the document reflect the exact same text.

NOTE: It is the responsibility of the drafter to submit the same text on the CD and the hard copy of the document. No significant changes should be made to a document at the certification stage.

OFR Publication Timeline

Once the OFR receives a FR document, they review it, schedule it for publication, and send it to the GPO for typesetting (as necessary) and printing. The OFR normally assigns each document to the regular publication schedule.

Documents received before 2 p.m. are on a 3-day schedule, and those received after 2 p.m. are on a 4-day schedule unless there is a problem with the document. The OFR will call the Regs Unit and try to resolve the problem before resuming scheduling of your

Rec'd*	File	Publish
Monday	Wednesday	Thursday
Tuesday	Thursday	Friday
Wednesday	Friday	Monday
Thursday	Monday	Tuesday
Friday	Tuesday	Wednesday

* Before 2 p.m.

document. Federal holidays add 1 day to the filing/publication schedule.

Your document may be assigned to a **deferred schedule** if:

- You request delayed publication (i.e., to a certain date);
- The length of the document requires additional review and processing time by the OFR and GPO. (A document of 100 double-spaced pages or more requires additional time. The rule of thumb is an extra day per 100 pages); or
- The complexity of the document requires additional review and processing time (e.g., complex tables that need encoding, large amounts of regulatory text and amendatory instructions) or technical printing considerations require additional time for publication. The GPO has page limitations for each daily volume.

OFR Publication Schedule (in regards to page length)

Length of rule (double spaced pages)	Number of Business Days to Publish FR Document containing at or under 50% of regulatory text	Number of Business Days to Publish FR Document containing over 50% of regulatory text
≤50	3-4	4-5
51-100	4-5	5-6
101-200	5-6	6-7
201-300	6-7	7-8
301-400	7-8	8-9

The above timing for publication of rules in the Federal Register is our best estimate of how long it has been taking to get rules published. We considered the potential for minor delays due to edits by the Office of the Federal Register. Note that these are business days, not calendar days. Weekends and Federal Holidays do not count in this calculation. Early dismissal of the Federal Government for weather or Holidays may also factor into the review time.

Special Handling

File Immediately Request

Under urgent circumstances, you may request that the OFR review your action as soon as they get it and file it as soon as possible (usually the same day), placing it in the public domain. Reasons to file a document immediately include **statutory deadlines, court orders, and the need to place documents in the public domain as soon as possible**. The most common use of immediate filing is for inseason actions where a fishery needs to be opened, closed, or otherwise modified to meet management requirements. If you are requesting the same-day filing, then the document must arrive at the OFR before 2 p.m. Immediate filing will get the rule filed earlier but not published earlier.

Emergency Publication Request

Justification for such a request includes circumstances that threaten our Nation's health, safety, economy, and/or general welfare, etc., with a Court Order or legislative mandate being the most common situations. If you are requesting that your document publish on an emergency 2-day schedule, then your document must arrive at the OFR by Noon. Emergency publication of rules over 100 pages serves no practical purpose, as it will still take the same amount of time for the OFR to review the rule.

The Federal Docket Management System (FDMS)

The Federal Docket Management System (FDMS) can be viewed at www.fdms.gov.

It is a centralized Docket Management system that provides Federal Agencies the ability to search, view, download, and review comments on notices, proposed, and final rules. The FDMS offers Agencies the ability to facilitate their regulatory business activities with these functions:

<i>Create</i>	<ul style="list-style-type: none">• Assignment templates• Notifications for new or updated documents and dockets• Shortcuts to documents and dockets in "My Favorites"
<i>Manage</i>	<ul style="list-style-type: none">• Work assignments• Access permissions• Document metadata• Document additions and updates• Comment additions• Docket posting
<i>Perform</i>	<ul style="list-style-type: none">• Bulk Extract all document types• Bulk Import of documents to the FDMS• Quick comments processing

<i>View</i>	<ul style="list-style-type: none">• Recently viewed documents• Docket and document summary information at user and agency-level• Task reminders for new documents entering the system
<i>Search</i>	<ul style="list-style-type: none">• Quick and advanced searches on dockets and documents• Global search for posted documents of external agencies

CHAPTER 1: STYLE REQUIREMENTS

Note: The style requirements listed below are only a small portion of the full style requirements provided by the GPO. For the comprehensive list, go here: <http://www.archives.gov/federal-register/write/handbook/>.

AN ALPHABETICAL RUN-DOWN OF STYLE COMPONENTS

Abbreviations

Use the following abbreviations in the Federal Register:

- FR is Federal Register. Do not use Fed. Reg. or F.R.
- CFR is Code of Federal Regulations. Do not use C.F.R.
- U.S.C. is United States Code.
- Pub. L. is public law. (Do not use P.L.)
- Stat. is U.S. Statutes at Large.
- a.m. or p.m. is time designation, not A.M. or P.M.
- E.O. is Executive order.
- Proc. is Proclamation.
- sec. is section of a public law or the United States Code.

Use the abbreviations for “Pub. L.,” “E.O.,” and “Proc.” only in the authority citation. All other times you must spell them out.

Acronyms

Define all acronyms before you use them.

Capitalization

Type the following in all capital letters: (1) The name of the agency or cabinet-level department (but not the name of the subagency) in the heading of a document; (2) "FEDERAL REGISTER" when used in the parenthetical for dates that the OFR is to compute.

Copies

Provide legible copies. There should be five copies – one for you to keep, one for the Regs Unit to keep, and three to send to the Federal Register. They should be double-spaced and single-sided.

Correction or Adhesive Tape

Do not use correction or adhesive tape.

Cross-reference

Use the correct style for cross references. (See the “Cross-reference” heading in “Chapter 4: Rules”.)

Date Line

At the end of the preamble, insert two double spaces between the word "Dated:" and the signature line.

Double Spacing

Type the text of your document double-spaced, with some exceptions (see single spacing).

Font

Set font to 12 Times New Roman or Courier New and be consistent throughout.

Headings

Type document headings flush with the left margin; no punctuation.

Hours

Do not spell whole hours with a ":00" For example, write "5 p.m.," not "5:00 p.m."

Margins

One inch at the top, bottom, and right side. One and one-half inches on the left side.

Metric System

Include metric equivalent. (Go to <http://www.metric-conversions.org/> for help with converting numbers.)

Below are the most common units found in NMFS documents, with suggestions for most reasonable metric equivalent units:

Length

Inches (in) – centimeters (cm)
feet (ft) – meters (m), or centimeters (cm)
yards (yd) – meters (m)
fathoms (fm) – meters (m)
miles (statute) (mi) – kilometers (km)
miles (nautical) (nm) – kilometers (km)

Area

millimeters² (mm²) – square inches (in²)

centimeters² (cm²) – square inches (in²)
meters² (m²) – square feet (ft²), or square yards (yd²)
hectares – acres
kilometers² (km²) – square miles (mi²)

Volume

Dry Measure

millimeters³ (mm³) – cubic inches (in³)
centimeters³ (cm³) – cubic inches (in³)
liters (L) – quarts (qt) or pints (pt)
meters³ (m³) – cubic yards (yd³) or cubic feet (ft³)
kilometers³ (km³) – cubic miles (mi³)

Liquid Measure

millimeters (ml) – fluid ounces (oz)
centimeters³ (cm³) – fluid ounces (oz), or cubic inches (in³)
liters (L) – gallons (U.S.) (gal), or quarts (qt)
meters³ (m³) – cubic feet (ft³), or gallons (U.S.) (gal)

Mass (Weight)

milligrams (mg) – ounces (Avdp) (oz)
grams (g) – ounces (Avdp) (oz)
kilograms (kg) – pounds (Avdp) (lb)
tons (metric) (mt) – tons (short) (not abbreviated)

Temperature

degrees Celsius (°C) – degrees Fahrenheit (°F)

Page Numbers

Insert page numbers bottom center.

Paper

You must prepare your documents on 8" x 11" white paper.

Paragraph Indentation

Indent the first line of each paragraph in the SUPPLEMENTARY INFORMATION section.

Percent

Use the word "percent," not the sign "%."

Preamble Captions

AGENCY :

ACTION :

SUMMARY :
DATES :
ADDRESSES :
FOR FURTHER INFORMATION CONTACT :
SUPPLEMENTARY INFORMATION :

Printing

Print text on only one side of the paper.

Quotation Marks

Use quotation marks for names of books, journals, articles, and similar items.

Quoted Material

If you have quoted material no longer than two paragraphs, then the quoted material should be single-spaced, centered-block style, and without quotation marks. However, quoted material more than two paragraphs long should be double-spaced—and the beginning paragraph is the only paragraph that should be indented.

References

If your document relates to a previously published Federal Register document, you must cite the earlier document. A reference in a document to a previously published Federal Register document must identify the volume number, page number, and date of the issue in which the document appeared.

Reference to a previously published Federal Register document:

75 FR 12345, March 31, 2010.

A reference in a document to material contained in the CFR should identify the CFR title and part or section number.

Reference to material contained in the CFR:

50 CFR part 679

50 CFR 679.1

§[section] Symbol

Use the [section] symbol only for a CFR section and [double section] symbol only for multiple sections. However, do not use a [section] symbol to begin a sentence; instead, spell out the word. Do not use the [section] symbol or the word "section" when the reference follows a title number and CFR as in 36 CFR 1200.1.

Signature Line

At the end of the preamble, insert two double spaces between "Dated:" and the signature line. Insert at least three lines of preamble text on the signature page.

Single-Sided Copy

You must print your document on one side only.

Single-Spacing

Type the following single-spaced:

- Quoted material
- Footnotes
- Tables of contents
- Examples
- Tables
- Notes to tables
- Notes
- Formulas
- Authority citations

Spell Check

Run a spell check.

Style

Use the "U.S. Government Printing Office Style Manual" as a guide for punctuation, capitalization, spelling, compounding, and other style matters. You may obtain the GPO Style Manual from the Superintendent of Documents, Government Printing Office, or online at <http://www.archives.gov/federal-register/write/handbook/>.

Underlining

Underlining instructs the printer to present material in italics. Use underlining for:

- Definitions (underline only the term being defined)
- Scientific terms; name of species
- Court cases
- Federal Register, when referring to the name of the publication (except type in all capital letters in the parenthetical for dates that the OFR computes).
- Web and e-mail addresses

Do not use underlining for:

- Emphasis
- Names of books
- Foreign phrases

Word

Create your FR document in Microsoft Word.

Word Use

- outside (**Not:** outside of)
- to refer, to cite, or to make a reference (**Not:** to reference)
- unusually sized material (**Not:** unusually-sized material)
- federally funded (**Not:** Federally-funded)
- data are... (**Not:** Data is..).
- 5 years (**Not:** five years)
- three to nine rooms (in words), but 10 and up (in numbers)
- 3 to 15 rooms (numbers in series)
- a 3-room house (unit modifier)
- one-fourth of a farm (a standing alone fraction)
- 31/2 pages (fraction with a whole number)
- ...under- and over-harvests (**Not:** ...under- and overharvests)
- landing limits (**Not:** landings limits)
- at 11 a.m. (**Not:** at 11:00 a.m.)
- The shore-based season in most of the Eureka area is between 40 and 42 N. lat. (**Not:** The shore-based season in most of the Eureka area is between 40 degree-42 degree N. lat.)
- This change will satisfy the annual 979-lb (444-kg) quota for pink coral. The fish harvested were 979 pounds. (**Not:** This change will satisfy the annual 979-lbs (444-kg) quota for pink coral. The fish harvested were 979 lbs.)
- NMFS's Biological Review Team (BRT) comprises scientists from Northwest and Southwest Science Centers. (**Not:** NMFS's BRT (Biological Review Team) is comprised of scientists from Northwest and Southwest Science Centers.)
- Do not create an acronym if you are not going to use it at least twice.
- Harmful Algal Blooms (HABs)...with the expansion of the problem of HABs.
Or, Harmful Algal Blooms (HABs)...with the expansion of the HAB problems. (**Not:** Harmful Algal Blooms (HAB)...with the expansion of the HABs problems.)
- These risks are noted earlier in this section. (**Not:** These risks are noted above.)
- We use software licensed only by NOAA. (**Not:** We only use software licensed by NOAA.)
- Any release of captive marine mammals can be authorized only by the Director, Office of the Protected Resources. (**Not:** can only be authorized by the Director, Office of the Protected Resources.)
- This is an error. Or, This is an inadvertency. (**Not:** This is an inadvertent error.)
- This is unnecessary. Or, This is redundant (**Not:** This is an unnecessary redundancy.)

CHAPTER 2: NOTICES

WHAT ARE NOTICES?

- Notices are the most common documents published by the Federal Register.
- The primary purpose of a notice document is to provide information of public interest, such as meetings, notices of availability of permit applications, and requirements and guidelines for grant applications.
- Notice of intent to prepare and/or notice of a scoping meeting for Environmental Impact Statement (EIS) documents, Information Collection Requests (ICRs) and other actions that are ancillary to the rulemaking process belong to the notices category.
- Notices do not contain regulatory text or a CFR part heading, do not impose requirements with general applicability and legal effect, and do not affect a rulemaking proceeding. Some notices are required to be published by law.
- Use the notices category to provide information of public interest.

The structural requirements of a notice and sample templates are included in this chapter.

DOCUMENTS THAT FALL UNDER THE NOTICES CATEGORY

In the ACTION line, the following language is appropriate for documents that inform the public of action that has no legal effect and involves no rulemaking (which also means that there is no regulatory text):

- Notice; public meetings.
- Notice; request for scientific data on critical habitat.
- Notice; modification of public display permit.
- Notice; modification of scientific research permit.
- Notice, application for permit.
- Notice; receipt of Exempted Fishing Permit application.
- Notice; issuance of permit.
- Notice; public hearing. (Of a document that does not lead to direct rulemaking)
- Notice; survey results.
- Notice; availability of financial assistance.
- Notice; intent to prepare a supplemental environmental impact statement.
- Notice; scoping meeting.

STRUCTURAL REQUIREMENTS

The notice document is composed of the following required segments:

- Billing Code;
- Headings (from the Department's name to the subject heading);
- Preamble (includes from the preamble captions AGENCY to the SUPPLEMENTARY INFORMATION section);
- Authority citation; and
- Signature block (which includes the indented "Dated" caption and the signature line).

Billing Code

- The Government Printing Office (GPO) assigns each agency that publishes in the Federal Register a billing code, which GPO uses to bill your agency for printing costs. The billing code stays the same every year. For NMFS, it is: Billing Code 3510-22-P.
- Your billing code must appear on each document submitted for publication in the Federal Register.
- Obtain your billing code from any member in the Regulations Unit.
- Type the billing code at the top right of the first page of the original(s) and the certified copies of each document.
- Type a "P" (which means "Word doc" to us) after your billing code when submitting a CD with your document.

Headings

Begin each notice document with headings that identify your agency and the subject matter of the document. Present headings for a notice document in this format:

Department Name

Agency Name

RIN (obtain your RIN through PRIME)

Subject Heading (a title describing the contents of the document)

Preamble

Preamble

You may present the text of your notice document by using the following preamble format:

AGENCY:

ACTION:
SUMMARY:
DATES:
ADDRESSES:
FOR FURTHER INFORMATION CONTACT:
SUPPLEMENTARY INFORMATION:

You may omit preamble captions which are not applicable. Present the remaining captions in the proper sequence. Do not create new captions.

Place material not identified by the existing captions in the SUPPLEMENTARY INFORMATION section. An explanation and examples of what must appear within each caption follow:

AGENCY

- The AGENCY caption states the "who" of a document by identifying the agency issuing it.
- This caption usually repeats the name of the agency as carried in the document's headings. When the name of a subagency and Cabinet-level department appear together, carry the subagency name first and then the department's commonly used acronym or shortened name.
- For organizational clarity, you may choose to include in this caption the name of an office which is not listed in the document's headings.

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

ACTION

- The ACTION caption identifies the type of document. It does not summarize the substance of a document. Lengthy descriptions should be reserved for the subject line.
- The following examples represent typical captions for a notice document. Others are possible.

ACTION: Notice.

ACTION: Announcement of meeting.

ACTION: Availability of survey.

ACTION: Solicitation of applications.

SUMMARY

Under the SUMMARY caption you explain the "what," "why," and "effect" of the document.

In the SUMMARY, you should answer these three questions.

1. What action is being taken?
2. Why is this action necessary?
3. What is the intended effect of this action?

Use the following guidelines in preparing a SUMMARY.

- Use language a non-expert will understand.
- Refer to an act of Congress by the popular name of the act, and place the acronym in parenthesis, if appropriate.
- Do not use legal citations.
- State what your document does; do not include extensive background.
- Do not include qualifications, exceptions, or specific details.
- Be brief – which means it shouldn't be longer than one paragraph.

You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussions, and precise legal citations do not belong in the SUMMARY. Extended discussion of the notice document belongs in the SUPPLEMENTARY INFORMATION section.

DATES

The DATES caption presents the "when" of a document. Include the dates that are essential to the document.

Include the following dates, when appropriate:

- Comment deadlines.
- Extension of comment deadlines.
- Request for a hearing (or meeting) deadline.
- Public hearing (or meeting) dates.
- Other dates the public may need to know.

OFR computes and inserts dates tied to Federal Register publication or OFR filing using the "Table of Effective Dates and Time Periods." This table appears in the Reader Aids section of the

first Federal Register issue each month. In computing the date, we count the day after publication as the first day. When a date falls on a weekend or a Federal holiday, we use the next Federal business day. If we are to compute and insert a date, present the date as shown in the below example. We compute dates based only on OFR filing or publication in the Federal Register.

Example:

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Example:

DATES: The agency must receive comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

- Place no more than four dates under the caption "DATES."

Example: Format in notice with four dates:

DATES: The meeting dates are:

1. March 26, XXXX, 9:30 a.m. to 5 p.m. (local time), Philadelphia, PA.
2. April 3, XXXX, 9:30 a.m. to 5 p.m. (local time), Chicago, IL.
3. April 8, XXXX, 9:30 a.m. to 5 p.m. (local time), Atlanta, GA.
4. April 15, XXXX, 9:30 a.m. to 5 p.m. (local time), Denver, CO.

- If you have more than four dates, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Meetings".

Example:

DATES: See SUPPLEMENTARY INFORMATION section for meeting dates.

- Do not include information other than dates in the DATES caption. Place any discussion of meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section.
- Remember that DATES and ADDRESSES are separate captions. All date information should appear in the DATES caption.

ADDRESSES

The ADDRESSES caption contains the "where" of the document. Include any address that the public needs to know. You may include addresses for:

- Mailing public comments.
- Hand-delivering public comments.
- Attending a public hearing (or meeting).
- Examining any material available for public inspection.

Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to submit comments, how to register for a meeting, meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section. If you are accepting electronic comments, place electronic addresses in the ADDRESSES section, and detailed requirements in the SUPPLEMENTARY INFORMATION section.

Place no more than four addresses under the caption "ADDRESSES."

Example: Format in notice with four addresses:

ADDRESSES: The meeting locations are:

1. Philadelphia -- Ramada Inn (Meadows Ballroom, Section A & B), 76 Industrial Highway, Essington, PA 19029.
2. Chicago -- O'Hare Ramada Inn (Penthouse Ballroom, 9th Floor), 6600 Mannheim Road, Des Plaines, IL 60018.
3. Atlanta -- Ramada Inn Central (Georgian Ballroom), I-85 at Monroe Drive, Atlanta, GA 30324.
4. Denver -- Main Post Office Bldg. (2nd Floor Auditorium, Room 269), 1823 Stout Street, Denver, CO 80202.

- If you have more than four addresses, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Meetings."

Example:

ADDRESSES: See SUPPLEMENTARY INFORMATION section for meeting addresses.

- Remember that ADDRESSES and DATES are separate captions. All address information must appear in the ADDRESSES caption.

Example:

ADDRESSES: Address all comments concerning this notice to Nell C. Carney, Commissioner, Rehabilitation Services Administration, Mary E. Switzer Building, Room 3325, 330 C Street SW., Washington, DC 20202-2735.

Example:

ADDRESSES: Mail comments and requests to participate to Meeting Clerk, Room 000, Department of XXXXX, Washington, DC 20000; the meeting will be held in Room 000, 000 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT

This is a required section. Under the FOR FURTHER INFORMATION CONTACT caption, you should include the name and telephone number of a person within your agency who can answer questions about the document. You may list two or more persons to contact concerning different aspects of a document.

Example:

FOR FURTHER INFORMATION CONTACT: John Jones, 202-000-0000.

or

FOR FURTHER INFORMATION CONTACT:

Technical Information: John Johnstone, 202-000-0000.

Logistical Information: Mary B. Helpful, 202-000-0001.

SUPPLEMENTARY INFORMATION

In this section, include background information and necessary details in language easily understood by the reader. Use descriptive headings to highlight topics or organize text. If a reference to the Federal Register or Code of Federal Regulations is necessary, use the proper format. (See the templates for notices at the end of this chapter for examples.)

You may use the SUPPLEMENTARY INFORMATION section to provide additional information to satisfy law, agency policy, or Executive order.

Signature Block

Note: The signature block is at the end of the preamble.

Who can sign my document?

- NMFS determines who may sign a document submitted for publication in the Federal Register.
- The signer must sign in ink. The OFR recommends that the signer use blue ink. A signature in black ink is often difficult to distinguish from a photocopy.
- Type the name and title of the person signing the document directly beneath the handwritten signature.
- When a person signs a document for another person, type the name and title of the person who actually signs the document beneath the signature.
- The OFR will reject a document signed by one person for another. The OFR will not accept your document if you sign someone else's name and you place your initials by the signature.

- Do not place a signature block on a page by itself. Place at least three lines of preamble text on the signature page to help ensure the integrity of the document.
- Do I need a signature date? The OFR recommends but do not require a signature date. When you furnish one, use the date of actual signature. The OFR will not accept a postdated signature or change a signature date. If there is a problem with a signature date, we will return your document to you.

Style for Preamble Headings

- To create a first rank heading, flush left, uppercase first initial, no period or colon, in regular font. It will publish in **bold** thus: **First Rank Heading**
- To create a second rank heading, flush left, uppercase first initial, no period or colon, underlined. It will publish in *italics* thus: *Second Rank Heading*
- To create a third rank heading, flush left, uppercase first initial, no period or colon, in regular font. It will publish in regular font thus: Third Rank Heading
- To create a paragraph heading, indent, uppercase first initial of the first word only, and follow it with a period. It will publish thus: Paragraph heading. (Paragraph text follows.)
- If you wish to underline it, be consistent throughout the entire preamble. It will publish thus: Paragraph heading. (Paragraph text follows.)

Authority Citation

You must cite the authority that authorizes your agency to issue your notice.

There are two types of authority:

1. Statutory:

Public Law.
United States Code.

2. Nonstatutory:

Presidential Executive order.
Presidential Administrative order.
Presidential Memorandum.
Agency delegation, policy, or directive.
Office of Management and Budget circular.
CFR regulations.

- Give the authority citation in the shortest form. The authority citation may appear within the notice or in a parentheses on a separate line at the end of the notice before the signature block.

- Statutory authority. For notices only, you may cite a public law, popular law name, or the U.S. Statutes at Large.
- Each citation of statutory authority must use the United States Code citation, if one exists.

Example:

Authority: 44 U.S.C. 2101-2118; 50 U.S.C. 6909.

- We generally recommend that you use only the United States Code citation. (See example 4.) When a United States Code citation does not exist (for example, for appropriations laws), you must cite the section of the public law, if appropriate, the public law, and the U.S. Statutes at Large. (See example 5.)

Example:

Authority: Sec. 8067, Pub. L. 98-473, 98 Stat. 1937.

- If you choose to cite the public law and the U.S. Statutes at Large in addition to the United States Code, present them in the order shown below.

Example:

Authority: Sec. 8, Pub. L. 98-328, 82 Stat. 470 (34 U.S.C. 21).

- If you cite two different laws where one has a United States Code citation and the other does not, place the United States Code citation first.

Example:

Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

- Nonstatutory authority. Cite nonstatutory authority by document designation, Federal Register citation, and CFR citation.

Example:

(Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105)

- If you include statutory and nonstatutory citations in the same authority citation, place the statutory citation first.

Example:

(Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872;
Secretary's Order 6-84, 49 FR 32473)

COUNCIL MEETING NOTICES *(see end of chapter for example template)*

Instructions for Councils when Submitting Meeting Notices to the Office of Sustainable Fisheries

The Council will:

- Prepare a notice by following the document format as exemplified in the template on the following page or in the Examples 1 and 2 available in this section.
- Continue to adhere to all established clearances and review procedures.
- Send all notices for Federal Register publication to nmfs.regs@noaa.gov.
- Ensure that the subject line in the e-mail matches the subject heading of the attached document.
- Send the notice no later than 23 calendar days before the first day of the council meeting to allow adequate processing time.
- Monitor the Federal Register at <http://www.gpoaccess.gov/fr/index.html> to verify that your document was published and is error free.
- Report document printing errors to nmfs.regs@noaa.gov.

Instructions for the Office of Sustainable Fisheries in Dealing with Meeting Notices

The Office of Sustainable Fisheries will:

- Sign, certify, and send your document to the Office of the Federal Register for publication in the Federal Register, and notify you via e-mail with a file time and publication date.

Questions about Council Meeting Notices

If you have any questions concerning the guidance, processing, and submission procedures, please contact Tracey Thompson, Program Leader, Regulations Unit, at (301) 427-8505. Council Meeting Notice Editor Vicki Anderson can also be reached at the same number and help with any questions.

CHECKLIST FOR NOTICE DOCUMENTS

Use the following checklist to review your notice document before you submit it to us:

Authority citation

Do you have your authority citation?

Billing code

Is the billing code at the top of the first page in the right-hand corner?

CDs

If you have included a CD with your document:

- Is every document on a separate CD?
- Is the file on the CD identical to the signed original document?
- Does the CD have a label that identifies your agency, the RIN, and file format?
- Is the CD virus-free?
- Are the file and CD free of password protection or other security measures?

Headings

Are the correct headings used?

Matching Copies and Certification (when submitting from headquarters)

- Are the original(s) and two certified copies identical? Are all pages included?
- Are the copies properly signed or certified?

Page Numbers

Are all pages numbered consecutively?

Preamble

Are all elements of the preamble included? Does the SUMMARY answer all three questions (1. What action is being taken? 2. Why is the action necessary? 3. What is the intended effect of the action?)?

Quality

- Are the original(s) and certified copies legible?
- Is the document free of correction or adhesive tape?
- Are ink changes printed, dated, and initialed on all three copies?
- Is the document double-spaced?

References

Is the correct style used?

Signature and Title (Note: This is just for headquarter use; not when submitting from the Region)

- Is the original signature (handwritten in ink) included on the document? (One person may not sign for another or initial a signature.)
- Is the signer's name and title typed beneath the signature?
- If signature date is given, is it correct?

Tables and Illustrations

- Are they placed exactly where they are to be printed?
- Are they completely legible?
- Are charts and maps of photographic quality?
- Are the page numbers (at the bottom of the page) of charts and tables deleted (when sending to NMFS.Edits for review)?
- When submitting the three hard copies to the Regs Unit for sending to the OFR, are the page numbers written in pencil on the back of each page?

TEMPLATE OF A GENERIC NOTICE DOCUMENT

BILLING CODE (*Use "P" for Word doc.*)

DEPARTMENT OF COMMERCE (*Department's name in all uppercase, no end punctuation*)

National Oceanic and Atmospheric Administration (*Subagency's name in uppercase initials, no end punctuation*)

RIN XXXX-XXXX (*Regulation Identifier Number*)

Marine Mammals; File No. XXX-XXXX (*Subject heading. Uppercase all initial letters, except for prepositions with fewer than four letters; use a semicolon to separate the subject components; and use no end punctuation.*)

AGENCY: (*Identifies the agency issuing the document. Present the organizational units in ascending order, and end the caption with a period.*)

ACTION: (*Identifies the type of document. Uppercase the initial letter of the first word only; use a semicolon between action components; and end the caption with a period.*)

SUMMARY: (*States the type of information it announces; the reason this action is necessary; and the intended effect of this action. Note: Summaries must be brief and shouldn't be longer than one paragraph.*)

DATES: (*This caption can be omitted if not needed.*)

* Under DATES, do not list more than four meetings or hearings. If you have more than four dates, tell the reader to look for specific dates and times under Schedule for Hearings, or Schedule for Meetings, or Schedule for Hearings and Meetings (whatever the case may be) in the SUPPLEMENTARY INFORMATION section.

ADDRESSES: (*This caption can be omitted if not needed.*)

* Under ADDRESSES, do not list more than four meetings or hearings. If you have more than five addresses, tell the reader to look for specific locations under Schedule for Hearings, or under Schedule for Meetings, or under schedule for Hearings and Meetings (whatever the case may be) in the SUPPLEMENTARY INFORMATION section.

FOR FURTHER INFORMATION CONTACT: (*States the name and telephone number of a person who is authorized to answer questions about the document.*)

* If you have several e-mail addresses, tell the reader that a listing of e-mail addresses can be found in the SUPPLEMENTARY INFORMATION section under a heading, such as Electronic Access.

SUPPLEMENTARY INFORMATION: (States the reason for the announcement in an organized arrangement, under topical headings.)

Authority: (The authority statement can be stated either in here or in a separate line in the SUPPLEMENTARY INFORMATION. But, all notices must contain an authority statement.)

Dated: November 15, 2010. (Use the same punctuation. The date and the signature constitute the "signature block," which should appear with at least two lines of text.)

_____ (Two double spaces. Signed by the authorized official. The person who signs must be the same person whose title and office follow the signature.)

Alan D. Risenhoover, (Type the name of the above signer and follow it with a comma. Do not include such initials as Ph.D. after the name.)

Director, Office of Sustainable Fisheries, National Marine Fisheries Service. (Title of the above signer, followed by a period)

TEMPLATE OF A NOTICE, RECEIPT OF APPLICATION

Billing Code 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XXXX

Marine Mammals; File No. 15430

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Louisville Zoological Garden, 1100 Trevilian Way, P.O. Box 37250, Louisville, KY 40233, has applied in due form for a permit to import one South African fur seal (Arctocephalus pusillus) for the purposes of public display.

DATES: Written or telefaxed comments must be received on or before [insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Kristy Beard, (301) 713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests authorization to import one female adult South African fur seal from the Toronto Zoo, Ontario, Canada to the Louisville Zoological Garden. The applicant requests this import for the purpose of public display. The receiving facility, the Louisville Zoological Garden is: (1) open to the public on regularly scheduled basis with access that is not limited or restricted other than by charging for an admission fee; (2) offers an educational program based on professionally accepted standards of the Association of Zoos and Aquariums; and (3) holds an Exhibitor's License, number 61-C-0106, issued by the U.S. Department of Agriculture under the Animal Welfare Act (7 U.S.C. 2131-59).

In addition to determining whether the applicant meets the three public display criteria, NMFS must determine whether the applicant has demonstrated that the proposed activity is

humane and does not represent any unnecessary risks to the health and welfare of marine mammals; that the proposed activity by itself, or in combination with other activities, will not likely have a significant adverse impact on the species or stock; and that the applicant's expertise, facilities and resources are adequate to accomplish successfully the objectives and activities stated in the application.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March XX, XXXX.

TEMPLATE OF NOTICE OF ISSUANCE OF A LETTER OF AUTHORIZATION

Billing Code 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XXXX

Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Conducting Precision Strike Weapons Testing and Training by Eglin Air Force Base in the Gulf of Mexico

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

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that a letter of authorization (LOA) to take four species of marine mammals incidental to testing and training during Precision Strike Weapons (PSW) tests in the Gulf of Mexico (GOM), a military readiness activity, has been issued to Eglin Air Force Base (AFB).

DATES: This authorization is effective from April 1, XXXX, through March 31, XXXX.

ADDRESSES: The application and LOA are available for review in the Permits, Conservation, and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or by contacting the individuals listed in FOR FURTHER INFORMATION CONTACT.

FOR FURTHER INFORMATION CONTACT: Candace Nachman or Michelle Magliocca, NMFS, (301) 713-2289.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 et seq.) directs NMFS to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals. The National Defense Authorization Act of 2004 (Public Law 108-136) removed the "small numbers" and "specified geographical region" limitations and amended the definition of "harassment" as it applies to a "military readiness activity" to read as follows (Section 3(18)(B) of the MMPA):

(i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or

(ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Authorization, in the form of annual LOAs, may be granted for periods of up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). In addition, NMFS must prescribe regulations that include permissible methods of taking and

other means of effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of marine mammals incidental to PSW testing and training within the Eglin Gulf Test and Training Range (EGTTR) in the GOM were published on November 24, 2006 (71 FR 67810), and remain in effect from December 26, XXXX, through December 27, XXXX. The species that Eglin AFB may take during PSW testing and training are Atlantic bottlenose (Tursiops truncatus) and Atlantic spotted dolphins (Stenella frontalis) and dwarf (Kogia simus) and pygmy (Kogia breviceps) sperm whales.

Issuance of the annual LOA to Eglin AFB is based on findings made in the preamble to the final rule that the total takings by this project would result in no more than a negligible impact on the affected marine mammal stocks or habitats and would not have an unmitigable adverse impact on subsistence uses of marine mammals. NMFS also finds that the applicant will meet the requirements contained in the implementing regulations and LOA, including monitoring and reporting requirements. Without any mitigation measures, a small possibility exists for one bottlenose dolphin and one spotted dolphin to be exposed to blast levels from the PSW testing sufficient to cause mortality. Additionally, less than two cetaceans might be exposed to noise levels sufficient to induce Level A harassment (injury) annually, and as few as 31 or as many as 53 cetaceans (depending on the season and water depth) could potentially be exposed (annually) to noise levels sufficient to induce Level B harassment in the form of a temporary loss of hearing sensitivity (also referred to as a temporary threshold shift).

While none of these impact estimates consider the proposed mitigation measures that will be employed by Eglin AFB to minimize potential impacts to protected species, NMFS has authorized Eglin AFB a total of one mortality, two takes by Level A harassment, and 53 takes by Level B harassment (TTS) annually. However, the proposed mitigation measures described in the final rule (71 FR 67810, November 24, XXXX) and the LOA are anticipated to both reduce the number of marine mammal takes and lessen the severity of the effects of the takes. These measures include a conservative safety range for marine mammal exclusion; incorporation of aerial and shipboard survey monitoring efforts in the program both prior to and after detonation of explosives; and a prohibition on detonations whenever marine mammals are detected within the safety zone, may enter the safety zone at the time of detonation, or if weather and sea conditions preclude adequate aerial surveillance. This LOA may be renewed annually based on a review of the activity, completion of monitoring requirements, and receipt of reports required by the LOA.

Summary of Request

On March 4, XXXX, NMFS received a request for an LOA renewal pursuant to the aforementioned regulations that would authorize, for a period not to exceed 1 year, take of marine mammals, by harassment, incidental to PSW testing and training in the GOM.

Summary of Activity and Monitoring Conducted During XXXX and XXXX

No PSW tests were conducted during calendar year XXXX or between January and March of XXXX. However, the PSW LOA was modified on April 16, XXXX, to include Stand-Off Precision Guided Munition (SOPGM) testing. NMFS issued this modification because it was determined that the impacts of SOPGM testing would be significantly smaller than the impacts outlined in the PSW LOA. SOPGM testing utilized two out of the six live shots allowed for the

Small Diameter Bomb (SDB) exercise under the PSW LOA. Three Griffin™ SOPGM system missiles with a net explosive weight of 7.5 pounds (TNT equivalent) were fired against two target boats in the GOM on April 29, XXXX, and May 5, XXXX. No marine mammals were seen during the boat sweep or at release. No evidence of injury or death to marine mammals was noted after either mission.

Authorization

The U.S. Air Force complied with the requirements of the XXXX LOA, and NMFS has determined that there was no take of marine mammals by the U.S. Air Force in XXXX. Accordingly, NMFS has issued a LOA to Eglin AFB authorizing the take of marine mammals, by harassment, incidental to PSW testing and training in the EGTTR in the GOM. Issuance of this LOA is based on findings described in the preamble to the final rule (71 FR 67810, November 24, XXXX) and supported by information contained in Eglin's March XXXX request for a new LOA that the activities described under this LOA will not result in more than the incidental harassment of certain marine mammal species and will have a negligible impact on the affected species or stocks.

The provision requiring that the activities not have an unmitigable adverse impact on the availability of the affected species or stock for subsistence uses does not apply for this action.

Dated: March XX, XXXX.

TEMPLATE OF A NOTICE OF INTENT

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XXXX

Fisheries of the Northeastern United States; Atlantic Herring Fishery

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

ACTION: Supplemental Notice of Intent (NOI) to prepare an environmental assessment (EA); request for comments.

SUMMARY: On May 8, XXXX, the New England Fishery Management Council (Council), in cooperation with NMFS, announced its intent to prepare an EIS for Amendment 4 to the Atlantic Herring FMP to analyze the impacts of proposed management measures, which included measures to bring the FMP into compliance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requirements to specify annual catch limits (ACLs) and accountability measures (AMs). NMFS hereby notifies the public that only the ACL/AM components will move forward as Amendment 4, and that the Council intends to prepare an EA for the action. All other proposed measures formerly included in Amendment 4, including the catch monitoring program for the herring fishery, measures to address river herring bycatch, criteria for midwater trawl access to groundfish closed areas, and measures to address interactions with the mackerel fishery, will now be considered in Amendment 5. These measures will be analyzed in an EIS. Because comments submitted during the scoping process for Amendment 4

referenced all measures now under consideration in Amendments 4 and 5, the Council is not seeking additional scoping comments from the public at this time.

DATES: Public comments on the supplementary NOI for Amendments 4 and 5 must be received on [insert date 15 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: Copies of supporting documents used by the Council are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, (978) 465-0492, or online at www.nefmc.org.

Written comments on the supplementary notice of intent for Amendments 4 and 5 may be sent by any of the following methods:

- E-mail to the following address: NOIAmendments4and5@noaa.gov;
- Mail to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. Mark the outside of the envelope "Comments on Herring Amendments 4 and 5;" or
- Fax to Paul J. Howard, (978) 465-3116.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, (978) 465-0492.

SUPPLEMENTARY INFORMATION: The Council initiated Amendment 4 to the Herring FMP for several reasons. The Council determined it was necessary to consider taking action to address issues related to the health of the herring resource throughout its range, how the resource is harvested, how catch/bycatch are accounted for, and the important role of herring as a forage fish in the Northeast region. These concerns are reflected in the high level of interest in managing this

fishery by New England's commercial and recreational fishermen, eco-tourism and shoreside businesses, and the general public.

In addition, the MSA was reauthorized in XXXX and requires that NMFS and the Councils establish ACLs and AMs by the year XXXX for every federally managed fishery that is not subject to overfishing. The MSA also includes new provisions for the formation of Limited Access Privilege Programs (LAPPs). The former Amendment 4 was also intended to update the Herring FMP in a manner that is consistent with the new requirements of the MSA.

On May 8, XXXX (73 FR 26082), the Council published a NOI to prepare an EIS for an amendment that might include proposed measures to: improve long-term monitoring of catch (landing and bycatch) in the herring fishery, implement ACLs and AMs consistent with the MSA, and develop a sector allocation process or other LAPP for the herring fishery. The Council subsequently conducted three scoping meetings to discuss and take comments on alternatives to these measures. The first and second meetings were held in Portland, ME, on May 22, XXXX, and June 2, XXXX. The third meeting was held on June 10, XXXX, in Atlantic City, NJ.

After considering the complexity of the issues under consideration in Amendment 4, the Council voted on June 23, XXXX, to split the action into two amendments to ensure the statutory requirements for complying with provisions for ACLs and AMs will be met by the XXXX deadline. The ACL and AM component will move forward as Amendment 4. Because the establishment of ACLs and AMs is primarily a process-oriented change, rather than substantive change, the Council now intends to prepare an EA to analyze the impacts of these proposed measures.

The range of alternatives under consideration for ACLs include modifications to the current fishery management specification process for Atlantic herring to ensure the herring FMP's compliance with the MSA, as well as a No Action alternative. Modifications to the specifications process feature new terms and definitions for specifications, changes to the administrative process for setting specifications, and options to either maintain or eliminate specifications for joint venture processing (JVP), internal waters processing (IWP), total allowable level of foreign fishing (TALFF), and reserve total allowable catches (TACs). The range of alternatives for AMs include the No Action alternative, which uses inseason TAC adjustments and management area closures as AMs, and an alternative with options to add ACL overage deductions and a haddock catch cap as additional AMs.

All other measures formerly under consideration in Amendment 4 will now be considered in Amendment 5, and impacts associated with these proposed measures will be analyzed in an EIS. Measures considered under Amendment 5 include:

1. Catch-monitoring program;
2. Measures to address river herring bycatch;
3. Criteria for midwater trawl access to groundfish closed areas; and
4. Measures to address interactions with the Atlantic mackerel fishery.

Alternatives related to these measures are still under development.

The public will have the opportunity to comment on the measures and alternatives being considered by the Council for both amendments through public meetings and public comment periods required by the National Environmental Policy Act, the MSA, and the Administrative

Procedure Act. The Council anticipates completing the EA for Amendment 4 in mid-2010, and the EIS for Amendment 5 by late XXXX.

Public Hearing Schedule

The Council is conducting the following public hearings to solicit public comments on Amendment 4:

1. Wednesday, January 6, XXXX, 5 p.m. to 7 p.m.; Massachusetts Department of Marine Fisheries Annisquam River Station, 30 Emerson Avenue, Gloucester, MA 01930; (978) 282-0308.

2. Thursday, January 7, XXXX, 5 p.m. to 7 p.m.; Hampton Inn, One Hampton Way, Fairhaven, MA 02719; (978) 990-8500.

3. Monday, January 11, XXXX, 5 p.m. to 7 p.m.; Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; (207) 775-2311.

Special Accommodations

The meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.

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

Dated:

TEMPLATE OF A GENERIC MEETING NOTICE

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE (*Department's name in all uppercase, no end punctuation*)

National Oceanic and Atmospheric Administration (*Subagency's name in uppercase initials, no end punctuation*)

RIN XXXX-XXXX (*Regulation Identifier Number*)

North Pacific Fishery Management Council; Public Meeting (*The subject of the document*)

AGENCY: National Marine Fisheries Service, (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce. (*Identifies the agency issuing the document; presents the organizational units in ascending order; and ends the caption with a period.*)

ACTION: Notice; committee meeting. (*Identifies the type of document; uppercases the initial letter of the first word only; uses a semicolon between action components; and ends the caption with a period.*)

SUMMARY: The Observer Committee of the North Pacific Fishery Management Council (Council) will meet to discuss ... (*States, first, the action that is proposed to be taken; second, the reason this action is necessary; and, third, the intended effect of this action. It shouldn't be longer than one paragraph.*)

DATES: (*States the date that the public meeting will be held.*)

ADDRESSES: (*States nothing but addresses.*)

FOR FURTHER INFORMATION CONTACT: (*States the name and telephone number of a person who is authorized to answer questions about the document.*)

SUPPLEMENTARY INFORMATION: (*Indent all paragraphs and flush left all headings followed by no punctuation. Mention the reason for the meeting or meetings; list the items in the agenda; and include the required language.*)

Authority: 16 U.S.C. 1801 et seq. (*Identifies the authority that empowers the publication of the notice. Tab it.*)

Dated: (*Leave it blank.*)

_____ (Two double spaces. Leave it blank. It will be signed by an authorized NMFS' official.)

TEMPLATE ANNOUNCEMENT OF ONE, TWO, THREE, OR FOUR MEETINGS

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XXXX

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Observer Committee will meet to review the goals and objectives of the observer program.

DATES: The meeting will be held on Thursday, March 24, XXXX, from 9 a.m. to 5 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE, Building 4, Room 2039, Seattle, WA.

Council Address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Nicole Kimball, North Pacific Fishery Management Council; telephone: (907) 271-2809.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

Agenda for Thursday, March 24, XXXX

1. Review the specifics of a proposed no-cost contract module(s) which would establish a contractual relationship between NMFS and observer contractors for some portion of observer placements.

2. Review of overall program goals and objectives.

3. Discussion of potential long-term funding models for the observer program.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, (907) 271-2809, at least 5 working days prior to the meeting date.

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

Dated:

TEMPLATE ANNOUNCEMENT OF MORE THAN FOUR MEETINGS

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XXXX

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice; committee meetings.

SUMMARY: The North Pacific Fishery Management Council's (Council) Observer Committee will hold five meetings to review or revise stock assessments for cabezon and lingcod. The stock assessments are to be used for developing management recommendations for 2005-2006 groundfish fisheries.

DATES: The meetings will be held in March and April XXXX. For specific dates and times, see

SUPPLEMENTARY INFORMATION.

ADDRESSES:

Meeting address: The meetings will be held in Seattle, WA, in Portland, OR, in Sant Cruz, CA, and in La Jolla, CA. For specific locations, see SUPPLEMENTARY INFORMATION.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Nicole Kimball, North Pacific Fishery

Management Council; telephone: (907) 271-2809.

SUPPLEMENTARY INFORMATION: The committee's schedule, location, and agenda for the following five meetings are as follows:

Council Meetings: Schedule, Location, and Agenda

1. Monday, March 21, XXXX; The Alaska Fisheries Science Center, 7600 Sand Point Way NE, Building 4, Room 2039, Seattle, WA 98115; telephone (206) 526-6548.

Agenda. Review the specifics of a proposed no-cost contract module(s) which would establish a contractual relationship between NMFS and observer contractors for some portion of observer placements.

2. Tuesday, March 22, XXXX; Pacific Fishery Mangement Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 1384; telephone (503) 820-2280.

Agenda. Review of overall program goals and objectives.

3. Wednesday, March 23, XXXX; NMFS Southwest Fisheries Science Center, Room 219, 110 Schaffer Road, Sant Cruz, CA 95060; telephone (831) 420-3949.

Agenda. Discussion of potential long-term funding models for the observer program.

4. Monday, April 5, XXXX; NMFS Southwest Fisheries Science Center, Room C-115, 8604 La Jolla Shores Drive, La Jolla, CA 92037; telephone (858) 546-7052.

Agenda. Receive NMFS Regional Administrator's report.

5. Tuesday, April 6, XXXX; NMFS Southwest Fisheries Science Center, Room C-200, 8604 La Jolla Shores Drive, La Jolla, CA 92037; telephone (858) 546-7052.

Agenda. Conduct other business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action

will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, (907) 271-2809, at least 5 working days prior to the meeting date.

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

Dated:

TEMPLATE OF AN EXEMPTED FISHING PERMIT

Billing Code: 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XXXX

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery;
Application for an Exempted Fishing Permit

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

ACTION: Notice; receipt of EFP applications; request for comments.

SUMMARY: NMFS announces the receipt of exempted fishing permit (EFP) applications, and is considering issuance of EFPs for vessels participating in the EFP fisheries. The EFPs are necessary to allow activities that are otherwise prohibited by Federal regulations. The EFPs will be effective no earlier than [insert date 15 days after date of publication in the FEDERAL REGISTER], and would expire no later than April 31, XXXX, but could be terminated earlier under terms and conditions of the EFPs and other applicable laws.

DATES: Comments must be received on [insert date 15 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by 0648-XU95, by any one of the following methods:

- Fax: 206-526-6736, Attn: Kevin Duffy.

- Mail: Barry A. Thom, Acting Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Kevin Duffy.

FOR FURTHER INFORMATION CONTACT: To view copies of the 2010 EFP applications, visit the Pacific Council website at www.pcouncil.org and browse the "November 2009 Briefing Book"; or contact Kevin Duffy (Northwest Region, NMFS), phone: 206-526-4743, fax: 206-526-6736.

SUPPLEMENTARY INFORMATION: This action is authorized by the Magnuson-Stevens Fishery Conservation and Management Act provisions at 50 CFR 600.745, which states that EFPs may be used to authorize fishing activities that would otherwise be prohibited. At the November 2009 Pacific Fishery Management Council (Council) meeting in Costa Mesa, CA, the Council considered applications for five EFPs from: (1) The Nature Conservancy (TNC) and their collaborators; (2) the California Recreational Fishing Alliance (RFA) and Golden Gate Fisherman's Association; (3) the Oregon RFA; (4) Steven Fosmark; and (5) the Oregon Department of Fish and Wildlife (ODFW). An opportunity for public testimony was provided during the Council meeting. For more details on these EFP applications and to view copies of the applications, see the Pacific Council's website at www.pcouncil.org and browse the "November 2009 Briefing Book." The Council recommended that NMFS consider issuing the following EFPs. The Council also recommended a change from the previous years to allow some EFPs, if approved, to span across a calendar year for business and logistical reasons. EFP reporting requirements, in these cases, will be adjusted to ensure reporting consistent with past practice, and an EFP will not be valid for more than 12 consecutive months.

Community-Based Fishing Association EFP TNC submitted a proposal for a 2010 EFP, along with their collaborators: City of Morro Bay Harbor Department; Port San Luis Commercial Fishermen's Association; Port San Luis Harbor District; California Department of Fish and Game; Morro Bay Commercial Fishermen's Organization, Inc.; and Environmental Defense. The primary purpose of the EFP is to test whether establishing a cooperatively managed, community-based fishing association can provide economic and environmental performance benefits.

Recreational Chilipepper EFP

The California RFA and the Golden Gate Fishermen's Association submitted an application for a 2010 EFP. The primary purpose of the EFP is to do an area-based recreational fishing study to test if hook-and-line fishing gear can be used to access underutilized chilipepper rockfish seaward of the non-trawl RCA, while keeping bycatch of overfished species low.

Recreational Yellowtail EFP

The Oregon RFA submitted an application for a 2010 EFP. The primary purpose of the EFP is to test if recreational fishing gear, fitted with a long leader to keep gear up off the ocean floor, can be used to access underutilized yellowtail rockfish, while keeping bycatch of overfished species low.

Commercial Chilipepper EFP

Steven Fosmark submitted an application for a XXXX EFP. The primary purpose of the EFP is to test if a specific longline gear configuration can be used in the commercial fishery to target underutilized chilipepper rockfish, while keeping bycatch of overfished species low.

ODFW EFP

An EFP sponsored by the ODFW will allow selected Oregon charterboats to retain incidentally-caught yelloweye rockfish to be forfeited to the state. The objective of this EFP is to collect biological samples to inform future yelloweye rockfish stock assessments.

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

Dated:

CHAPTER 3: PROPOSED RULES

WHAT ARE PROPOSED RULES?

A proposed rule proposes new regulations or changes to NMFS' regulations in the Code of Federal Regulations (CFR) and requests the public to comment on the proposed changes. In addition to proposing regulatory text, a proposed rule can correct regulatory text published previously in this section or describe a proposed subject and the issues involved. Such documents as hearings, notification of availability of supplemental information, and notification of intent of proposed rulemaking contain information but have no regulatory text.

Documents that request comments or provide information about an environmental impact statement are not regarded as being proposed rules because they are not part of the basic Administrative Procedure Act (APA) notice-and-comment rulemaking procedure required by 5 U.S.C 553.

The proposed rule is composed of the following required segments: the Headings (from the Department's name to the subject heading), the Preamble (from the agency's name to the SUPPLEMENTARY INFORMATION section), the Classification section, the Authority (if it contains no regulatory text) (but if it contains regulatory text, the authority citation is stated in the regulatory text), List of Subjects, the Signature Block, the Words of Issuance, and the Regulatory Text (if appropriate).

DOCUMENTS THAT FALL UNDER THE PROPOSED RULES CATEGORY

In the ACTION line, the following language is appropriate for documents that propose regulations or that directly affect other documents published in this section:

- Proposed rule; request for comments. (*For all proposed regulatory amendments*)
- Proposed rule; emergency action; request for comments.
- Proposed rule; interim measures; request for comments.
- Announcement of availability of FMP amendments. Or, Availability of proposed FMP amendments. (*If a plan amendment could lead to rulemaking; usually in the document you make a statement to that effect.*)
- Proposed rule; notification of intent to proposed rulemaking.
- Proposed rule; notification of availability of supplemental information. (*If related to ongoing rulemaking*)
- Proposed rule; public hearing. (*Affecting directly, or resulting in, a rulemaking*)
- Proposed rule; petition for rulemaking; request for comments.
- Proposed rule; advance notice of proposed rulemaking.
- Proposed rule; extension of comment period. (*Of a document previously published in this section*)

EXAMPLE OF REGULATORY LANGUAGE

For the reason set out in the preamble, NMFS proposes to amend 50 CFR part 223 as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 971 et seq.

2. In § 223.21, revise paragraph (c)(2) to read as follows:

§ 223.21 Gear operation and deployment restrictions.

* * * * *

(c) * * *

(2) All vessels issued, or required to be issued, a permit under this part must post inside the wheelhouse the sea turtle guidelines for safe handling in pelagic longline interactions.

* * * * *

STRUCTURAL REQUIREMENTS

A document published in the proposed rules category should include the following items:

- Billing Code;
- Headings (from the Department’s name to the subject heading);
- Preamble (from the agency’s name to the SUPPLEMENTARY INFORMATION section);
- List of Subjects (note that the signature block follows just after the List of Subjects);
- Words of Issuance; and
- Regulatory Text.

Remember, your document may propose regulatory text or describe the subjects and issues involved.

Billing Code

- The Government Printing Office (GPO) assigns each agency that publishes in the *Federal Register* a billing code which GPO uses to bill your agency for printing costs.
- Your billing code must appear on each document submitted for publication in the *Federal Register*.
- Obtain your billing code from any member in the Regulations Unit.
- Type the billing code at the top of the first page of the original(s) and the certified copies of each document.
- Type a “P” (which stands for Word document)—not an “S”—after your billing code when submitting a disk with your document.

Headings

Begin each proposed rule document with headings that identify your agency and the subject matter of your document. The headings of a proposed rule document also identify the CFR title and part your document proposes to amend. Present the headings for a proposed rule document in this format:

Department Name
Agency Name
CFR Citation
Docket Number
Regulation Identifier Number (RIN)
Subject Heading

- The “Department” and “Subagency” headings for a document must reflect the department and subagency names as shown in the CFR chapter the document that proposes to amend. If your agency is not a cabinet-level department, do not use a subagency heading.
- If the CFR chapter is assigned to a subagency of a cabinet-level department, the department name must still appear in the document headings.
- The “CFR Citation” heading contains the number of the CFR title and the number of each part the document proposes to amend. Even if the document affects only one paragraph within a part, include that part number.
- The “Docket Number” heading is the internal file number the Department of Commerce General Counsel assigns to your document.
- The “RIN Number” is assigned by the Clearance Unit (NMFS.Clearance@noaa.gov) and identifies each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions.
- The “Subject Heading” is a title describing the contents of the document. You may use the CFR part heading if it describes the content of the document. However, use more specific information when the document amends several parts or when the part heading is too general.

Preamble

Each agency document published in the proposed rules category of the Federal Register must contain a preamble. The preamble follows the subject heading of the document. It explains the basis and purpose of the regulatory text, but contains no regulatory text. It arranges basic information on the “who, what, where, when, and why” of a document for the reader’s convenience. The preamble captions are:

AGENCY :
 ACTION :
 SUMMARY :
 DATES :
 ADDRESSES :
 FOR FURTHER INFORMATION CONTACT :
 SUPPLEMENTARY INFORMATION :

These captions must appear in the order shown. An explanation and examples of what must

appear within each caption follow.

AGENCY

The AGENCY caption states the “who” of a document by identifying the agency issuing it.

This caption usually repeats the name of the agency as carried in the document’s headings. When the name of a subagency and cabinet-level department appear together, carry the subagency name first and then the department’s commonly used acronym or shortened name.

For organizational clarity, you may choose to include in this caption the name of an office which is not listed in the document's headings.

Example:

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

ACTION

The ACTION caption identifies the type of document. It does not summarize the substance of a document. Lengthy descriptions should be reserved for the subject line. The following examples represent typical captions for a proposed rule document:

ACTION: Proposed rule; request for comments.

ACTION: Proposed rule; emergency action; request for comments.

ACTION: Proposed rule; interim measures; request for comments.

ACTION: Announcement of availability of FMP amendments.

ACTION: Proposed rule; notification of intent to proposed rulemaking.

ACTION: Proposed rule; notification of availability of supplemental information.

ACTION: Proposed rule; public hearing.

ACTION: Proposed rule; petition for rulemaking; request for comments.

ACTION: Proposed rule; advance notice of proposed rulemaking.

ACTION: Proposed rule; extension of comment period.

SUMMARY

Under the SUMMARY caption you explain the “what,” “why,” and “effect” of the document. In the SUMMARY, you must answer these three questions:

1. What action is being taken?
2. Why is this action necessary?
3. What is the intended effect of this action?

Use the following guidelines in preparing a SUMMARY:

- Use language a non-expert will understand.
- Describe what the document does, not how it affects the CFR.
- Refer to an act of Congress by the popular name of the act.
- Do not use legal citations.
- State what your document does; do not include regulatory history or extensive background.
- Do not include qualifications, exceptions, or specific details.
- Be brief – it shouldn't be longer than one paragraph.

You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussion of the regulatory history, and precise legal citations are essential in an adequate preamble but do not belong in the SUMMARY. Extended discussion of the proposed rule belongs in the SUPPLEMENTARY INFORMATION section.

DATES

The DATES caption presents the “when” of a document. Include the dates that are essential to the document. Include the following dates, if appropriate:

- Comment deadlines.
- Extension of comment deadlines.
- Request for a hearing (or meeting) deadline.
- Public hearing (or meeting) dates.
- Other dates the public may need to know.

OFR computes and inserts dates tied to Federal Register publication or OFR filing using the

“Table of Effective Dates and Time Periods.” This table appears in the Reader Aids section of the first Federal Register issue each month. In computing the date, the OFR counts the day after publication as the first day. When a date falls on a weekend or a Federal holiday, the OFR uses the next Federal business day. If you want the OFR to compute and insert a date, present the date as shown below. The OFR computes dates based **only** on OFR filing or publication in the Federal Register.

Example:

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Example:

DATES: The agency must receive comments on or before October 20, XXXX. A public hearing will be held at 9 a.m., October 9, XXXX. Submit requests to present oral testimony on or before October 2, XXXX.

****Update: New DATES Language Guidance for Proposed Rules Requesting Comments***

This new guidance is standardizing the language in the DATES section for rules and proposed rules accepting comments to no longer add a specific time since [Regulations.gov](https://www.regulations.gov) already indicates that comments will be accepted up to 11:59 p.m. EST of the last day of the comment period. In other words, we can no longer request the public to submit comments by a specific time in the day – 5 p.m. , 11:59 EST, etc. To avoid confusion for the public and to be consistent in writing our regulations, please follow the example:

Example:

DATES: Submit comments on or before [insert date XX days after date of publication in the Federal Register].

- Place no more than four dates under the captions “DATES.”

Example:

DATES: The hearing dates are:

1. March 26, XXXX, 9:30 a.m. to 5 p.m., Philadelphia, PA.
2. April 3, XXXX, 9:30 a.m. to 5 p.m., Chicago, IL.
3. April 8, XXXX, 9:30 a.m. to 5 p.m., Atlanta, GA.
4. April 15, XXXX, 9:30 a.m. to 5 p.m., Denver, CO.

- If you have more than four dates, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as “Public Participation” or “Hearings.” **This requirement generally does not apply to comment deadlines.**

Example:

DATES: See SUPPLEMENTARY INFORMATION section for hearing dates.

- Do not include information other than dates in the DATES caption. Place any discussion of meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section.
- Remember that DATES and ADDRESSES are separate captions. All date information must appear in the DATES caption.
- The DATES section should contain language related only to dates:

DATES: Written comments must be received on or before [insert date 30 days after date of publication in the FEDERAL REGISTER].

If you need to add special language such as the following, place it in a NOTE under SUPPLEMENTARY INFORMATION:

NOTE: Late-arriving applications provided to a delivery service on or before November 28, XXXX, with delivery guaranteed before 3 p.m. e.s.t. on November 29, XXXX, will be accepted if the applicant can document that the application was provided to the delivery service prior to the specified closing date.

ADDRESSES

The ADDRESSES caption contains the “where” of the document. Include any address that the public needs to know. You may include addresses for:

- Mailing public comments.
- Hand-delivering public comments.
- Attending a public hearing (or meeting).
- Examining any material available for public inspection.
- Requesting background materials/analyses.

Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to submit comments, how to register for a meeting, meeting agenda, content of material available for inspection, etc., in the SUPPLEMENTARY INFORMATION section. If you are accepting electronic comments, place electronic addresses in the ADDRESSES section, and detailed requirements in the SUPPLEMENTARY INFORMATION section.

Place no more than four addresses under the caption “ADDRESSES.”

Example:

ADDRESSES: The hearing locations are:

1. Philadelphia -- Ramada Inn (Meadows Ballroom, Section A & B), 76 Industrial Highway, Essington, PA 19029.
2. Chicago -- O'Hare Ramada Inn (Penthouse Ballroom, 9th Floor), 6600 Mannheim Road, Des Plaines, IL 60018.

3. Atlanta -- Ramada Inn Central (Georgian Ballroom), I-85 at Monroe Drive, Atlanta, GA 30324.

4. Denver -- Main Post Office Building (2nd Floor Auditorium, Room 269), 1823 Stout Street, Denver, CO 80202.

- If you have more than four addresses, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as “Public Participation” or “Hearings.”

Example:

ADDRESSES: See Supplementary Information section for hearing addresses.

- Remember that ADDRESSES and DATES are separate captions. All address information must appear in the ADDRESSES caption.

****Update: New ADDRESSES Language for Proposed Rules Requesting Comments***

Example:

ADDRESSES: You may submit comments on this document, identified by [FDMS Docket Number], by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=\[FDMS Docket Number\]](http://www.regulations.gov/#!docketDetail;D=[FDMS Docket Number]), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- Mail: Submit written comments to [name, address].
- Fax: [fax phone #]; Attn: [name]

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, or Adobe PDF file formats only.

Example:

ADDRESSES: Mail comments and requests to testify to Hearing Clerk, Room 000, Department of XXXXX, Washington, DC 20000; the hearing will be held in Room 000, 000 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT

This is a required section that appears in all notices, proposed rules and rules. Under the FOR FURTHER INFORMATION CONTACT caption, you must include the name and telephone number of a person within your agency who can answer questions about the document. You may list two or more persons to contact concerning different aspects of a document.

Example:

FOR FURTHER INFORMATION CONTACT: John Regwriter, 202-000-0000.

or

FOR FURTHER INFORMATION CONTACT:

Technical information: John Regwriter, 202-000-0000.

Legal information: Mary Regulatory, 202-000-0001.

SUPPLEMENTARY INFORMATION

In this section, include the regulatory history of this rulemaking proceeding. You should present the background information and detail necessary to give adequate notice of the issues to be commented on as required by the Administrative Procedure Act. Present this information in language that the reader can easily understand, with descriptive headings to highlight and organize topics. If a reference to the Federal Register or Code of Federal Regulations is necessary, use the correct format.

You may use the SUPPLEMENTARY INFORMATION section to provide additional information that is required by law, agency policy, or Executive Order.

Answering some of the following questions may help you draft your SUPPLEMENTARY INFORMATION.

- What law or directive authorizes the rulemaking?
- What existing regulations address the problem?
- What problem does the rulemaking address?
- What issues are connected with the problem?
- What facts, surveys, or studies identify and define the problem?
- How does this rulemaking attempt to solve the problem?
- Were other solutions considered?
- Why was this solution chosen?
- Is this solution cost-effective?

- How will this solution affect the regulated parties?
- Does this rulemaking contain penalties for noncompliance?
- Are penalty provisions essential?
- Can the requirements be monitored?
- Can the penalty provisions be enforced?
- Have you identified other documents in this rulemaking, and included their Federal Register citations?
- Did you publish an Advance Notice of Proposed Rulemaking?
- Have you announced meetings or hearings?
- Have you discussed all necessary regulatory analysis and review requirements?
- What other statutes apply to this rulemaking?
- How will public participation be handled?
- Are there special instructions for mailing public comments?
- Are there formal or informal hearings?
- Are there procedures for requesting a public hearing?
- Are there any instructions for filing comments or making oral presentations?
- Will transcripts of the hearing be made available?
- Have you used subject headings to break up a lengthy SUPPLEMENTARY INFORMATION section? For example: Background; Statutory Authority; Request for Comments; Related Documents; Topical Headings; Drafting Information; and Public Participation.

List of Subjects

If the document contains regulatory text, then each proposed rule document must contain a list of index terms (List of Subjects) for each CFR part number cited in the document's heading. These terms are contained in the "Federal Register Thesaurus of Indexing Terms," available at <http://www.nara.gov/fedreg/>, under "Document Drafting Resources." The terms provide a common vocabulary for indexing the rulemaking documents of all agencies and are the basis of the "CFR Index" prepared by the OFR. We will provide you with a list of appropriate terms for its existing CFR parts.

For new CFR parts, you should select appropriate terms from the Thesaurus. You may include additional terms not contained in the Thesaurus for either existing or new CFR parts as long as you also include appropriate Thesaurus terms. When you select a term that is not in the Thesaurus, ask yourself, "Would I search for the subject matter using this term?"

The List of Subjects is the last item in the SUPPLEMENTARY INFORMATION section of the preamble. Put the List of Subjects terms in alphabetical order and separate them with commas. Capitalize only the first word of each term, and end the terms with a period.

You do not need a list of subjects for a document that:

- Has no regulatory text.
- Only presents nomenclature changes.
- Corrects a previous document.

You must include all the established Thesaurus terms for a part that you are removing from the CFR. A List of Subjects is set out separately for each CFR part affected. However, if the terms used are identical for several CFR parts, you may consolidate.

Example: List of subjects in a document citing a single CFR part:

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Example: List of subjects in a document citing two or more CFR parts.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 663

Fisheries, Fishing, Reporting and recordkeeping requirements.

Words of Issuance

Words of issuance provide:

- The tie between this proposed rule and the CFR units that could be affected.
- The bridge between the preamble of this document and the regulatory changes that it proposes.

Words of issuance are always in the present tense.

Example:

For the reasons discussed in the preamble, NMFS proposes to amend 50 CFR part 663 as follows:

Regulatory Text

Regulatory text is the section of your document that sets out your agency's proposed changes to the CFR. (NOTE: See the Rules chapter for how to draft regulatory text.)

CHECKLIST FOR PROPOSED RULE DOCUMENTS

Use the following checklist to review your proposed rule document before you submit it to us:

Amendatory language

- Does it specify the exact CFR unit being changed?
- Does it use the correct terms?

Asterisks

Have you set out section headings and asterisks for partial section amendments?

Authority citation

Is the authority citation correctly placed in the document?

Billing code

Is the billing code at the top of the first page in the right-hand corner?

Cross-references

- Is the correct style used?
- Do references meet the OFR's criteria?

CDs

If you have included a CD with your document:

- Is every document on a separate CD?
- Is the file on the CD identical to the signed original document?
- Is your document the only file on the CD?
- Does the CD have a label that identifies your agency, the document's subject, the file name, and file format?

Headings

Are the correct headings used?

List of subjects

Are subject terms listed for each CFR part affected? Are they placed at the end of the preamble?
Are they listed in alphabetical order?

Matching copies and certification

- Are the original and two copies identical? Are all pages included?
- Are the copies properly signed or certified?

OMB Control Number

If included with the regulatory text, is it placed properly and in the correct style?

Page numbers

Are all pages numbered consecutively on the bottom of each page?

For bringing hard copies by NMFS Regs or NMFS Clearance to go to the Federal Register: For camera-ready tables and illustrations, are the page numbers deleted from the bottom of each page and penciled on the back of the page?

Paragraphs

Are all paragraphs of regulatory text indented and lettered or numbered correctly?

Preamble

Are all required elements of the preamble included? Does the SUMMARY answer all three questions?

Quality

- Are original(s) and certified copies legible?
- Is the document free of correction or adhesive tape?
- Are ink changes printed, dated, and initialed on all three copies?
- Is the document double-spaced?

Signature and title

- Is the original signature (handwritten in ink) included on the document? (One person may not sign for another or initial a signature.)
- Is the signer's name and title typed beneath the signature?
- If a signature date is given, is it correct?

Table of contents

Is the table of contents included for each subpart or part being set out in full? Do entries agree with the regulatory text?

Tables and illustrations

- Are they placed exactly where they are to be printed?
- Are they completely legible?
- Are charts and maps of photographic quality?

Words of issuance

Have you provided a link between the preamble and the proposed regulatory text?

GENERIC TEMPLATE OF A PROPOSED RULE WITHOUT REGULATORY TEXT

BILLING CODE 3510-22-P (*Use "P" for Word Doc.*)

DEPARTMENT OF COMMERCE (*Department's name in all uppercase, no end punctuation*)

National Oceanic and Atmospheric Administration (*Subagency's name in uppercase initials, no end punctuation*)

50 CFR Part XXX (*CFR citation. All rules and proposed rules must have a CFR part designation.*)

[Docket No. XXXXXXXXXXX.XXXX.XX] (*NMFS' docket number issued by DOC General Counsel*)

RIN XXXX-XXXX (*Regulation Identifier Number*)

Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements (*Subject heading. Uppercase all initial letters, except for prepositions with fewer than four letters; use a semicolon to separate the subject components; and use no end punctuation.*)

AGENCY: (*Identifies the agency issuing the document. Present the organizational units in ascending order, and end the caption with a period.*)

ACTION: (*Identifies the type of document. Uppercase the initial letter of the first word only; use a semicolon between action components; and end the caption with a period.*)

SUMMARY: (*States, first, the action that is proposed to be taken; second, the reason this action is necessary; and, third, the intended effect of this action. Note: Summaries must be brief and shouldn't be longer than one paragraph.*)

DATES: (*States the date that public comments are due. Remember that you cannot use a specific time of the day, such as 5 p.m., as comments will already be accepted up until 11:59 p.m. of the last day of the comment period.*)

ADDRESSES: (*States nothing but addresses. If requesting comments, remember to use the new language. Generally speaking, the new language includes a hot link in the Electronic Submission bullet point so that the public may more easily submit comments.*)

FOR FURTHER INFORMATION CONTACT: (*States the name and telephone number of a person who is authorized to answer questions about the document.*)

SUPPLEMENTARY INFORMATION: *(Mentions the law or directives that authorize the rulemaking; under background information, states the history of the rulemaking; under appropriate headings, (1) states the basic provisions of the proposed rule and specific details that support and explain the need for the final rule, (2) sets forth the manner in which it handles public participation, (3) gives adequate notice of the issues for which comments are requested according to the APA 5 U.S.C. 553, (4) speaks of other related documents, and (5) develops options according to statutes, executive orders, and regulations.*

Classification *(Includes (1) summaries of required analyses, such as Major Economic Analysis: Regulatory Planning and Review (E.O. 12866), Economic Impact Analysis, Regulatory Flexibility Act, Paperwork Reduction Act and other analyses, such as National Environmental Policy Act, Takings of Private Property, or Federalism analysis and (2) findings and facts to support any good cause waiver of or exception to the APA's notice and comment and to the 30-day delay in effectiveness requirements. Consult with a regional or GCF attorney regarding whether good cause waivers or exceptions are applicable or whether further rulemaking is necessary.)*

Authority: *(Identifies the authority that empowers the proposed action in the document. Tab it.*

Dated: November 15, XXXX. *(Use the same punctuation. The date and the signature constitute the "signature block," which should appear with at least two lines of text.)*

_____ *(Two double spaces. Signed by the authorized official. The person who signs must be the same person whose title and office follow the signature.)*

Alan D. Risenhoover, *(Type the name of the above signer and follow it with a comma. Do not include such initials as Ph.D. after the name.)*

Director, Office of Sustainable Fisheries, National Marine Fisheries Service. *(Title of the above signer, followed by a period)*

GENERIC TEMPLATE OF A PROPOSED RULE WITH REGULATORY TEXT

BILLING CODE (*Use "P" for Word Doc.*)

DEPARTMENT OF COMMERCE (*Department's name in all uppercase, no end punctuation*)

National Oceanic and Atmospheric Administration (*Subagency's name in uppercase initials, no end punctuation*)

50 CFR Part XXX (*CFR citation. All rules and proposed rules must have a CFR part designation.*)

[Docket No. XXXXXXXXXXXX.XXXX.XX] (*NMFS' docket number*)

RIN XXXX-XXXX (*Regulation Identifier Number*)

Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements (*Subject heading. Uppercase all initial letters, except for prepositions with fewer than four letters; use a semicolon to separate the subject components; and use no end punctuation.*)

AGENCY: (*Identifies the agency issuing the document. Present the organizational units in ascending order, and end the caption with a period.*)

ACTION: (*Identifies the type of document. Uppercase the initial letter of the first word only; use a semicolon between action components; and end the caption with a period.*)

SUMMARY: (*States, first, the action that is proposed to be taken; second, the reason this action is necessary; and, third, the intended effect of this action. Note: Summaries must be brief and shouldn't be longer than one paragraph.*)

DATES: (*States the date that public comments are due. Remember that you cannot use a specific time of the day, such as 5 p.m., as comments will already be accepted up until 11:59 p.m. of the last day of the comment period.*)

ADDRESSES: (*States nothing but addresses. If requesting comments, remember to use the new language. Generally speaking, the new language includes a hot link in the Electronic Submission bullet point so that the public may more easily submit comments.*)

FOR FURTHER INFORMATION CONTACT: (*States the name and telephone number of a person who is authorized to answer questions about the document.*)

SUPPLEMENTARY INFORMATION: (*Mentions the law or directives that authorize the rulemaking; under background information, states the history of the rulemaking; under appropriate headings, (1) states the basic provisions of the proposed rule and specific details that support and explain the need for the final rule, (2) sets forth the manner in which it handles public participation, (3) gives adequate notice of the issues for which comments are requested according to the APA 5 U.S.C. 553, (4) speaks of other related documents, and (5) develops options according to statutes, executive orders, and regulations.*)

Classification (*Includes (1) summaries of required analyses, such as Major Economic Analysis: Regulatory Planning and Review (E.O. 12866), Economic Impact Analysis, Regulatory Flexibility Act, Paperwork Reduction Act and other analyses, such as National Environmental Policy Act, Takings of Private Property, or Federalism analysis and (2) findings and facts to support any good cause waiver of or exception to the APA's notice and comment and to the 30-day delay in effectiveness requirements. Consult with a regional or GCF attorney regarding whether good cause waivers or exceptions are applicable or whether further rulemaking is necessary.*)

List of Subjects in 50 CFR Part XXX (*Identifies a list of index terms for each CFR part cited in the heading of the document. Underline the heading List of Subjects and the CFR part; alphabetize the terms under a certain CFR part; and follow them with a period. If more than one part, present the parts in an ascending order; if different chapters or titles, present them on a separate line.*)

Dated: November 15, 2010. (*Use the same punctuation. The date and the signature constitute the "signature block," which should appear with at least two lines of text.*)

_____ (*Two double spaces. Signed by the authorized official. The person who signs must be the same person whose title and office follow the signature.*)

Alan D. Risenhoover, (*Type the name of the above signer and follow it with a comma. Do not include such initials as Ph.D. after the name.*)

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service. (*Title of the above signer, followed by a period*)

For the reason set out in the preamble, NMFS proposes to amend 50 CFR part XXX as follows:

PART XXX- (*The title of the part in all caps*)

1. The authority citation for part XXX continues to read as follows:

Authority: XX U.S.C. XXXX et seq.

2. In § XXX.XX, revise paragraphs (a) and (c)(2) to read as follows:

§ XXX.XX (The title of the section in lower case, underlined and followed by period.)

(a) *(Display text.)*

* * * * * *(Signifying paragraphs omitted within a section; in here, for instance paragraph (b))*

(c) * * * *(Signifying text omitted within a paragraph)*

(2) *(Display text.)*

* * * * * *(Signifying paragraphs omitted within a section; in here, for instance paragraph (d))*

ACTUAL NOAA PROPOSED RULE WITHOUT REG TEXT

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 121101598-3124-01]

RIN 0648-XC334

Atlantic Highly Migratory Species; North and South Atlantic 2013 Commercial Swordfish Quotas

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would adjust the 2013 fishing season quotas for North and South Atlantic swordfish based upon 2012 commercial quota underharvests and international quota transfers consistent with the International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendations 11-02 and 12-01. This proposed rule could affect commercial and recreational fishing for swordfish in the Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico. This action implements ICCAT recommendations, consistent with the Atlantic Tunas Convention Act (ATCA), and furthers domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Written comments must be received on [insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2013-0030, by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0030, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Margo Schulze-Haugen, NMFS/SF1, 1315 East West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.
- Fax: 301-713-1917, Phone: 301-427-8503; Attn: Margo Schulze-Haugen

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, or Adobe PDF file formats only.

NMFS will hold one public hearing on this proposed rule on March 14, 2013. The public hearing will be held in Silver Spring, MD and may be combined with a hearing for another

relevant action. For specific location, date, and time, see the SUPPLEMENTARY INFORMATION section of this document.

Copies of the supporting documents—including the 2012 Environmental Assessment (EA), Regulatory Impact Review (RIR), and Initial Regulatory Flexibility Analysis (IRFA) for North Atlantic swordfish, the 2007 EA, RIR, and IRFA for South Atlantic swordfish, and the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan—are available from the HMS Management Division website at <http://www.nmfs.noaa.gov/sfa/hms/> or by contacting Jennifer Cudney by phone at 301-427-8503 or Steve Durkee by phone at 202-670-6637.

FOR FURTHER INFORMATION CONTACT: Jennifer Cudney by phone at 301-427-8503 or Steve Durkee by phone at 202-670-6637, or by fax: 301-713-1917.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Atlantic swordfish fishery is managed under the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). Implementing regulations at 50 CFR part 635 are issued under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 et seq., and ATCA, 16 U.S.C. 971 et seq. The United States implements ICCAT recommendations under ATCA, through regulations as may be necessary and appropriate.

North Atlantic Swordfish Quota

At the 2011 ICCAT meeting, Recommendation 11-02 was adopted, maintaining the North Atlantic swordfish total allowable catch (TAC) of 10,301 metric tons (mt) dressed weight (dw) (13,700 mt whole weight (ww)) through 2013. Of this TAC, the United States baseline

quota is 2,937.6 mt dw (3,907 mt ww) per year. ICCAT Recommendation 11-02 also includes a 112.8 mt dw (150 mt ww) annual quota transfer from the United States to Morocco and limits allowable underharvest carryover to 25 percent of a contracting party's baseline quotas. Therefore, the United States may carry over a maximum of 734.4 mt dw (976.8 mt ww) of underharvest from the previous year (2012) to be added to the 2013 baseline quota. This proposed rule would adjust the U.S. baseline quota for the 2013 fishing year to account for the annual quota transfer to Morocco and the 2012 underharvest.

The 2013 North Atlantic swordfish baseline quota is 2,937.6 mt dw (3,907 mt ww). The preliminary North Atlantic swordfish underharvest for 2012 was 1,209.4 mt dw (1,608.5 mt ww) as of December 31, 2012, which exceeds the maximum carryover cap of 734.4 mt dw (976.8 mt ww). Therefore, NMFS is proposing to carry forward the maximum amount allowed per ICCAT Recommendation 11-02. The 2,937.6 mt dw (3,907 mt ww) baseline quota would be reduced by the 112.8 mt dw (150 mt ww) annual quota transfer to Morocco and increased by the underharvest carryover maximum of 734.4 mt dw (976.8 mt ww), resulting in 3,559.2 mt dw (4733.7 mt ww), which is the proposed adjusted North Atlantic swordfish quota for the 2013 fishing year. From that proposed adjusted quota, the directed category would be allocated 3,209.2 mt dw (4,268.2 mt ww), which would be split equally into two seasons in 2013 (January through June, and July through December). Fifty mt dw (66.5 mt ww) would be allocated to the reserve category for inseason adjustments and research, and 300 mt dw (399 mt ww) would be allocated to the incidental category, which includes recreational landings and catch by incidental swordfish permit holders, for the 2013 fishing season, per § 635.27(c)(1)(i)(B) (Table 1).

The landings and proposed quota for North Atlantic swordfish are based on commercial dealer reports and reports by anglers in the HMS Non-Tournament Recreational Swordfish and Billfish Landings Database and the Recreational Billfish Survey received as of December 31, 2012, and do not include dead discards. We will adjust the quotas in the final rule based on updated data, including dead discard data, if available. Thus, while the 2013 proposed North Atlantic swordfish quota is subject to further adjustments and we are notifying the public of that potential change, we do not expect the final quota to change from the proposed quota. The United States has carried over the full amount of underharvest allowed under ICCAT recommendations for the past several years, and we do not expect fishing activity to vary significantly from these past years. For the final quota to deviate from the proposed quota, the sum of updated landings data (from late reports) and dead discard estimates would need to reach or exceed 475 mt dw. In 2011, dead discards were estimated to equal 101.5 mt dw and late reports equaled 108.4 mt dw. Consequently, we do not believe updated data and dead discard estimates will change the adjusted quota.

South Atlantic Swordfish Quota

In 2006, ICCAT Recommendation 06-03 established the South Atlantic swordfish TAC at 17,000 mt ww for 2007, 2008, and 2009. Of this, the United States received 75.2 mt dw (100 mt ww). As with the North Atlantic swordfish recommendation, ICCAT Recommendation 06-03 limited the amount of underharvest that can be carried forward. For South Atlantic swordfish, the United States may carry forward up to 100 percent of the base quota (75.2 mt dw). In 2009, Recommendation 09-03 reduced the South Atlantic swordfish TAC to 15,000 mt ww but maintained the U.S. quota share of 75.2 mt dw (100 mt ww) and underharvest carryover limit

through 2012. Recommendation 09-03 also included a total of 75.2 mt dw (100 mt ww) of quota transfers from the U.S. to other countries. These transfers were 37.6 mt dw (50 mt ww) to Namibia, 18.8 mt dw (25 mt ww) to Côte d'Ivoire, and 18.8 mt dw (25 mt ww) to Belize. In November 2012, ICCAT Recommendation 12-01 extended the U.S. baseline quota, underharvest carryover limit, and international quota transfer amounts and provisions through 2013.

In 2012, U.S. fishermen did not land any South Atlantic swordfish as of December 31, 2012. Therefore, 75.2 mt dw (100 mt ww) of underharvest is available to carry over to 2013 and can cover the entire 75.2 mt dw (100 mt ww) of annual international quota transfers outlined above. As a result, the 2013 adjusted quota for South Atlantic swordfish is 75.2 mt dw (100 mt ww) (Table 1).

The landings and proposed quota for South Atlantic swordfish are based on dealer reports received as of December 31, 2012, and do not include dead discards. We will adjust the quotas in the final rule based on updated data, including dead discard data, if available. Thus, the 2013 proposed South Atlantic swordfish quota is subject to further adjustments. However, the United States has only landed South Atlantic swordfish once in the past several years (0.2 mt dw in April 2010) and is unlikely to do so during the remainder of 2012. For this reason, we do not expect the final quota to change from the proposed quota.

Impacts

Impacts resulting from the 2013 North Atlantic swordfish specifications are analyzed in the EA, RIR, and IRFA that were prepared for the 2012 Swordfish Quota Specifications Final Rule (July 31, 2012; 77 FR 45273). The impacts resulting from the 2013 South Atlantic swordfish specifications were analyzed in the EA, RIR, and IRFA that were prepared for the

2007 Swordfish Quota Specification Final Rule (October 5, 2007; 72 FR 56929). The proposed quota adjustments would not increase overall quotas and are not expected to increase fishing effort, protected species interactions, or environmental effects beyond those considered in the 2012 and 2007 EAs. Therefore, because there would be no changes to the North or South Atlantic swordfish management measures in this proposed rule, or the affected environment or any environmental effects that have not been previously analyzed, NMFS has determined that the North and South Atlantic swordfish specifications and impacts to the human environment as a result of the proposed quota adjustments do not require additional NEPA analysis beyond that discussed in the 2012 and 2007 EAs.

Table 1. 2013 North and South Atlantic Swordfish Quotas

North Atlantic Swordfish Quota (mt dw)		2012	2013
Baseline Quota		2,937.6	2,937.6
Quota Transfer to Morocco		(-)112.8	(-)112.8
Total Underharvest from Previous Year ⁺		1,388.5	1,209.4
Underharvest Carryover from Previous Year ⁺		(+)734.4	(+)734.4
Adjusted Quota		3,559.2	3,559.2
Quota Allocation	Directed Category	3,209.2	3,209.2
	Incidental Category	300	300
	Reserve Category	50	50
South Atlantic Swordfish Quota (mt dw)		2012	2013
Baseline Quota		75.2	75.2
International Quota Transfers*		(-)75.2	(-)75.2
Total Underharvest from Previous Year ⁺		75.2	75.2
Underharvest Carryover from Previous Year ⁺		75.2	75.2
Adjusted quota		75.2	75.2

+ Underharvest carryover is capped at 25 percent of the baseline quota allocation for the North Atlantic and 75.2 dw (100 mt ww) for the South Atlantic. 2012 underharvest current as of December 31, 2012; does not include dead discards.

* Under Recommendation 12-01, 100 mt ww of the U.S. underharvest and base quota, as necessary, was transferred to Namibia (37.6 mt dw, 50 mt ww), Cote d'Ivoire (18.8 mt dw, 25 mt ww), and Belize (18.8 mt dw, 25 mt ww).

NMFS determined that the proposed rules to implement the North Atlantic swordfish quota framework (77 FR 25669, May 1, 2012) and South Atlantic swordfish quota framework (75 FR 35432, June 22, 2010) are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea. Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. This proposed action to establish the 2013 North and South Atlantic swordfish quotas does not change the framework previously consulted upon; therefore, no additional consultation is required.

Public Hearings

Comments on this proposed rule may be submitted via <http://www.regulations.gov>, mail, or fax; comments may also be submitted at the public hearing. NMFS solicits comments on this proposed rule by [insert date 30 days after date of publication in the FEDERAL REGISTER]. During the comment period, NMFS will hold one public hearing for this proposed rule. The public hearing will be held at the NMFS Science Center at 1301 East-West Highway, Silver Spring MD on March 14, 2013, from 1:00 – 4:00 p.m. This hearing may be combined with a hearing for another relevant action. The hearing location will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Steve Durkee at 202-670-6637, at least 7 days prior to the meeting.

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each public hearing, a representative of NMFS will explain the ground rules (e.g., alcohol is prohibited from the hearing room; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The NMFS representative will attempt to structure the meeting so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they will be asked to leave the hearing.

Classification

Pursuant to the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Council for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities because the proposed quota adjustments are the same as in 2012 and the United States is not expected to catch its entire quota in 2013.

This proposed rule would adjust the 2013 baseline quota for North Atlantic swordfish (January 1, 2013, through December 31, 2013) to account for 2012 underharvests and international quota transfers per § 635.27(c)(1)(i) based on ICCAT recommendation 11-02. The United States can carry over 2012 underharvest at a level not to exceed 25 percent of the baseline quota. Additionally, ICCAT Recommendation 11-02 stipulates that the United States transfer 112.8 mt dw (150 mt ww) of quota to Morocco.

In 2012, U.S. fishermen landed 2,349.8 mt dw (3,125.2 mt ww) of North Atlantic swordfish as of December 31, 2012, leaving 1,209.4 mt dw (1,608.5 mt ww) of quota underharvest. This underharvest amount exceeds the maximum underharvest carryover of 734.4 mt dw (976.8 mt ww), therefore, 734.4 mt dw (976.8 mt ww) of 2012 underharvest would be carried over and added to the 2013 baseline quota. The quota transfer of 112.8 mt dw (150 mt ww) to Morocco would be deducted, leaving a proposed 2013 North Atlantic swordfish adjusted quota of 3,559.2 mt dw (4733.7 mt ww) (Table 1).

This proposed rule would also adjust the 2013 baseline quota for South Atlantic swordfish (January 1, 2013, through December 31, 2013) to account for 2012 underharvests and international quota transfers per § 635.27(c)(1)(ii) based on ICCAT recommendation 12-01. The United States can carry over 2012 underharvest at a level not to exceed 100 percent of the baseline quota. Additionally, ICCAT Recommendation 12-01 stipulates that the United States transfer the following quota amounts to other countries: 37.6 mt dw (50 mt ww) to Namibia; 18.8 mt dw (25 mt ww) to Côte d'Ivoire; and 18.8 mt dw (25 mt ww) to Belize.

In 2012, U.S. fishermen did not land any South Atlantic swordfish as of December 31, 2012. Therefore, 75.2 mt dw (100 mt ww) of underharvest is available to carry over to 2013 and

can cover the entire 75.2 mt dw (100 mt ww) of annual international quota transfers outlined above. As a result, the 2013 adjusted quota for South Atlantic swordfish is 75.2 mt dw (100 mt ww) (Table 1).

The commercial swordfish fishery is comprised of fishermen who hold one of three swordfish limited access permits (LAP) (i.e., directed, incidental, or handgear), fishermen who hold an HMS incidental squid trawl permit, and the related industries including processors, bait houses, and equipment suppliers. NMFS considers all participants in the commercial swordfish fishery to be small entities, based on the relevant NAICS codes and size standards set by the Small Business Administration. As of November 2012, there were approximately 180 vessels with a directed swordfish LAP, 75 vessels with an incidental swordfish LAP, and 77 vessels with a handgear LAP for swordfish. Additionally, there were approximately 71 HMS incidental squid trawl permit holders, which allow vessels in the Illex squid fishery to retain up to 15 incidentally-caught swordfish while trawling for squid. Based on the 2011 swordfish ex-vessel price of \$4.44/lb, the 2013 North and South Atlantic swordfish baseline quotas could result in gross revenues of \$28,754,470 (2937.6 mt dw (6,476,232 lbs dw) * \$4.44/lb) and \$734,132 (75.2 mt dw (165,345 lbs dw) * \$4.44), respectively, if the quotas were fully utilized. Under the adjusted quotas of 3,559.2 mt dw (7,846,612 lbs dw) for North Atlantic swordfish and 75.2 mt dw (165,345 lbs dw) for South Atlantic swordfish, the gross revenues could be \$34,838,957 and \$734,132, respectively, for fully utilized quotas.

Potential revenues per vessel resulting from full utilization of the adjusted quotas, could be \$86,449 for the North Atlantic swordfish fishery and \$1,821 for the South Atlantic swordfish fishery, considering a total of 403 swordfish permit holders. These estimates, however, represent

an average across all permit types, despite permit differences in retention limits, target species, and geographical range. For North Atlantic swordfish, directed swordfish permit holders would likely experience higher than average per-vessel revenue due to the use of pelagic longlines and the lack of a retention limit per trip. At the other extreme, HMS incidental squid trawl permit holders would likely experience per vessel revenue well below the average due to the low retention limit per trip (15 swordfish) and because these vessels do not target swordfish and only catch them incidentally. For South Atlantic swordfish, only directed swordfish permit holders would be likely to interact with this stock; therefore, potential revenue is higher than the average for these directed swordfish permit holders, and near zero for the other permit types. Additionally, U.S. fishermen rarely catch South Atlantic swordfish. Over the past 5 years, only 0.2 mt dw of South Atlantic swordfish catch has been reported.

Because the United States' commercial swordfish fishery is not expected to catch its entire quota in 2013, these adjustments will not have a significant impact on a substantial number

of small entities. As a result, no initial regulatory flexibility analysis is required, and none has been prepared.

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

Dated: February XX, XXXX.

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries,
performing the functions and duties of the
Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.

ACTUAL NOAA PROPOSED RULE WITH REG TEXT

Billing Code: 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130212129-3284-01]

RIN 0648-BC98

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic;
Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management
Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures
described in a framework action to the Fishery Management Plan
for the Reef Fish Resources of the Gulf of Mexico (FMP) prepared
by the Gulf of Mexico Fishery Management Council (Council). If
implemented, this rule would increase the commercial and
recreational quotas for red snapper in the Gulf of Mexico (Gulf)
reef fish fishery for the 2013 fishing year. This proposed rule
is intended to help achieve optimum yield (OY) for the Gulf red
snapper resource without increasing the risk of red snapper

experiencing overfishing.

DATES: Written comments must be received on or before [insert date 15 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments on the proposed rule, identified by "NOAA-NMFS-2013-0055" by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0055, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Cynthia Meyer, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, or Adobe PDF file formats only.

Electronic copies of the framework action, which includes an environmental assessment and a regulatory impact review, may be obtained from the Southeast Regional Office Web Site at <http://sero.nmfs.noaa.gov/sf/GrouperSnapperandReefFish.htm>.

FOR FURTHER INFORMATION CONTACT: Cynthia Meyer, Southeast Regional Office, NMFS, telephone 727-824-5305; email: Cynthia.Meyer@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery under the FMP. The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Southeast Data, Assessment, and Review (SEDAR) update assessment for Gulf red snapper, conducted in August 2009 (SEDAR 9), determined that overfishing had ended for the red snapper stock, and that the acceptable biological catch (ABC) may be increased. The stock, however, is still overfished and is under a rebuilding plan through 2032. The next SEDAR benchmark stock

assessment currently scheduled for Gulf red snapper will be conducted in 2013.

The Council's Scientific and Statistical Committee (SSC) met in November 2012, to review the updated landings data and recommended a new ABC for the 2013 fishing year. For 2013, the SSC recommended an ABC of 8.46 million lb (3.83 million kg). The Council met in February 2013, and voted to implement this new ABC through the 2013 Gulf red snapper framework action.

Management Measures Contained in this Proposed Rule

This rule would set the 2013 commercial and recreational quotas for red snapper based on the ABC recommended by the SSC and on the current commercial and recreational allocations (51-percent commercial and 49-percent recreational). Therefore, the 2013 commercial quota would be set at 4.315 million lb (1.957 million kg), round weight, and the 2013 recreational quota would be set at 4.145 million lb (1.880 million kg), round weight.

The Council also considered modifying the red snapper recreational bag limit, but decided to maintain the current 2-fish per angler bag limit.

The red snapper management measures contained in this proposed rule would achieve the goal set by National Standard 1 of the Magnuson-Stevens Act, which states that conservation and

management measures shall prevent overfishing while achieving, on a continuing basis, the OY for the fishery.

Red Snapper Recreational Fishing Season

Under 50 CFR 622.34 (m), the red snapper recreational fishing season opens each year on June 1 and closes when the recreational quota is projected to be reached. Prior to June 1 each year, NOAA projects the closing date based on the previous year's data, and notifies the public of the closing date for the upcoming season. If subsequent data indicate that the quota has not been reached by that closing date, NMFS may reopen the season.

After finalized 2012 recreational landings data are available and before the season opens on June 1, 2013, NMFS will announce when the 2013 quota is projected to be harvested. NMFS may announce when the 2013 quota is projected to be harvested in the final rule associated with this action. The 2013 season would be shorter than the 2012 season as a result of an increase in the average size of the red snapper harvested, and the increase in catch rates. Because the red snapper population is in a rebuilding plan, population abundance is expected to increase, which is expected to lead to increased quotas and higher catch rates.

NMFS implemented an emergency rule to authorize NMFS to set the closure date of the red snapper recreational fishing season in the exclusive economic zone (EEZ) off individual states (78 FR 17882, March 25, 2013). The closure dates off each Gulf state would be based on the recreational quota increase contained in this proposed rule and any state's inconsistent regulations. The extent to which NMFS would adjust a state's Federal season is contingent upon the estimated landings from states with any inconsistent regulations. The more a state exceeds its apportionment of the annual quota, the greater the Federal season off that state is likely to be reduced to compensate for any quota overage.

The emergency rule contains tentative closure dates in the EEZ off each Gulf state. These tentative closure dates are based on a recreational quota of 4.145 million lb (1.880 million kg), round weight, and inconsistent state regulations in Texas, Louisiana, and Florida. The tentative closure dates contained in the emergency rule are as follows: Texas, June 12, 2013; Louisiana, June 9, 2013; Mississippi, June 28, 2013; Alabama, June 28, 2013; and Florida, June 21, 2013. These dates could change if states change their regulations in state waters or additional states (Mississippi and Alabama) implement

inconsistent regulations in their state waters. To determine these closure dates, NMFS analyzed the catch rates for each state. The amount each state's Federal season would be shortened is contingent on estimates of landings when the Federal season is closed. The more a state exceeds its apportionment of the annual quota, the more the Federal season must be reduced off that state to compensate for the overage. NMFS estimates catch rates on the order of 1.5 to 3 times greater than the current state water catch rates due to factors such as increasing catch rates and fish size, higher bag limits, weekend fishing, peak season fishing, increases in stock abundance, potentially significant levels of deliberate or accidental non-compliance by constituents with state/Federal boundaries during incompatible regulatory periods, and the fact that some for-hire vessels are not federally permitted and would contribute to landings when the Federal season is closed. For the season projections, NMFS used 2 times the catch rate because using 1.5 times the catch rate would potentially be an underestimate and using 3 times the catch rate could be too conservative. Final official closure dates will be announced prior to the start of the season on June 1, 2013, and may be announced in the final rule for this action.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

The purpose of this proposed rule is to set 2013 quotas for the commercial and recreational harvest of red snapper in the Gulf EEZ that are consistent with the red snapper rebuilding plan in order to achieve OY. The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. This proposed rule would not introduce any changes to current reporting, record-keeping, or other compliance requirements.

This rule, if implemented, would be expected to directly

affect all commercial and for-hire vessels that harvest red snapper. In addition to needing red snapper allocation, a commercial reef fish permit is required to harvest red snapper in the Gulf EEZ in excess of the bag limit and to sell red snapper. An estimated 890 vessels possess a valid (non-expired) or renewable commercial reef fish permit. A renewable permit is an expired permit that may not be actively fished, but is renewable for up to 1 year after permit expiration. However, over the period 2007-2011, an average of only 333 vessels per year recorded commercial red snapper harvests. As a result, for the purpose of this assessment, the number of potentially affected commercial vessels is estimated to range from 333-890. The average commercial vessel in the Gulf reef fish fishery is estimated to earn approximately \$50,000 (2011 dollars) in annual gross revenue, while the average vessel with red snapper landings is estimated to earn approximately \$96,000.

A Federal reef fish for-hire vessel permit is required for for-hire vessels to harvest red snapper in the Gulf EEZ. On November 21, 2012, 1,364 vessels had valid or renewable reef fish for-hire permits. The for-hire fleet is comprised of charterboats, which charge a fee on a vessel basis, and headboats, which charge a fee on an individual angler (head)

basis. Although the for-hire permit does not distinguish between headboats and charterboats, an estimated 69 headboats operate in the Gulf. As a result, 1,295 of the vessels with valid or renewable reef fish for-hire permits are expected to operate as charterboats. The average charterboat is estimated to earn approximately \$80,000 (2011 dollars) in gross annual revenue, while the average headboat is estimated to earn approximately \$242,000.

NMFS has not identified any other small entities that would be expected to be directly affected by this proposed rule.

The Small Business Administration has established size criteria for all major industry sectors in the U.S., including fish harvesters. A business involved in fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$4.0 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. The revenue threshold for a business involved in the for-hire fishing industry is \$7.0 million (NAICS code 713990, recreational industries). All commercial and for-hire vessels expected to be directly affected by this proposed rule are believed to be small business entities.

This rule, if implemented, would increase the 2013 red snapper commercial quota by 194,000 lb (87,997 kg), round weight, and the 2013 red snapper recreational quota by 186,000 lb (84,368 kg), round weight. The proposed increase in the commercial quota would be expected to result in an increase in gross revenue (ex-vessel revenue minus the 3-percent cost recovery fee) for commercial vessels that harvest red snapper of approximately \$721,000 (2011 dollars), or approximately \$810-\$2,165 per vessel ($\$721,000/890$ vessels = \$810 per vessel; $\$721,000/333$ vessels = \$2,165 per vessel). The expected range in the increase in gross revenue per vessel would be equal to approximately 1.6 percent ($\$810/\$50,000$) and 2.3 percent ($\$2,165/\$96,000$) increases in the average annual revenue per vessel, respectively.

The proposed increase in the recreational quota would be expected to result in an increase in net operating revenue (gross revenue minus operating costs except for labor) for for-hire businesses of approximately \$502,000 (2011 dollars) for charterboats and approximately \$562,000 for headboats. The projected increase in net operating revenue for charterboats would be equal to approximately \$388 per vessel ($\$502,000/1,295$ vessels), or approximately 0.5 percent ($\$388/\$80,000$) of average annual revenue per vessel. For headboats, the projected increase

in net operating revenue would be equal to approximately \$8,152 per vessel (\$562,000/69 vessels), or approximately 3.4 percent (\$8,152/\$242,000) of average annual revenue per vessel.

In summary, the proposed rule, if implemented, would not be expected to have a significant impact on a substantial number of small entities and, as a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: March XX, XXXX

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries,
performing the functions and duties of the
Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is

proposed to be amended as follows:

PART 622--FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.42, paragraphs (a)(1)(i) and (a)(2)(i) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

(a) * * *

(1) * * *

(i) Red snapper--4.315 million lb (1.957 million kg), round weight.

(2) * * *

(i) Recreational quota for red snapper--4.145 million lb (1.880 million kg), round weight.

* * * * *

CHAPTER 4: RULES

WHAT ARE RULES?

A rule is a document that has general applicability and legal effect and whose regulatory text is codified in the CFR. However, not all rules contain regulatory text.

The rule document is composed of the following required segments: the Headings (from the Department's name to the subject heading), the Preamble (from the agency's name to the SUPPLEMENTARY INFORMATION section), the Classification section, the Authority (if it contains no regulatory text) (but if it contains regulatory text, the authority citation is stated in the regulatory text), List of Subjects, the Signature Block, the Words of Issuance, and the Regulatory Text (if appropriate).

Types of Rules

As described below, a rule can be a final, an interim, or a temporary rule:

Permanent Rule

A final rule is a rule that (a) has no expiration date, (b) is promulgated after notice of and comment on a proposed rule, and (c) has a 30-day delay of effectiveness, unless the requirement is waived for good cause or an APA exception applies.

Interim Rule

An interim rule has no expiration date. But, unlike a final rule, an interim rule is a rule that: (a) is promulgated without notice of and comment on a proposed rule under a good cause waiver or other APA exception; and (b) has a good cause waiver for or an exception to the 30-day delay of effectiveness. When it publishes, the interim rule usually solicits public comment, and, then, a final rule is published in the Federal Register, revised or unrevised based on comments received. Interim rules should be used only for special situations.

Temporary Rule

A temporary rule is effective immediately for a short or definable period of time. Thus, it is a rule that (a) has an expiration date, (b) is promulgated without a proposed rule under a good cause waiver or other APA exception, and (c) has a good cause waiver for or an APA exception to the 30-day delay of effectiveness. The following types of actions fall under the temporary rule category:

- A rule that is promulgated under the APA without a preceding proposed rule, with an expiration date, and before comments. After comments are received, a final rule is published in the Federal Register and may be revised based on comments received on the

temporary rule. The Classification section states the cause for the waiver to the public notice and comment and to the 30-day delay of effectiveness.

- A rule that is promulgated under the authority of section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to address an **emergency** (i.e., unforeseen events that may have an adverse effect on a resource, industry, or communities), whether or not a fishery management plan (FMP) exists for the fishery. The rule may be promulgated with notice and an opportunity for public comment on a proposed rule, or without a proposed rule if a good cause waiver or other APA exception applies. The rule remains effective for no more than 180 days after date of publication. It can be extended once for another 186 days, provided that the public is given an opportunity to comment on the rule, and that, in the case of a Council recommendation for emergency regulations, the Council is actively preparing an FMP, a plan amendment, or a proposed rule to address the emergency on a permanent basis.

The ACTION line should specify: "Temporary rule; emergency action." or "Temporary rule; emergency action extended."

- A rule that is promulgated under the authority of section 305(c) of the Magnuson-Stevens Act for **interim measures** needed to reduce overfishing for a fishery, whether or not a fishery management plan (FMP) exists for the fishery. The rule may be promulgated with notice and an opportunity for public comment on a proposed rule or without a proposed rule if a good cause waiver or other APA exception applies. The rule remains effective for no more than 180 days after date of publication. It can be extended once for another 186 days, provided that the public is given an opportunity to comment on the rule and that, in the case of a Council recommendation for interim measures, the Council is actively preparing an FMP, a plan amendment, or a proposed rule to address the overfishing on a permanent basis.

The ACTION line should specify: "Temporary rule; interim measures." or "Temporary rule; interim measures extended."

DOCUMENTS THAT FALL UNDER THE RULES CATEGORY

In the ACTION line, the following language is appropriate for documents that have regulatory affect or that directly affect other previously published rules:

- Final rule.
- Final rule; effectiveness and enforcement of collection of information requirements.
- Final rule; postponement of effectiveness.
- Final rule; extension of comment periods. (*Of any document previously published in this section*)
- Final rule; correcting amendment.
- Final rule; effective date of OMB control numbers.
- Interim rule; request for comments.
- Temporary rule; interim measures; request for comments.
- Temporary rule; interim measures extended.
- Temporary rule; emergency action; request for comments.
- Temporary rule; emergency action extended.
- Temporary rule; removal of expiration date.
- Temporary rule; correcting amendment.
- Temporary rule; inseason adjustment.
- Temporary rule; closure.
- Temporary rule; opening.
- Temporary rule; suspension of minimum size limit.
- Temporary rule; fishery quotas.
- Temporary rule; apportionment of reserves.

EXAMPLE OF REGULATORY LANGUAGE

For the reasons set out in the preamble, NMFS amends 50 CFR part 223 as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 971 et seq.

2. In § 223.21, revise paragraph (c)(2) to read as follows:

§ 223.21 Gear operation and deployment restrictions.

* * * * *

(c) * * *

(2) All vessels issued, or required to be issued, a permit under this part must post inside the wheelhouse the sea turtle guidelines for safe handling in pelagic longline interactions.

* * * * *

STRUCTURAL REQUIREMENTS

A document published in the rules category should include the following items:

- Billing Code;
- Headings (from the Department's name to the subject heading);
- Preamble (from the agency's name to the SUPPLEMENTARY INFORMATION section);
- List of Subjects;
- Signature Block.
- Words of Issuance; and
- Regulatory Text.

Billing Code

- The Government Printing Office (GPO) assigns each agency that publishes in the *Federal Register* a billing code which GPO uses to bill your agency for printing costs.
- Your billing code must appear on each document submitted for publication in the *Federal Register*.
- Obtain your billing code from any member in the Regulations Unit.
- Type the billing code at the top of the first page of the original(s) and the certified copies of each document.
- Type a "P" (Word doc) after your billing code when submitting a disk with your document.

Headings

Begin each rule document with headings that identify your agency and the subject matter of your document. The headings of a rule document also identify the CFR title and part your document amends. Present the headings for a rule document in this format:

Department Name
Agency Name
CFR Citation
DOC Docket Number
Regulation Identifier Number (RIN)
Subject Heading

- The “Department” and “Subagency” headings for a document must reflect the department and subagency names as shown in the CFR chapter the document amends. If your agency is not a cabinet-level department, do not use a subagency heading.
- If the CFR chapter is assigned to a subagency of a cabinet-level department, the department name must still appear in the document headings.
- The “CFR Citation” heading contains the number of the CFR title and the number of each part the document proposes to amend. Even if the document affects only one paragraph within a part, include that part number.
- The “Docket Number” heading is the internal file number that DOC General Counsel assigns to your document.
- The “RIN Number” is assigned by the Clearance Unit (NMFS.Clearance@noaa.gov) and identifies each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions.
- The “Subject Heading” is a title describing the contents of the document. You may use the CFR part heading if it describes the content of the document. However, use more specific information when the document amends several parts or when the part heading is too general.

Preamble

Each agency document published in the rules category of the Federal Register must contain a preamble. The preamble follows the subject heading of the document. It explains the basis and purpose of the regulatory text, but contains no regulatory text. It arranges basic information on the “who, what, where, when, and why” of a document for the reader’s convenience.

The preamble captions are:

AGENCY :
 ACTION :
 SUMMARY :
 DATES :
 ADDRESSES :
 FOR FURTHER INFORMATION CONTACT :
 SUPPLEMENTARY INFORMATION :

These captions must appear in all caps and in the order shown. An explanation and examples of what must appear within each caption follow.

AGENCY

The AGENCY caption states the “who” of a document by identifying the agency issuing it.

This caption usually repeats the name of the agency as carried in the document’s headings. When the name of a subagency and cabinet-level department appear together, carry the subagency name first and then the department’s commonly used acronym or shortened name.

For organizational clarity, you may choose to include in this caption the name of an office which is not listed in the document’s headings.

Example:

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

ACTION

The ACTION caption identifies the type of document. It does not summarize the substance of a document. Lengthy descriptions should be reserved for the subject line. The following examples represent typical captions for a rule document:

ACTION: Final rule.

ACTION: Final rule; effectiveness and enforcement of collection of information requirements.

ACTION: Final rule; postponement of effectiveness.

ACTION: Final rule; extension of comment periods.

ACTION: Final rule; correcting amendment.

ACTION: Final rule; effective date of OMB control numbers.

ACTION: Interim rule; request for comments.

ACTION: Temporary rule; interim measures; request for comments.

ACTION: Temporary rule; interim measures extended.

ACTION: Temporary rule; emergency action; request for comments.

ACTION: Temporary rule; emergency action extended.

ACTION: Temporary rule; removal of expiration date.

ACTION: Temporary rule; correcting amendment.

ACTION: Temporary rule; inseason adjustment.

ACTION: Temporary rule; closure.

ACTION: Temporary rule; opening.

ACTION: Temporary rule; suspension of minimum size limit.

ACTION: Temporary rule; fishery quotas.

ACTION: Temporary rule; apportionment of reserves.

SUMMARY

Under the SUMMARY caption you explain the “what,” “why,” and “effect” of the document. In the SUMMARY, you must answer these three questions:

- What action is being taken?
- Why is this action necessary?
- What is the intended effect of this action?

Use the following guidelines in preparing a SUMMARY:

- Use language a non-expert will understand.
- Describe what the document does, not how it affects the CFR.
- Refer to an act of Congress by the popular name of the act.
- Do not use legal citations.
- State what your document does; do not include regulatory history or extensive background.
- Do not include qualifications, exceptions, or specific details.
- Be brief – it shouldn’t be longer than one paragraph.

You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussion of the regulatory history, and precise legal citations are essential in an adequate preamble but do not belong in the SUMMARY. Extended discussion of the rule belongs in the SUPPLEMENTARY INFORMATION section.

DATES

The DATES caption presents the “when” of a document. Include the dates that are essential to the document. Include the following dates, if appropriate:

- Comment deadlines.
- Effective dates.
- Extension of comment deadlines.
- Request for a hearing (or meeting) deadline.
- Public hearing (or meeting) dates.
- Other dates the public may need to know.

OFR computes and inserts dates tied to Federal Register publication or OFR filing using the “Table of Effective Dates and Time Periods.” This table appears in the Reader Aids section of the first Federal Register issue each month. In computing the date, the OFR counts the day after publication as the first day. When a date falls on a weekend or a Federal holiday, the OFR uses the next Federal business day. If the OFR is to compute and insert a date, present the date as shown in the below example. The OFR computes dates based **only** on OFR filing or publication in the Federal Register.

Here are some examples of the most common types of dates:

Example:

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Example:

DATES: Written comments must be received on or before [insert date 30 days after date of publication in the FEDERAL REGISTER].

For more information about late-arriving applications, see NOTE in the SUPPLEMENTARY INFORMATION section.

****Update: New DATES Language Guidance for Rules Requesting Comments***

This new guidance is standardizing the language in the DATES section for rules and proposed rules accepting comments to no longer add a specific time since [Regulations.gov](https://www.regulations.gov) already indicates that comments will be accepted up to 11:59 p.m. EST of the last day of the comment period. In other words, we can no longer request the public to submit comments by a specific time in the day – 5 p.m. , 11:59 EST, etc. To avoid confusion for the public and to be consistent in writing our regulations, please follow the example:

Example:

DATES: Submit comments on or before [insert date XX days after date of publication in the Federal Register].

If you need to add such a special language as the following, place it in a NOTE under

SUPPLEMENTARY INFORMATION:

Example:

SUPPLEMENTARY INFORMATION: Late-arriving applications provided to a delivery service on or before November XX, XXXX, with delivery guaranteed before 3 p.m. e.s.t. on November XX, XXXX, will be accepted if the applicant can document that the application was provided to the delivery service prior to the specified closing date.

If the document contains amendments that come to effectiveness at different times from the date of effectiveness of the rule, state first the effective day of the rule and then that of the exceptions.

Example:

DATES: Effective November 30, XXXX, except for the amendments to § 679.4(k)(3)(i) and (k)(3)(iv), which will be effective January 1, XXXX.

In temporary rules, the DATES section must contain a beginning and an ending time. (*This document announces a fishery closure.*)

Example:

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 13, XXXX, until 2400 hrs, A.l.t., December 31, XXXX.

Some variations exist:

1. If your "closure" has only a fixed closing time and lacks an opening date, usually because you don't know it, project that date to the end of the calendar year; say:

Example:

DATES: The fishery closing for pelagic sharks and blue sharks is July 1, XXXX, through the end of the XXXX fishing season, unless NMFS publishes a superseding document in the Federal Register.

2. Or tie it up to the beginning of your annual specifications; say:

Example:

DATES: Effective from 0001 hours (local time) December 1, XXXX, until the effective date of the XXXX annual specifications and management measures, which will publish in the Federal Register.

If you want to "undo" an expiration date (which can be done only before the date occurs) you cancel the expiration date in the DATES section of another rule.

Example:

DATES: Effective September 19, XXXX, the temporary rule amending 50 CFR 600.21, published on August 31, 2005, at 70 FR 51583, that was set to expire on December 1, XXXX, will not expire.

Or

DATES: The December 1, 2005, expiration date is removed from the rule published August 31, 2005, at 70 FR 51583, except for the amendments to § 600.21 (c)(2)(iii) which still expires.

If you ask the Federal Register to compute two dates, make sure you repeat the bracketed text beginning with the verb "insert." (*This document is asking OFR to compute two dates.*)

Example:

DATES: This rule is effective [insert date of publication in the FEDERAL REGISTER] through [insert 180 days after the date of publication in the FEDERAL REGISTER].

If a date is to be computed in calendar days by the Federal Register staff, this request must be very clear. (*This document includes dates to be calculated by the Federal Register. The document must be effective for 15 days.*)

Example:

DATES: Effective beginning at 001 hours [insert date 2 calendar days after date of publication in the FEDERAL REGISTER], through 2400 hours [insert date 16 calendar days after date of publication in the FEDERAL REGISTER].

An "effective date" is a required date, must appear in the DATES section, and addresses the CFR. A "compliance date" is not a required date, appears in the CFR text, (it may also appear in the DATES section), and addresses the person who must comply.

The effective date for a final rule should not precede the date of filing.

Also, an expired comment period is "reopened"; an existing comment period is "extended."

ADDRESSES

The ADDRESSES caption contains the "where" of the document. Include any address that the public needs to know. You may include addresses for:

- Mailing public comments.
- Hand-delivering public comments.
- Attending a public hearing (or meeting).
- Examining any material available for public inspection.

Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to submit comments, how to register for a meeting, meeting agenda, content of material available for inspection, etc., in the SUPPLEMENTARY INFORMATION section. If you are accepting electronic comments, place electronic addresses in the ADDRESSES section, and detailed requirements in the SUPPLEMENTARY INFORMATION section.

****Update: New ADDRESSES Language for Rules Requesting Comments***

Example:

ADDRESSES: You may submit comments on this document, identified by [FDMS Docket Number], by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=\[FDMS Docket Number\]](http://www.regulations.gov/#!docketDetail;D=[FDMS Docket Number]), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to [name, address].
- Fax: [fax phone #]; Attn: [name]

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT

This is a required section and is included in all notices, proposed rules and rules. Under the FOR FURTHER INFORMATION CONTACT caption, you must include the name and telephone

number (e-mail isn't necessary) of a person within your agency who can answer questions about the document. You may list two or more persons to contact concerning different aspects of a document.

Example:

FOR FURTHER INFORMATION CONTACT: John Regwriter, 202-000-0000.

or

FOR FURTHER INFORMATION CONTACT:

Technical information: John Regwriter, 202-000-0000.

Legal information: Mary Regulatory, 202-000-0001.

SUPPLEMENTARY INFORMATION

In this section, include the regulatory history of this rulemaking proceeding. You should present the background information and detail necessary to give adequate notice of the issues to be commented on as required by the Administrative Procedure Act. Present this information in language that the reader can easily understand, with descriptive headings to highlight and organize topics. If a reference to the Federal Register or Code of Federal Regulations is necessary, use the correct format.

You may use the SUPPLEMENTARY INFORMATION section to provide additional information that is required by law, agency policy, or Executive Order.

Answering some of the following questions may help you draft your SUPPLEMENTARY INFORMATION.

- What law or directive authorizes the rulemaking?
- What existing regulations address the problem?
- What problem does the rulemaking address?
- What issues are connected with the problem?
- What facts, surveys, or studies identify and define the problem?
- How does this rulemaking attempt to solve the problem?
- Were other solutions considered?
- Why was this solution chosen?
- Is this solution cost-effective?
- How will this solution affect the regulated parties?
- Does this rulemaking contain penalties for noncompliance?
- Are penalty provisions essential?

- Can the requirements be monitored?
- Can the penalty provisions be enforced?
- Have you identified other documents in this rulemaking, and included their Federal Register citations?
- Did you publish an Advance Notice of Proposed Rulemaking?
- Have you announced meetings or hearings?
- Have you discussed all necessary regulatory analysis and review requirements?
- What other statutes apply to this rulemaking?
- How will public participation be handled?
- Are there special instructions for mailing public comments?
- Are there formal or informal hearings?
- Are there procedures for requesting a public hearing?
- Are there any instructions for filing comments or making oral presentations?
- Will transcripts of the hearing be made available?
- Have you used subject headings to break up a lengthy SUPPLEMENTARY INFORMATION section? For example: Background; Statutory Authority; Request for Comments; Related Documents; Topical Headings; Drafting Information; and Public Participation.

List of Subjects

If the document contains reg text, then each rule document must contain a list of index terms (List of Subjects) for each CFR part number cited in the document's heading. These terms are contained in the "Federal Register Thesaurus of Indexing Terms," available at <http://www.nara.gov/fedreg/>, under "Document Drafting Resources." The terms provide a common vocabulary for indexing the rulemaking documents of all agencies and are the basis of the "CFR Index" prepared by the OFR. We will provide you with a list of appropriate terms for its existing CFR parts.

For new CFR parts, you should select appropriate terms from the Thesaurus. You may include additional terms not contained in the Thesaurus for either existing or new CFR parts as long as you also include appropriate Thesaurus terms. When you select a term that is not in the Thesaurus, ask yourself, "Would I search for the subject matter using this term?"

The List of Subjects is the last item in the SUPPLEMENTARY INFORMATION section of the preamble. Put the List of Subjects terms in alphabetical order and separate them with commas. Capitalize only the first word of each term, and end the terms with a period.

You do not need a list of subjects for a document that:

- Has no regulatory text.
- Only presents nomenclature changes.

- Corrects a previous document.

You must include all the established Thesaurus terms for a part that you are removing from the CFR. A List of Subjects is set out separately for each CFR part affected. However, if the terms used are identical for several CFR parts, you may consolidate.

Example: List of subjects in a document citing a single CFR part:

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Example: List of subjects in a document citing two or more CFR parts.

List of Subjects

50 CFR Part 640

Fisheries, Fishing, Reporting and recordkeeping requirements.

50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Signature Block

NMFS determines who may sign a document submitted for publication in the Federal Register. The signer must sign in ink (for documents that are handled in-house in headquarters; documents coming from the Region wouldn't need to be signed, since the Clearance Unit would handle having the document signed). The OFR recommends that the signer use blue ink. A signature in black ink is often difficult to distinguish from a photocopy. Type the name and title of the person signing the document directly beneath the handwritten signature.

Type the name and title of the person who actually signs the document beneath the signature. The OFR will reject a document signed by one person for another. The OFR will not accept your document if you sign someone else's name and you place your initials by the signature.

Do not place a signature block on a page by itself. Place at least three lines of preamble text on the signature page to help ensure the integrity of the document.

Signature Date

Use the date of actual signature. The OFR will not accept a postdated signature or change a signature date. If there is a problem with a signature date, the OFR will return your document to the Regs Unit.

Words of Issuance

Words of issuance provide:

- The tie between this rule and the CFR units that could be affected.
- The bridge between the preamble of this document and the regulatory changes.

Words of issuance are always in the present tense.

Example:

For the reasons discussed in the preamble, NMFS amends 50 CFR part 663 as follows:

Regulatory Text

Regulatory text is the section of your document that sets out your agency's changes to the CFR. It can include:

- Headings
- Table of Contents
- Authority citation
- Numbering of rules
- Amendatory language
- Asterisks
- Cross-references

Headings

Provide a heading for each part, subpart, section, and appendix that you amend. You may use a heading for a paragraph. A heading is a brief statement that accurately describes the content of the CFR unit. A change in the heading requires an amendment to the CFR.

Example:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE
MAMMALS

Subpart A--Introduction

§ 253.1 Purpose of regulations.

Part

Each part heading should contain subject terms that identify the agency's rules in a manner consistent with the terms used by other agencies to identify similar material. The OFR has developed a thesaurus of subject terms that we use to index the CFR and related publications. Use the Thesaurus to obtain subject terms that identify the content of the rule document, and use the appropriate subject terms in the part heading.

Subpart

You may use subpart headings to separate ideas within a part. Subparts headings are not required.

Appendix

An appendix may appear at the section, subpart, or part level. Designate each appendix with a capital letter, identify whether it belongs to a section, subpart, or part, and give it a descriptive heading. Do not carry the heading for an appendix to a section in the table of contents. If your agency has established a uniform designation system for its appendices, follow the established system.

Example:

Appendix K to Subpart A of Part 611--Daily Joint Venture

Fishing Log

Section

Descriptive section headings are signposts for the reader. They help readers identify the particular regulatory text that applies to them. End each section heading with a period.

Paragraph

You may use headings at the paragraph level. Be consistent. If you use a heading for one paragraph, be sure to use a heading for all paragraphs at that level. End paragraph headings with a period and underline them in the document. In the Federal Register, the underlined headings are printed in italics.

Table of Contents

You need a table of contents for a document that:

- Adds a new part or subpart, or
- Revises an existing part or subpart.

Include the following in your table of contents:

- Section headings,
- Subpart headings, and
- Appendix headings to parts and subparts.

Table of contents entries are identical to the section headings, subpart headings, and appendix headings in the regulatory text. Do not list paragraph headings or appendix-to-section headings in the table of contents.

Do not provide a table of contents in a document that adds or amends a single section or miscellaneous sections. The OFR changes the table of contents when these amendments are included in the CFR.

Example (of adding an entire CFR part):

For the reasons set out in the preamble, NMFS amends 50 CFR Chapter II by adding part 233 to read as follows:

PART 233—THREATENED MARINE AND ANADROMOUS SPECIES

Sec.

233.1 Purpose.

233.2 Applicability.

233.3 Scope.

233.4 Definitions.

233.5 Responsibilities.

233.6 Procedures.

Authority: 16 U.S.C. 971 et seq.

§ 233.1 Purpose.

(Regulatory text follows)

Example (of revising an entire CFR part):

For the reasons set out in the preamble, NMFS amends 50 CFR Chapter II by revising part 233 to read as follows:

2. Part 233 is revised to read as follows:

PART 233—THREATENED MARINE AND ANADROMOUS SPECIES

Sec.

233.1 Purpose.

233.2 Applicability.

233.3 Scope.

233.4 Definitions.

233.5 Responsibilities.

233.6 Procedures.

Authority: 16 U.S.C. 971 et seq.

§ 233.1 Purpose.

(Regulatory text follows)

Addition or Revision to a Subpart

To add or revise an entire **subpart**, take the following steps:

<u>Without its own authority citation</u>	<u>With its own authority citation</u>
Part heading	Part heading
<ul style="list-style-type: none">• Authority citation for part	
<ul style="list-style-type: none">• Amendatory language	<ul style="list-style-type: none">• Amendatory language
Subpart heading	Subpart heading
Table of contents	Table of contents
	Subpart heading
	<ul style="list-style-type: none">• Authority citation for subpart
Regulatory text	Regulatory text

Example (of revising an entire subpart without its own authority citation):

PART 230-WHALING PROVISIONS

1. The authority citation for part 230 continues to read as follows:

Authority: 23 U.S.C. 101 et seq.

2. Under part 230, revise subpart B to read as follows:

Subpart B--Supportive Services of Minority and Women Business Enterprises

Sec.

230.201 Purpose.

230.202 Definitions.

230.203 Policy.

§ 230.201 Purpose.

To prescribe the policies, procedures, and guidance to develop, conduct, and administer supportive services assistance programs for minority and women business enterprises.

(The remaining sections follow.)

Example (of revising an entire subpart with its own authority citation):

PART 230-WHALING PROVISIONS

2. Under part 230, revise subpart B to read as follows:

Subpart B--Supportive Services of Minority and Women Business Enterprises

Sec.

230.201 Purpose.

230.202 Definitions.

230.203 Policy.

Subpart B--Supportive Services of Minority and Women Business Enterprises

Authority: 23 U.S.C. 101 et seq.

§ 230.201 Purpose.

To prescribe the policies, procedures, and guidance to develop, conduct, and administer supportive services assistance programs for minority and women business enterprises.

(The remaining sections follow.)

Authority Citation

You must cite the authority that authorizes your agency to change the CFR. Give the authority citation in the shortest form. Placement of the authority citation depends on what unit of the CFR you are amending.

There are different types of authority:

- Statutory:
- Public law.
- United States Code.
- Nonstatutory.
- Presidential Executive order.
- Presidential Administrative order.
- Presidential Memorandum.
- Agency delegation, policy, or directive.
- Office of Management and Budget circular.
- CFR regulations.

Our agency is responsible for maintaining accurate and current authority citations. Present the authority citation at one of two central places:

- Part level, or
- Subpart level.

You may give citations of authority for particular subparts and sections within the central authority citation. (See the two examples below.)

Example:

Authority: 42 U.S.C. 2201; 45 U.S.C. 5841.

Subpart A also issued under 5 U.S.C. 552; 31 U.S.C. 9701.

Subpart B also issued under 5 U.S.C. 552a.

Subpart C also issued under 5 U.S.C. 552b.

Example:

Authority: 42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282, 5841, 5842, 5846.

Section 30.7 also issued under 42 U.S.C. 5851.

Section 30.34(b) also issued under 42 U.S.C. 2234.

Section 30.61 also issued under 42 U.S.C. 2237.

Statutory Authority

Each citation of statutory authority must use the United States Code citation, if one exists. To determine the United States Code citation, use one of the following:

- The current edition of the United States Code or its supplement.
- The slip law, for recently signed public laws.

Example:

Authority: 44 U.S.C. 2101-2118; 50 U.S.C. 6909.

The OFR generally recommends that you use only the United States Code citation. When a United States Code citation does not exist (for example, for appropriations laws), you must cite the section of the public law, if appropriate, the public law, and the U.S. Statutes at Large. Do not cite the popular name of a public law.

Example:

Authority: Sec. 8067, Pub. L. 98-473, 98 Stat. 1937.

If you choose to cite the public law and the U.S. Statutes at Large in addition to the United States Code, present them in the order shown in the below example.

Example:

Authority: Sec. 8, Pub. L. 98-328, 82 Stat. 470 (34 U.S.C. 21).

If you cite two different laws where one has a United States Code citation and the other does not, place the United States Code citation first. (See below example.)

Example:

Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009;
Pub. L. 104-134, 110 Stat. 1321.

Nonstatutory Authority

Cite nonstatutory authority by document designation, Federal Register citation, and CFR citation.

Example:

Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p.
306; 5 CFR 2635.105.

If you include both statutory and nonstatutory citations in the same authority citation, place the statutory citation first.

Example:

Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872;
Secretary's Order 6-84, 49 FR 32473.

If you need to deviate from the standard authority citation format, submit a letter requesting the deviation and explaining the need to the Director of the Federal Register.

Placement of the Authority Citation

Whole CFR Part

If a document adds or revises an entire CFR part, place the authority citation directly after the table of contents and before the regulatory text.

Example:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

Sec.

223.101 Purpose and scope.

223.102 Enumeration of threatened marine and anadromous species.

223.103 Guadalupe fur seal.

223.104 Stellar Sea lion.

223.105 Anadromous fish.

Authority: 16 U.S.C. 797(e), 811, 823d.

CFR Section

If a document amends only certain sections within a CFR part, set out the authority citation for the part as the **first numbered item** in the list of amendments for the part.

Example:

PART 223--THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 is revised to read as follows:

Authority: 16 U.S.C. 797(e), 811, 823d.

Subparts

If a document adds or revises an entire subpart, using the **same** authority citation as the CFR part, set out the authority citation for the part as the first numbered item in the list of amendments for the part. (See above example.)

If a document adds or revises an entire subpart using a **different** authority citation, set out the authority citation for the subpart directly after the heading to the subpart and before the regulatory text of the subpart.

Parts Removed

If you remove a part, you must give your agency's authority for the action. Place the authority in the "words of issuance."

Example:

Accordingly, under the authority 5 U.S.C. 552b(g), NMFS amends 50 CFR chapter VI by removing part 679.

Numbering of Rules

The regulatory text of your document must conform with the structure of the CFR. The basic structure of the CFR consists of a hierarchy of designated CFR units. The CFR numbering system is **not** based on a decimal numbering system. The following table illustrates the CFR structure.

CFR (*CFR Description*)

Unit Designation

Title 50 (*Broad area subject to Federal regulation*)

Chapter VI (*Rules of a single issuing agency*)

Part 600 (*Unified body of rules concerning a single function or specific subject*)

Section 600.2 (*Short presentation of one regulatory function. The section is the basic unit of the CFR. The content of a section is a short, simple presentation of a single regulatory function.*)

- Each section number includes the number of the part followed by a period and a sequential number.

Paragraph Structure of a Section

If you have more than one paragraph, designate each one as shown in the example below. Indent each designated paragraph within a section.

The paragraph structure within a section allows six levels of designation. **The OFR strongly recommends that you do not use more than 4 paragraph levels.** Use of more than 4 paragraph levels makes your rule hard to read and use. Use more sections as a drafting technique to avoid using excessive paragraph levels. (Use the paragraph structure chart example below.)

Sections consisting of a single paragraph or the introductory text of a section do not require a designation. However, the OFR no longer permits an undesignated concluding paragraph. Indicate italics by underlining in a typewritten document.

Example:

level 1 (a), (b), (c), etc.
level 2 (1), (2), (3), etc.
level 3 (i), (ii), (iii), etc.
level 4 (A), (B), (C), etc.
level 5 (1), (2), (3), etc.
level 6 (i), (ii), (iii), etc.

Furthermore, in CFR codification, there cannot be a level with only one paragraph designation. So, for example—

-If a section has a paragraph (a), then there must be a paragraph (b), even if it's reserved.

-If a section has a paragraph (a)(1), then there must be a paragraph (a)(2), even if it's reserved.

-And if a section has a paragraph (a)(4)(i), then there must be a paragraph (a)(4)(ii), even if it's reserved.

Amendatory Language

The amendatory language uses standard terms to give specific instructions on how to change the CFR. Do not include in the amendatory language a discussion of why the changes are made. This belongs in the SUPPLEMENTARY INFORMATION section.

Before you begin drafting amendatory language, consult the eCFR (<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>) and the published Federal Register Rules that are not currently in effect. This gives you a snapshot of the CFR regulations you are changing.

Follow these steps to base amendatory language on the current text of a rule:

- Identify the specific CFR unit being changed.

- Place amendments in CFR numbering order.
- Use one of the standard amendatory terms to describe the change (see below).
- Address all regulatory text set out in your document.

For extensive changes, revise the text in full rather than prepare fragmentary amendments. The reader will then have the complete text of the amended unit.

Use of “Amend”

“Amend” means that an existing CFR unit is changed. Because it is an introductory term, it cannot stand alone. Use it with one of the specific amendatory terms to precisely describe the change to the CFR unit.

Example:

Amend § 679.5 to revise paragraph (b)(3) and add paragraph (d)(4) to read as follows:

Specific Amendatory Terms

Each term is a precise instruction to change a CFR unit. Use the following standard terms in amendatory language:

- Add
- Redesignate
- Remove
- Republish
- Reserve
- Revise
- Withdraw

*Note: In temporary rules (any rule with a beginning and ending effective date), do not say “remove,” say “suspend.” Do not say “revise,” say “add.”

Add

“Add” means that a new CFR unit is inserted in the CFR.

Example:

Add part 200 to read as follows:

Redesignate

“Redesignate” means that a CFR unit is transferred to a vacant position and assigned a new designation; do not use the term “renumbered.” If the newly redesignated unit is also revised, this must be stated in the amendatory language.

Example:

In § 200.6, paragraph (n) is removed, paragraphs (o) and (p) are redesignated as paragraphs (n) and (o), respectively, and newly redesignated paragraph (n) is revised to read as follows:

Remove

“Remove” means that an existing CFR unit is being taken out of the CFR.

Example:

§ 200.12 [Removed]

Remove § 200.12.

Example:

§ 200.29 [Amended]

In § 200.29, remove paragraphs (a)(5) and (e).

Republish

“Republish” means that an unchanged CFR unit is set out for the convenience of the reader, often to provide the context for an amendment. Therefore, you must present the republished text accurately.

Example:

In § 2.1, the introductory text of paragraph (a) is republished and paragraphs (a)(1) and (a)(3) are revised to read as follows:

Reserve

“Reserve” is a term used to fill in gaps in CFR numbering. Removing a subpart or a paragraph may leave a gap which could confuse the reader. To avoid confusion in your amendatory language, you should remove and reserve the subpart or paragraph.

Example:

Subpart Q--[Removed and Reserved]

Remove and reserve subpart Q, consisting of §§ 103.10 through 103.25.

Example:

§ 200.23 [Amended]

In § 200.23, remove and reserve paragraph (b).

[Note for above example: You don’t have to set out (b) [Reserved] in the regulatory text.]

You may also use “reserve” when adding or revising a CFR unit to indicate where future text will be added.

Example:

Add and reserve subpart E and add subpart F, consisting of §§ 25.100 through 25.130, to read as follows:

Revise

“Revise” means that an existing CFR unit is replaced in its entirety. It is important that you specifically identify the CFR unit being revised.

Example:

In § 223.4, revise paragraph (b) and the introductory text of paragraph (f)(2) to read as follows:

Withdraw

“Withdraw” indicates that regulatory text within a previously published proposed rule will not be issued as a final rule and will not become effective or enforceable.

Example of Revising a Table

In § 600.502, revise Table 1 entry "Administrator, South Region" to read as follows:

§ 600.502 Vessel reports.

* * * * *

Table 1 to § 600.502—Addresses

NMFS regional administrators	NMFS science and research directors	U.S. Coast Guard commanders
* * * * *		
Administrator, Southeast Region, National Marine Fisheries Service, 263 13th Ave. South, St. Petersburg, FL 33701	John Doe	John Doe II
* * * * *		

* * * * * (Note: These five stars are not part of the table. They are to be used if there is regulatory text that follows the table that is to go unchanged.)

Addition or Revision of a Part or Subpart

Parts

If you add or revise a part, use these elements in the order shown.

- Amendatory language
- Part heading
- Table of contents
- Authority citation
- Regulatory text

Subparts

If a part has a single authority citation at the end of the table of contents and you want to add or revise a subpart in that part, use these elements in the order shown:

- Part heading
- Authority citation for the part
- Amendatory language
- Subpart heading
- Table of contents
- Regulatory text

or

If each subpart in a part has its own authority citation and you want to add or revise a subpart in that part, use these elements in the order shown:

- Part heading
- Amendatory language
- Subpart heading and table of contents
- Subpart heading
- Authority citation for the subpart
- Regulatory text

Example:

Revise part 3 to read as follows:

PART 3--SERVICES TO THE PUBLIC

Sec.

3.1 Information services.

3.2 Public inspection of documents.

3.3 Reproduction and certification of copies of acts and documents.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709, 3 CFR, 1954-1958 Comp., p.189.

§ 3.1 Information services.

(a) The Office of the Federal Register (OFR) provides information on:

- (1) Publications in § 2.5 of this chapter;
- (2) Original acts and documents filed with the OFR.

(b) The OFR cannot provide excessive information or do extensive research.

(c) The staff may not summarize or interpret substantive text of any act or document.

Amendment to a Section

If you amend a section, use these elements in the order shown:

- Part heading
- Authority citation
- Amendatory language
- Section heading
- Regulatory text

If you add or revise a section, use the format shown below. If you add a section to a part which contains subparts, identify the subpart or undesignated center heading, which will contain the new section.

Example:

PART 133--TOLLS FOR USE OF CANAL

1. The authority citation for part 133 is revised to read as follows:

Authority: 22 U.S.C. 3791; E.O. 12215, 45 FR 36043, 3 CFR, 1980 Comp., p. 257.

2. Section 133.34 is revised to read as follows:

§ 133.34 What are the tolls for vessels in ballast?

In order for a vessel to secure the reduced rate of toll for vessels in ballast, it may not carry any passengers or cargo nor any fuel for its own consumption in a quantity which exceeds:

(a) 125 percent of the volume of its engine room as measured and as shown on its Panama Canal tonnage certificate; or

(b) The spaces on the vessel which are available for the carriage of fuel.

Multiple Amendments

If there are many changes to one section, use a list format.

Example:

§ 941.103 [Amended]

3. Amend § 941.103 as follows:

a. Remove the definitions of "Allocation area", "Application", "Central city allocation area", "Community", "Field Office", "Housing Assistance Plan", "Household type", and "Housing type";

b. Remove the parenthetical phrase "(in the form prescribed by HUD)" from the definition "Construction Contract" and "Contract of sale"; and

c. Remove from the definition of "Total development cost (TDC)" the term "The Field Office" and add in its place the term "HUD", and remove from that definition the parenthetical sentence at the end.

When there are changes to several sections, use separate numbered instructions for each section, and display the changed text for each section after the instruction.

Example: Changes to several sections.

PART 1258--FEES

1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

2. Amend § 1258.2 by revising paragraphs (a) and (c)(3) to read as follows:

§ 1258.2 Applicability.

(a) Except as stated in this section, fees for the reproduction of NARA administrative records, archival records, donated historical materials, and records filed with the Office of the Federal Register are in § 1258.12.

* * * * *

(c) * * *

(3) Motion picture, sound, and video recording materials are among the holdings of the National Archives and Records Administration. Obtain prices for reproduction of these materials from the Motion Picture and Sound and Video Branch, National Archives and Records Administration, Washington, DC 20408.

* * * * *

3. Amend § 1258.4 by revising paragraph (b) to read as follows:

§ 1258.4 Exclusions.

* * * * *

(b) When NARA wishes to disseminate information about its activities to the general public through press, radio, television, and newsreel representatives;

* * * * *

4. Amend § 1258.10 by revising paragraph (a) to read as follows:

§ 1258.10 Mail orders.

(a) The agency charges a minimum fee of \$6.00 per order for reproductions it mails to the customer.

* * * * *

Group all amendments to the same CFR unit together in one instruction.

Example:

Revise paragraphs (a), (d), (e), and (n) of § 150.5 to read as follows:

Example:

Remove and reserve §§ 33.1, 33.5 and 33.10.

Numbering Definitions within a Section

In a definition section, the definitions do not need to be numbered or otherwise designated if they are listed in alphabetical order. If a certain definition needs to be further divided, the subparagraphs are designated (1), (2), (3), etc.

How to Cite Paragraphs within a Section

Most sections of the CFR are composed of two or more paragraphs. Often, the paragraphs themselves are made up of two or more subparagraphs “nested” within the larger paragraph.

When writing regulations, it is important to know how to refer to a specific paragraph within a section. An incorrect citation can change the meaning and intention of an amendatory instruction. For instance, saying that paragraph (a) is revised means that **all** of paragraph (a) is replaced by the new material, including the paragraphs (a)(1), (2), etc., that are “nested” within (a). Saying that paragraph (a) introductory text is revised, however, means that only the introductory text is replaced and paragraphs (1), (2), etc., stay the same. Therefore, it’s very important that you clearly cite which portion(s) of the paragraph you wish to revise or amend; otherwise, you may end up changing more than you intended.

Paragraph Designation for Regulatory Text

- (a) Lower case letter – a, b, c, d, etc.
- (1) Arabic numeral – 1, 2, 3, etc.
- (i) Lower case Roman numeral – i, ii, iii, iv, v, etc.
- (A) Capital letter – A, B, C, D, etc.
- (1) Underlined Arabic numeral – (1), (2), (3), etc.
- (i) Underlined Roman numeral – (i), (ii), (iii), etc.

Introductory Text

If you revise the introductory text of a section or a paragraph, and not the whole section or paragraph, specify the introductory text.

Example:

In § 1020.3, revise paragraph (a) introductory text, paragraphs (a)(1) and (a)(4) to read as follows:

§ 1020.3 What are the qualifications and duties of the Small Business Ombudsman?

(a) The Chairman will appoint a senior, full-time Commission employee as Small Business Ombudsman. The Ombudsman must:

(1) Know the Commission's statutes and regulations;

* * * * *

(4) Perform the Ombudsman duties in addition to, and consistently with, other Commission responsibilities.

* * * * *

Asterisks

If you add or revise only certain units of a section, the amendatory language must state exactly which units are added or revised, and only those units are printed. Use asterisks to represent text which is not changed.

Use of 5 Asterisks

Use 5 asterisks to show that a whole paragraph, including its subordinate paragraphs, is unchanged.

In the example below, the 5 asterisks before revised paragraph (d) show that paragraphs (a), (b) and (c) remain unchanged. The 5 asterisks that follow revised paragraph (d) show that the remaining text in the section is also unchanged.

Example:

Revise paragraph (d) of § 166.15 to read as follows:

§ 166.15 State status.

* * * * *

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, but do not have primary enforcement responsibility under the Act: Kentucky, Maryland, Puerto Rico, Texas, and Washington.

* * * * *

Use of 3 Asterisks

Use 3 asterisks when you change text at a subordinate level. This shows that the higher level paragraphs remain unchanged.

In the example below, the 5 asterisks before paragraph (b) show that paragraph (a) remains unchanged. The 3 asterisks following “(b)” show that (b)(1) through (b)(4) remain unchanged, and the 3 asterisks following “(5)” show that the introductory text of (b)(5) is unchanged. The 5 asterisks that follow revised paragraph (b)(5)(i) show that the remaining text in the section is unchanged.

Example:

Revise § 202.3(b)(5)(i) to read as follows:

§ 202.3 Registration of copyright.

* * * * *

(b) * * *

(5) * * *

(i) The Library of Congress receives two complimentary copies promptly after publication of each issue of the serial.

* * * * *

Cross-References

The OFR permits you to cross-reference your own or another agency's rules in limited situations. If you are applying the referenced rules to current or future situations, you may only reference rules that are **currently in effect**.

If you must modify the referenced rules, you cannot use a cross-reference. You must publish the modified rules in full. You may cross-reference the rules of another agency only if the reference meets any of the following conditions specified in 1 CFR 21.21:

- The reference is required by court order, statute, Executive order, or reorganization plan;
- The reference is to rules promulgated by an agency with the exclusive legal authority to regulate in a subject matter area, but the referencing agency needs to apply those rules in its own programs;
- The reference is informational or improves clarity rather than being regulatory;
- The reference is to test methods or consensus standards produced by a Federal agency that have replaced or preempted private or voluntary test methods or consensus standards in a subject matter area; or
- The reference is to the departmental level from a subagency.

When cross-referencing, you must identify the CFR unit being cited by the proper CFR unit designation in each reference. Do not use a nonspecific reference, such as "herein," "above," or "below." The example below illustrates the proper style for each common type of cross-reference.

Example: Citing text within a section

§ 233.17 Noncompliance and program reporting by the Director.

The Director must prepare quarterly and annual reports as detailed in **paragraphs (a) and (b) of this section** and must submit them to the Regional Administrator.

(a) Quarterly reports for State 404 programs. The Director must submit noncompliance reports for section 404 discharges specified under § 233.24(f)(1)(i) through (iv) containing the following information:

(1) Name, location, and permit number of each noncomplying permittee; and

(2) A brief description and date of each instance of noncompliance, which must include the following:

(i) Any unauthorized discharges of dredged or fill material subject to the State's jurisdiction or any noncompliance with permit conditions; and

(ii) A description of investigations conducted and of any enforcement actions taken or contemplated.

(b) Annual report for State 404 programs. The State Director must submit an annual report assessing the cumulative impacts of the State's permit program on the integrity of State regulated waters. This report must include:

(1) The number and nature of individual permits issued by the State during the year;

(2) The number of acres for each of the categories of waters in paragraph (b)(1) of this section which were filled or which received any discharge of dredge material during the year;

(3) The number and nature of permits issued under emergency conditions, as provided in § 234.38 of this chapter; and

(4) The approximate number of persons in the State discharging dredged or fill material under general permits and an estimate of the cumulative impacts of these activities.

Rule Documents Containing Collection of Information Requirements

OMB control numbers for all NOAA information collection requirements are collected and published in 15 CFR part 902, as required by the Paperwork Reduction Act of 1980. A rule document that adds or revises reporting and recordkeeping requirements to the CFR should also amend 15 CFR part 902 to add or revise the OMB control numbers. It is the agency's responsibility to amend 15 CFR part 902 as necessary; the OFR does not do this automatically. If the numbers remain unchanged, a legal issue may arise.

Publishing a Document Before OMB Approval

An OMB approval number must be published before the provision is effective. If an OMB control number has not yet been received, the rule can still be published, but those provisions requiring OMB approval cannot become effective until the OMB number is issued and published in the Federal Register. The final rule should state this intent by including the following language:

Example: Under the DATES section:

DATES: This rule is effective July 24, XXXX, except for § 227.72(e)(8)(i), which requires approval by the OMB. When approval is received, the effective date of § 227.27(e)(8)(i) will be announced in the Federal Register. Written comments regarding collection of information requirements are due [insert 30 days from the date of publication in the FEDERAL REGISTER].

Example: Standard language: Under the ADDRESSES section:

Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule

should be submitted in writing to [insert agency's contact name and address] OMB by e-mail to OIRA_Submission@omb.eop.gov, or fax to 202-395-7285.

Example: In the Classification section for a final rule document with a PRA provision yet to be approved, say something similar to the following:

Sections 644.7(g) and 644.24(b) of this rule, concerning documentation requirements for seafood dealers or processors possessing billfish, contain a collection-of-information requirement subject to the Paperwork Reduction Act. A request to collect this information has been submitted to OMB for approval. The public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this reporting burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS and OMB (see ADDRESSES).

Example: After the “burdens” required by the affected parties, include this standard language:

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

Publishing a Document After OMB Approval

A document that announces the effective date of an OMB number must be published before the date of the effectiveness of the approved paragraph. Use the following as an example of a document containing the appropriate language:

Example:

ACTION: Final rule; effective date of OMB control numbers.

SUMMARY: This rule makes effective the collection-of-information requirements published in the Federal Register on April 7, XXXX.

OMB has approved those collection-of-information requirements.

DATES: The amendments in this rule and the collection-of-

information requirements in paragraph § 227.27(e)(8)(i),

published on April 7, XXXX (69 FR 18444), are effective [insert

date 60 days from the date of publication in the FEDERAL

REGISTER].

In the SUPPLEMENTARY INFORMATION section, identify the original rule published before the OMB approval by citing the date of the publication and the page and FR year. Identify the CFR paragraph that was approved, the date OMB approved the information collection requirements, and the new OMB control number under which the provision becomes effective.

Under Classification, include this standard language:

Example:

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. The collection of this information has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0648-0207. [Insert brief summary of requirements and burden.] Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS and OMB (see ADDRESSES).

Correcting Your Document

Federal Register Issue Correction

A *correction* is a change executed in a document that has published in the Federal Register (FR) **before** the document has become effective.

A correction document corrects a mistake, a word, a phrase, or a number that you either inadvertently wrote in or inadvertently omitted from a FR document. The following exemplifies the style of a correction document:

The **SUBJECT** heading of the correcting document should be the same as that of the document it corrects, except that it should end with the word “Correction”:

Example:

American Lobster Fishery; Correction

The **ACTION** should read:

Correction to a final rule, or Final rule; correction, or Correction to an interim rule, or other, depending on the type of the document it corrects.

The **SUMMARY** should indicate that the document contains corrections to a final rule, for instance, and identify the document by the date of publication.

The **DATE** is usually the date of the document it corrects.

FOR FURTHER INFORMATION CONTACT should be included in all FR documents.

SUPPLEMENTARY INFORMATION: Under the section Background, identify the published document it corrects by date of publication, volume and page of the FR issue, and by the FR Document number. Briefly describe the action of the document it corrects, and mention that an error exists and must be corrected.

Under the heading "Correction," set out the correction as follows:

Example:

Accordingly, the final rule (or interim rule), published on June 12, XXXX, in 75 FR 40232, to be effective July 12, XXXX, is corrected as follows:

On page 40236, column 1, second paragraph, line 8, correct the reference "§ 660.33(h)" to read as "§ 660.33(i)".

This correcting instruction gives (a) the publication date (b) the page number of the FR issue (c) the number of the column, (d) the paragraph, and (e) the number of the line. If you have more than one correction, number your correcting instructions.

E-CFR Correction or Correcting Amendment

A *correcting amendment* is a change in the text of the electronic Code of Federal Regulations (e-CFR) **after** the document has become effective.

When you correct rules that have already become effective, format them as correcting amendments to the e-CFR and not as corrections to the Federal Register. If the error is just a misspelled word or a misquoted number, you incorporate the correction into the amendatory instruction and place the section number before the instruction. You write the section number and, instead of the section heading, you bracket the word "[Corrected]." If you have more than one correction, then you number your amendatory instructions.

If you correctly amend by revising, adding, or removing text that has mistakenly been left in or left out, you place the section number and section heading after the amendatory instruction and display the text showing paragraph designation and stars, the same style as that of a rule amendment.

Because these changes may correct substantive errors in the original document, it is important that necessary authorities review the changes and agree on the level of their significance.

The following exemplifies the style of a correcting amendment:

The **SUBJECT** heading should be the same as that of the document it corrects, ending with the word: "Correction":

Example:

Fisheries of the Exclusive Economic Zone Off Alaska;
Recordkeeping and Reporting Requirements; Correction

The **ACTION** should read:

Final rule; correcting amendment.

The **SUMMARY** should indicate that the document contains corrections to a final rule, for instance, and identify the document by title, publication date, and FR Document number.

The **DATES** is *usually* the effective date of the document it corrects. The correcting document should not have an effective date that is sooner than the effective date of the document it corrects.

FOR FURTHER INFORMATION CONTACT should be included in all FR documents.

SUPPLEMENTARY INFORMATION identifies briefly the action of the document it corrects, mentions the existence of the error, and indicates the need for correction. Here, you may include any background information that you believe will help the reader.

The Classification section in a nonsubstantive correcting amendment should explain that the Assistant Administrator for Fisheries, NOAA, finds good cause to waive requirement to provide prior public notice and comment.

The Classification section in a substantive correcting amendment should include findings and facts to support any good cause waiver of or exception to the APA's notice and comment and to the 30-day delay in effectiveness requirements. Consult with a regional or GCF attorney regarding whether good cause waivers or exceptions are applicable or whether further rulemaking is necessary.

For the **List of Subjects**, include terms only for the part, or parts, affected.

Words of issuance should read thus:

For reasons set out in the preamble, 50 CFR part 679 is corrected by making the following correcting amendments:

PART 679--FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: *(State the authority for the part.)*

§ 679.2 [Corrected]

2. In § 679. 2, in paragraph (a)(2), remove the heading "KIFQ actual ex-vessel value." and add in its place "IFQ actual ex-vessel value.".

§ 679.7 [Corrected]

3. In § 679.7, in paragraphs (a), (b)(2), and (c) (8), remove the reference "§ 679.4(b)(5)(v)" and add the reference "§ 679.4(b)(5)(vi)".

4. In § 679.20, paragraph (b)(6) is revised to read as follows:

§ 679.20 General limitations.

* * * * *

(b) * * *

(6) Recreational possession limit set from a range of 0 to 50 groundfish to achieve the specified exploitation rate, set after the reduction for research quota.

* * * * *

If the correction appears to add new material or to remove text never discussed under the preamble, the document amends the e-CFR rather than corrects it and must be treated as a bona fide amendment.

CHECKLIST FOR RULE DOCUMENTS

Use the following checklist to review your rule document before you submit it to us:

Amendatory language

- Does it specify the exact CFR unit being changed?
- Does it use the correct terms?

Asterisks

Have you set out section headings and asterisks for partial section amendments?

Authority citation

Is the authority citation correctly placed in the document?

Billing code

Is the billing code at the top of the first page in the right-hand corner?

Cross-references

- Is the correct style used?
- Do references meet the OFR's criteria?

CDs

If you have included a CD with your document:

- Is every document on a separate CD?
- Is the file on the CD identical to the signed original document?
- Is your document the only file on the CD?
- Does the CD have a label that identifies your agency, the document's subject, the file name, and file format?

Headings

Are the correct headings used?

List of subjects

Are subject terms listed for each CFR part affected? Are they placed at the end of the preamble?

Matching copies and certification

- Are the original and two copies identical? Are all pages included?
- Are the copies properly signed or certified?

OMB Control Number

If included with the regulatory text, is it placed properly and in the correct style?

Page numbers

- Are all pages numbered consecutively?

- Are the page numbers (at the bottom of the page) of charts and tables deleted (when sending to NMFS.Edits for review)?
- When submitting the three hard copies to the Regs Unit or NMFS Clearance for sending to the OFR, are the page numbers written in pencil on the back of each page?

Paragraphs

Are all paragraphs of regulatory text indented and lettered or numbered correctly?

Preamble

Are all required elements of the preamble included? Does the SUMMARY answer all three questions?

Quality

- Are original(s) and certified copies legible?
- Is the document free of correction or adhesive tape?
- Are ink changes printed, dated, and initialed on all three copies?
- Is the document double-spaced?

Signature and title

- Is the original signature (handwritten in ink) included on the document? (One person may not sign for another or initial a signature.)
- Is the signer's name and title typed beneath the signature?
- If a signature date is given, is it correct?

Table of contents

Is the table of contents included for each subpart or part being set out in full? Do entries agree with the regulatory text?

Tables and illustrations

- Are they placed exactly where they are to be printed?
- Are they completely legible?
- Are charts and maps of photographic quality?
- Are the page numbers (at the bottom of the page) of charts and tables deleted (when sending to NMFS.Edits for review)?
- When submitting the three hard copies to the Regs Unit for sending to the OFR, are the page numbers written in pencil on the back of each page?

Words of issuance

Have you provided a link between the preamble and the regulatory text?

GENERIC TEMPLATE OF A RULE WITHOUT REGULATORY TEXT

BILLING CODE (*Use "P" for Word Doc.*)

DEPARTMENT OF COMMERCE (*Department's name in all uppercase, no end punctuation*)

National Oceanic and Atmospheric Administration (*Subagency's name in uppercase initials, no end punctuation*)

50 CFR Part XXX (*CFR citation. All rules and proposed rules must have a CFR part designation.*)

[Docket No. XXXXXXXXXXXX.XXXX.XX] (*NMFS' docket number*)

RIN XXXX-XXXX (*Regulation Identifier Number*)

Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements (*Subject heading. Uppercase all initial letters, except for prepositions with fewer than four letters; use a semicolon to separate the subject components; and use no end punctuation.*)

AGENCY: (*Identifies the agency issuing the document. Present the organizational units in ascending order, and end the caption with a period.*)

ACTION: (*Identifies the type of document. Uppercase the initial letter of the first word only; use a semicolon between action components; and end the caption with a period.*)

SUMMARY: (*States, first, the amended action that is being taken; second, the reason this action is necessary; and, third, the intended effect of this action. Note: Summaries must be brief and shouldn't be longer than one paragraph.*)

DATES: (*States the date that the action will be effective. If requesting comments, remember that we cannot request that the comments be received by a specific time of the day – e.g., 5 p.m.*)

ADDRESSES: (*States nothing but addresses. If requesting comments, use the updated language mentioned earlier in this chapter.*)

FOR FURTHER INFORMATION CONTACT: (*States the name and telephone number of a person who is authorized to answer questions about the document.*)

SUPPLEMENTARY INFORMATION: (*States briefly the rule's background; summarizes related documents; discusses the proposed rule and public's participation; under topical headings, summarizes all key provisions; under comment and response headings, summarizes*

the agency's response to the comments (if it follows a proposed or interim rule); and states the changes from the proposed rule.

Classification (Includes (1) summaries of the final required or revised analyses and statements, (2) if necessary, a nonapplicability statement for each statute, executive order, or regulation that presents an issue, see Examples package, (3) if there are OMB concerns, a statement that the final information collection requirements (ICR) have been submitted to the OMB for review and approval and that OMB's approval will be published in a future Federal Register, and (4) findings and facts to support any good cause waiver of or exception to the APA's notice and comment and to the 30-day delay in effectiveness requirements. Consult with a regional or GCF attorney regarding whether good cause waivers or exceptions are applicable or whether further rulemaking is necessary.)

Authority: (Identifies the authority that empowers the rule action in the document. Tab it.

Dated: November 15, XXXX. (Use the same punctuation. The date and the signature constitute the "signature block," which should appear with at least three lines of text.)

_____ *(Two double spaces. Signed by the authorized official. The person who signs must be the same person whose title and office follow the signature.)*

Alan D. Risenhoover, (Type the name of the above signer and follow it with a comma. Do not include such initials as Ph.D. after the name.)

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service. (Title of the above signer, followed by a period)

GENERIC TEMPLATE OF A RULE WITH REGULATORY TEXT

BILLING CODE (*Use "P" for Word Doc.*)

DEPARTMENT OF COMMERCE (*Department's name in all uppercase, no end punctuation*)

National Oceanic and Atmospheric Administration (*Subagency's name in uppercase initials, no end punctuation*)

50 CFR Part XXX (*CFR citation. All rules and proposed rules must have a CFR part designation.*)

[Docket No. XXXXXXXXXXXX.XXXX.XX] (*NMFS' docket number*)

RIN XXXX-XXXX (*Regulation Identifier Number*)

Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements (*Subject heading. Uppercase all initial letters, except for prepositions with fewer than four letters; use a semicolon to separate the subject components; and use no end punctuation.*)

AGENCY: (*Identifies the agency issuing the document. Present the organizational units in ascending order, and end the caption with a period.*)

ACTION: (*Identifies the type of document. Uppercase the initial letter of the first word only; use a semicolon between action components; and end the caption with a period.*)

SUMMARY: (*States, first, the amended action that is being taken; second, the reason this action is necessary; and, third, the intended effect of this action. It shouldn't be longer than one paragraph.*)

DATES: (*States the date that the action will be effective. If requesting comments, remember that we cannot request that the comments be received by a specific time of the day – e.g., 5 p.m.*)

ADDRESSES: (*States nothing but addresses. If requesting comments, use the updated language mentioned earlier in this chapter.*)

FOR FURTHER INFORMATION CONTACT: (*States the name and telephone number of a person who is authorized to answer questions about the document.*)

SUPPLEMENTARY INFORMATION: (*States briefly the rule's background; summarizes related documents; discusses the proposed rule and public's participation; under topical headings, summarizes all key provisions; under comment and response headings, summarizes*

the agency's response to the comments (if it follows a proposed or interim rule); and states the changes from the proposed rule.

Classification (Includes (1) summaries of the final required or revised analyses and statements, (2) if necessary, a nonapplicability statement for each statute, executive order, or regulation that presents an issue, see Examples package, (3) if there are OMB concerns, a statement that the final information collection requirements (ICR) have been submitted to the OMB for review and approval and that OMB's approval will be published in a future Federal Register, and (4) findings and facts to support any good cause waiver of or exception to the APA's notice and comment and to the 30-day delay in effectiveness requirements. Consult with a regional or GCF attorney regarding whether good cause waivers or exceptions are applicable or whether further rulemaking is necessary.)

List of Subjects in 50 CFR Part XXX (Documents having no regulatory text, or presenting only nomenclature changes, or correcting the Federal Register issue, as opposed to the e-CFR, need not have a list of subjects. Underline the heading List of Subjects and the CFR part; alphabetize the terms under a certain CFR part; and follow them with a period. If more than one part, present the parts in an ascending order; if different chapters or titles, present them on a separate line.)

Dated: November 15, XXXX. (Use the same punctuation. The date and the signature constitute the "signature block," which should appear with at least three lines of text.)

_____ (Two double spaces. Signed by the authorized official. The person who signs must be the same person whose title and office follow the signature.)

Alan D. Risenhoover, (Type the name of the above signer and follow it with a comma. Do not include such initials as Ph.D. after the name.)

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service. (Title of the above signer, followed by a period)

For the reason set out in the preamble, NMFS amends 50 CFR part XXX as follows:

PART XXX- *(The title of the part in all caps)*

1. The authority citation for part XXX continues to read as follows:

Authority: XX U.S.C. XXXX et seq.

2. In § XXX.XX, revise paragraphs (a) and (c)(2) to read as follows:

§ XXX.XX *(The title of the section in lower case, underlined and followed by period.)*

(a) *(Display text.)*

* * * * * *(Signifying paragraphs omitted within a section; in here, for instance paragraph (b))*

(c) * * * *(Signifying text omitted within a paragraph)*

(2) *(Display text.)*

* * * * *

ACTUAL NOAA RULE WITHOUT REG TEXT

Billing Code: 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910131362-0087-02]

RIN 0648-XXXX

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf
Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the
Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for northern rockfish and pelagic shelf
rockfish (PSR) for trawl catcher vessels participating in the entry level rockfish fishery in the
Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent
exceeding the 2010 allocation of northern rockfish and PSR allocated to trawl catcher vessels
participating in the entry level rockfish fishery in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, XXXX, through 1200 hrs, A.l.t.,
September 1, XXXX.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2010 allocations of northern rockfish and PSR for vessels participating in the entry level trawl fishery in the Central Regulatory Area of the GOA are 0 metric tons as established by the final 2010 and 2011 harvest specifications for groundfish in the GOA (75 FR 11749, March 12, 2010).

Consequently, in accordance with § 679.83(a)(3), the Administrator, Alaska Region, NMFS, deems it appropriate for conservation and management purposes to not open directed fishing for northern rockfish and PSR for trawl catcher vessels participating in the entry level rockfish fishery in the Central Regulatory Area of the GOA, because there is no available allocation for directed fishing.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553 (b)(B) as such requirement is impracticable and contrary to the public interest. Notice and comment is unnecessary because there is no available fish for an allocation

and therefore the Regional Administrator has no discretion for any action other than to prohibit directed fishing.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and § 679.83 and is exempt from review under Executive Order 12866.

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

Dated: July X, XXXX.

ACTUAL NOAA RULE WITH REG TEXT

Billing Code: 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 679 and 680

[Docket No.]

RIN 0648-XXXX

Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; American Fisheries Act;

Bering Sea/Aleutian Islands Crab Rationalization Program; Recordkeeping and Reporting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric

Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This action removes the requirement for American Fisheries Act (AFA)

cooperatives participating in the directed pollock fishery in the Bering Sea to prepare and submit

a preliminary annual report. This action also removes the Crab Rationalization Program

requirements for catcher/processors to weigh all offloaded crab on a state-approved scale that

produces a printed record and to report this information at the time of offload to NMFS on a

catcher/processor offload report. NMFS has determined that these requirements are no longer

necessary. This action is intended to promote the goals and objectives of the Magnuson-Stevens

Fishery Conservation and Management Act (Magnuson-Stevens Act) and other applicable laws.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Electronic copies of the Regulatory Impact Review (RIR), the categorical

exclusion memorandum, the Environmental Impact Statement (EIS) for AFA Amendments

61/61/13/8 (February X, XXXX), and the EIS for the Bering Sea Aleutian Islands King and Tanner Crab Fisheries (August X, XXXX) may be obtained from the Alaska Region website at <http://alaskafisheries.noaa.gov>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS Alaska, Sustainable Fisheries Division, e-mailed to David_Rostker@omb.eop.gov, or faxed to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the U.S. groundfish fisheries in the Exclusive Economic Zone (EEZ) of the Bering Sea and Aleutian Islands (BSAI) Management Area under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP). The crab fisheries are managed under the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP). The BSAI FMP and Crab FMP were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act. Regulations implementing the BSAI FMP and Crab FMP appear at 50 CFR parts 679 and 680, respectively. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

Background

American Fisheries Act (AFA)

In October XXXX, Congress enacted the AFA, which “rationalized” the Bering Sea pollock fishery by identifying the vessels and processors eligible to participate in the fishery and allocating pollock among those eligible participants. Implementing regulations are found at subpart F of 50 CFR part 679. Under the AFA, 10 percent of the Bering Sea pollock total

allowable catch (TAC) is allocated to the Western Alaska Community Development Quota (CDQ) Program. After subtraction of the CDQ Program allocation and an amount set aside for the catch of pollock in other Bering Sea fisheries, the remaining pollock (the “directed fishing allowance”) is allocated among the AFA inshore sector (50 percent), the AFA catcher/processor sector (40 percent), and the AFA mothership sector (10 percent).

The AFA allows for the formation of fishery cooperatives within the non-CDQ sectors. One cooperative exists for each catcher/processor sector and the mothership sector. Seven cooperatives currently exist within the inshore sector. The cooperatives further subdivide each sector’s or inshore cooperative’s pollock allocation among vessel owners in the sector or cooperative through private contractual agreements. The cooperatives manage these allocations to optimize their harvest and to ensure that individual vessels and companies do not harvest more than their agreed upon share of pollock. The cooperatives also enforce contract provisions and participate in an intercooperative agreement to reduce salmon bycatch.

Currently, all AFA cooperatives are required to submit preliminary and final annual written reports on directed pollock fishing activity to the Council. The preliminary AFA cooperative report is due to the Council by December 1 of the year in which the pollock fishing occurred. The final AFA cooperative report is due by February 1 of the following year.

The AFA cooperative annual reports are required to provide information about how the cooperative allocated pollock, other groundfish species, and prohibited species catch among the vessels in the cooperative; the catch and discard of these species by area for each vessel in the cooperative; information about how the cooperative monitored fishing by its members; and a description of any actions taken by the cooperative to penalize any vessel that exceeded the allocations made to the vessel by the cooperative.

The Council originally recommended both a preliminary and a final annual report because it wanted to have this report available for its December Council meeting, when it adopts annual groundfish harvest specifications for the upcoming fishing year. However, the Council recognized that because the pollock fisheries close on November 1, one month may not be enough time for the AFA cooperative representatives to compile all of the required information. In addition, catch and discard data often are finalized after the end of the year. Therefore, the Council recommended that NMFS require a preliminary report to provide as much information as was available by December 1, and a final report to update or add any information that became available after December 1.

In recent years, the Council has found that the information in the preliminary report is no longer necessary for it to develop its recommendations on final groundfish specifications. Therefore, this rule removes the requirement for AFA cooperatives to submit a preliminary annual report required in 50 CFR 679.61(f). A single annual report from each AFA cooperative will provide sufficient information to the Council about the directed fisheries for pollock in the Bering Sea.

Crab Rationalization (CR) Program

The CR Program is a limited-access system that allocates crab managed under the Crab FMP among harvesters, processors, and coastal communities. Currently, NMFS requires that all crab individual fishing quota (IFQ) harvested and processed by catcher/processors be weighed at sea prior to processing and that crab weights be reported to NMFS on an IFQ crab landings report (see § 679.5(e)(8)). The weights reported on the IFQ crab landings report are used to debit crab IFQ from a quota holder's account. In addition, catcher/processors are required to

weigh the crab again when it is offloaded from the vessel and report this weight to NMFS on a catcher/processor offload report (see § 680.5(e)).

The original purpose of the offload report was to provide information so that NMFS could audit the IFQ crab landing reports. Completing this report requires a crab catcher/processor to offload all crab-processed product shoreside at a designated port and weigh that product on a scale approved by the state in which the crab is removed from the vessel. The offload report must be completed when crab are offloaded from the vessel and a scale printout showing gross product offload weight must be attached to the offload report. The weight reported on the offload report includes not only the weight of crab but also the weight of packaging, pallets, and glaze. While deductions for these items can be made, the deductions create variance in the total weight of crab landed shoreside. For this reason, NMFS finds it difficult to use the weights from the offload report to audit the weight obtained from the at-sea hopper scales.

Advancements in at-sea reporting of crab catch (eLandings) and the reliability of the at-sea motion-compensated hopper scales have changed the need for CR catcher/processor offload reporting. Catcher/processors use eLandings to report total harvest of crab to NMFS weekly while at sea, which provides NMFS with up-to-date accounting of total crab harvested. Motion-compensated hopper scales provide reliable, independent estimates of the total catch by quota sector for all crab harvested.

Removal of the CR catcher/processor requirements to weigh offloaded crab product and submit offload reports does not diminish NMFS' ability to verify reported CR crab catch weight. NMFS still requires that all crab be weighed at sea and scale weights of crab be submitted to NMFS on eLandings weekly reports. Alaska Department of Fish and Game (ADF&G) observers

are onboard crab vessels and have opportunity to observe hopper scale activities for consistency with the intent of federal regulations that all CR crab be weighed. NOAA Fisheries Office for Law Enforcement (OLE) uses eLandings weekly reports, the printouts from the hopper scales showing the total weight of crab harvested, and additional auditing methods to verify CR quota accounting instead of using the catcher/processor offload reports. Further, the OLE still has the authority and ability to conduct a full audit of offload weights to verify reported crab catch weight.

Specifically, this rule removes the requirement at § 680.5(e) for the owner or operator of a catcher/processor to complete and submit to NMFS—at the time of offload of CR crab—a catcher/processor offload report with its attached scale printout showing gross product offload weight. Section 680.5(a)(2)(i)(H) is removed because it only serves as a cross-reference to § 680.5(e), which is removed. This rule also removes the requirement at § 680.23(b)(4) for catcher/processors to weigh all offloaded CR Program crab on a state-approved scale.

Classification

The Assistant Administrator (AA) for NMFS has determined that this action is consistent with the Magnuson-Stevens Act and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), the AA for NMFS finds good cause to waive prior notice and opportunity for public comment, as notice and comment would be unnecessary and contrary to the public interest. Because this rule relieves restrictions on AFA cooperatives and CR catcher/processors as summarized below, it is not subject to the 30-day delayed effectiveness provision of the APA pursuant to 5 U.S.C. 553(d)(1). Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable.

This rule relieves restrictions by removing weighing and reporting requirements under the AFA and the CR Program that NMFS has determined are no longer necessary for management and monitoring of the pollock and crab fisheries. The information provided in the preliminary AFA cooperative report will continue to be provided in the final annual report. Adequate information about the weight of crab harvested by catcher/processors under the CR Program is available under regulations that govern the weighing and reporting of crab catch on the IFQ landing report. The reports removed by this action were designed to be somewhat redundant when they were first implemented at the inception of the AFA and CR fisheries. However, with more experience managing those fisheries and advances in electronic reporting, NMFS has determined that these requirements are no longer necessary. Removing these requirements relieves restrictions on the industry and will reduce costs to both the industry and NMFS. Nothing in this rule is controversial.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by the Office for Management and Budget (OMB). The collections are listed below by OMB Control Number.

OMB 0648-0401

Public reporting burden per response is estimated to average 8 hours for an AFA preliminary annual report; and 4 hours for an AFA final annual report. The AFA preliminary annual report is removed with this action and the AFA final annual report is replaced with the AFA annual report, which is estimated to average 12 hours per response.

OMB 0648-0570

Public reporting burden per response is estimated to average 20 minutes for a catcher/processor crab offload report. This final rule removes this report and the associated reporting burden.

These estimates of public reporting burden include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information.

Send comments regarding this burden estimate or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSES); e-mail to David.Rostker@omb.eop.gov or fax to 202-395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Parts 679 and 680

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated:

For the reasons set out in the preamble, 50 CFR parts 679 and 680 are amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 et seq.; 1801 et seq.; 1851 note; 3631 et seq.

2. In § 679.61, revise (f) introductory text, paragraph (f)(1), and paragraph (f)(2) introductory text to read as follows:

§ 679.61 Formation and operation of fishery cooperatives.

* * * * *

(f) Any fishery cooperative governed by this section must submit an annual written report on fishing activity to the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501. The Council will make copies of each report available to the public upon request.

(1) What is the submission deadline? The cooperative must submit the annual report by February 1 of the following year. Annual reports must be postmarked or received by the submission deadline.

(2) What information must be included? The annual report must contain, at a minimum:

* * * * *

PART 680—SHELLFISH FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

3. The authority citation for part 680 continues to read as follows:

Authority: 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479.

§ 680.5 [Amended]

4. In § 680.5, remove and reserve paragraphs (a)(2)(i)(H) and (e).

5. In § 680.23, revise paragraph (b)(4) to read as follows:

§ 680.23 Equipment and operational requirements.

* * * * *

(b) * * *

(4) Offload all CR crab product processed onboard at a shoreside location in the United States accessible by road or regularly scheduled air service; and

* * * * *

§ 680.23 [Amended]

6. At each of the locations shown in the “Location” column, remove the phrase indicated in the “Remove” column and replace it with the phrase indicated in the “Add” column for the number of times indicated in the “Frequency” column.

Location	Remove	Add	Frequency
§ 680.23(f)(3)(i)	delivery or offload are	delivery are	1
§ 680.23(f)(3)(ii)	CR crab or an offload of CR crab product must	CR crab must	1

APPENDIX I: EXAMPLE OF A CORRECTION TO A NOTICE

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XY28

Pacific Fishery Management Council; Public Meetings; Correction

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

ACTION: Notice of public meetings; correction.

SUMMARY: This action corrects the SUPPLEMENTARY INFORMATION section to a notice published on August XX, 20XX, which didn't contain all of the necessary information for the agenda for a Pacific Council meeting, leaving attendees misinformed. This correction adds a sentence to further clarify the meeting agenda.

DATES: The Pacific Council and its advisory entities will meet September XX-XX, 20XX. The Pacific Council meeting will begin on Saturday, September XX, 20XX, at 8 a.m., reconvening each day through Thursday, September XX, 20XX. All meetings are open to the public, except a closed session, which will be held from 8 a.m. until 9 a.m. on Saturday, September XX to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be held at the Doubletree Hotel Riverside, 2900 Chinden Boulevard, Boise, ID 83714; telephone: 208-343-1871. The Pacific Council address is Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: 503-820-2280 or 866-806-7204 toll free; or access the Pacific Council website, <http://www.pcouncil.org>, for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION:

Need for Correction

In a notice NMFS published on August XX, 20XX, beginning on page 51240, make the following correction in the SUPPLEMENTARY INFORMATION section. On page 51241 in the third column, revise item 4 to read as follows:

“4. National Marine Fisheries Service Report, including update on biennial specifications and management measures, Amendment 16-5, and Amendment 23.”

Dated: August XX, 20XX.

APPENDIX II: EXAMPLE OF A CORRECTION TO THE REG TEXT OF A FINAL RULE THAT HAS ALREADY PUBLISHED

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 110208116-2233-02]

RIN 0648-BA75

Atlantic Highly Migratory Species; Electronic Dealer Reporting Requirements; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final regulations, which published August 8, 2012, with an effective date of January 1, 2013, regarding electronic dealer reporting. On October 4, 2012, NMFS published a final rule that restricts the sale and purchase of silky sharks. As such, this correction is necessary to ensure that changes made by the silky shark final rule are made to the amended regulatory text in the electronic dealer reporting final rule, which will become effective January 1, 2013. This document corrects the final regulations by revising the paragraph of one section.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], and is applicable beginning January 1, 2013.

FOR FURTHER INFORMATION CONTACT: Delisse Ortiz or Karyl Brewster-Geisz at 301-427-8503, or Jackie Wilson at 240-338-3936.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction established the restriction on sale and purchase of silky sharks to the amended regulatory text in the final rule for electronic dealer reporting.

Correction of Publication

In the final rule that published in the Federal Register Wednesday, August 8, 2012 (77 FR 47303), the following correction is made. On page 47317, in column 3, in § 635.31, paragraph (c)(6) is correctly revised to read as follows:

§ 635.31 Restrictions on sale and purchase.

* * * * *

(c) * * *

(6) A dealer issued a permit under this part may not first receive silky sharks, oceanic whitetip sharks or scalloped, smooth, or great hammerhead sharks from an owner or operator of a fishing vessel with pelagic longline gear on board, or from the owner of a fishing vessel issued both a HMS Charter/Headboat permit and a commercial shark permit when tuna, swordfish or billfish are on board the vessel, offloaded from the vessel, or being offloaded from the vessel.

* * * * *

Dated:

APPENDIX III: EXAMPLE OF AN EXTENSION OF A COMMENT PERIOD

BILLING CODE: 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 120425420-2420-01]

RIN 0648-BB92

Fisheries of the United States; National Standard 1 Guidelines; Extension of Public Comment Period

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

ACTION: Advance notice of proposed rulemaking; extension of public comment period.

SUMMARY: NMFS is extending the date by which public comments are due in response to the Advance Notice of Proposed Rulemaking (ANPR) published on May 3, 2012, on potential adjustments to the National Standard 1 Guidelines, one of 10 national standards for fishery conservation and management contained in Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act. NMFS has received a request to extend the comment period for the ANPR beyond its current 90-day comment period, originally scheduled to end on August 1, 2012. With this notice, NMFS is extending the comment period to September 15, 2012, to ensure there is adequate time for stakeholders and members of the public to comment on the ANPR.

DATES: The deadline for receipt of comments on the ANPR published on May 3, 2012 (77 FR 26238), is extended to September 15, 2012.

ADDRESSES: You may submit comments on the referenced ANPR, identified by “NOAA-NMFS-2012-0059”, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal: www.regulations.gov. To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter “NOAA-NMFS-2012-0059” in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on the right of that line.
- Fax: 301-713-1193, Attn: Wesley Patrick.
- Mail: Wesley Patrick; National Marine Fisheries Service, NOAA; 1315 East-West Highway, Room 13436; Silver Spring, MD 20910.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to another address or individual, or received after the end of the comment period, may not be considered. All comments received are part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will 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 or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Wesley Patrick, Fisheries Policy Analyst,
National Marine Fisheries Service, 301-427-8566.

SUPPLEMENTARY INFORMATION:

Background

On May 3, 2012, NMFS published an ANPR (77 FR 26238) to provide background information and to request public comment on potential adjustments to the National Standard 1 Guidelines. The ANPR provides the public with a formal opportunity to comment on the specific ideas mentioned in the ANPR, as well as any additional ideas and solutions that could improve provisions of the National Standard 1 Guidelines.

NMFS received a request from the Western Pacific Regional Fishery Management Council on behalf of all eight regional councils, to extend the comment period on the ANPR to September 15, 2012, to give the Councils more time to discuss the issues in the ANPR with their

advisors, fishing industries and among themselves, in order to provide NMFS with comprehensive and significant comments on the ANPR. NMFS has considered this request and concludes that a 45-day extension is appropriate.

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

Dated: June 27, 2012

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs,
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APPENDIX IV: COMMON MISTAKES TO AVOID WHEN DRAFTING YOUR DOCUMENT FOR PUBLICATION IN THE FEDERAL REGISTER

In Temporary Rules, Be Sure To Use the Appropriate Amendatory Language

In temporary rules (any rule with a beginning and ending effective date), do not say “remove,” say “suspend.” Do not say “revise,” say “add.”

Keep the ACTION Line Brief

The action line should contain the category where the document appears in the Federal Register. Lengthy descriptions should be reserved for the subject line.

Your SUMMARY Should Answer Three Questions

1. What action is being taken?
2. Why is this action necessary?
3. What is the intended effect of this action?

Furthermore, the SUMMARY should be brief – no longer than one paragraph.

Do Not Include CFR Cites or Numbering in the SUMMARY Section

The OFR will not publish any documents that include CFR cites (“published in the Federal Register on Sept. XX” or “75 FR 56909”, for example) or numbering (1., 2., 3., for example, because it resembles codified text) in the SUMMARY section.

Use of Non-Standard Dates in the DATES section May Warrant a Call from the OFR

The standard times for dates are 15, 30, 45, 60, and 90 days (for example, when requesting comments are setting an effective date). When you use a non-standard date, the OFR may contact the Regs Unit to double-check that it is indeed the date that was requested.

Don’t Forget to Include the FOR FURTHER INFORMATION CONTACT Section

The section FOR FURTHER INFORMATION CONTACT is a required section to be included in Notices, Proposed Rules and Rules. It should include a point-of-contact, as well as the point-of-contact’s telephone number.

Check for the Correct Spacing for Quoted Material Longer than Two Paragraphs

The OFR has a new policy in regards to quoted material. In the past, any long block quote was single-spaced, justified, and indented, and could be six or seven (or more) paragraphs in length. The new policy, however, is to double-space quotes longer than two paragraphs. If the quote is two paragraphs or less, it may be in the single-spaced, justified, and indented format. More important, quotes longer than two paragraphs should either be summarized or paraphrased, if possible.

Use the New ADDRESSES Template for Rulemaking Documents Requesting Comments

ADDRESSES: You may submit comments on this document, identified

by [FDMS Docket Number], by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=\[FDMS Docket Number\]](http://www.regulations.gov/#!docketDetail;D=[FDMS Docket Number]), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to [name, address].
- **Fax:** [fax phone #]; Attn: [name]

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, or Adobe PDF file formats only.

Submit Your Document in Microsoft Word Format

The OFR no longer accepts documents in WordPerfect format.

When Using “Calendar Days” in the DATES Section, Know that It Is Better to Compute the Date

Example: DATES: [INSERT DATE 30 CALENDAR DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

When the OFR sees “Calendar Days” in the DATES section, they will call up the Regs Unit and ask to confirm the date, especially if that date falls on a Saturday or Sunday. So it is best not to use “Calendar Days,” simply because it slows down the publication process.

Make Sure that Your Subject Heading Is Concise

The OFR is now streamlining how they index the table of content entries and they need for NMFS entries to be shorter. Providing a long subject heading will slow the publication process down. Please follow the example with the short heading.

Long Heading (this heading is too long for index entries):

Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting

Short Heading (this is what the OFR wants to see):

Fisheries of the Exclusive Economic Zone off Alaska; Western Alaska Community Development Quota Program; Recordkeeping and Reporting

When Revising a Table, You Must Set Out the Entire Row

If you are making a change to an existing table, then you must include all of the information that currently exists in that row (which is the row in which you are making the change). In other words, you cannot use three stars (***) in place of existing text or data, or whatever may be in that table.

When Revising a Table, Remember to Use Seven Stars to Denote Text in Entire Rows that Isn't Being Revised

In § 600.502, revise Table 1 entry "Administrator, South Region" to read as follows:

§ 600.502 Vessel reports.

* * * * *

Table 1 to § 600.502—Addresses

NMFS regional administrators	NMFS science and research	U.S. Coast Guard
------------------------------	---------------------------	------------------

	directors	commanders
* * * * *		
Administrator, Southeast Region, National Marine Fisheries Service, 263 13th Ave. South, St. Petersburg, FL 33701	John XX	*Jim XX
* * * * *		

* * * * * (Note: The five stars shown here are not part of the table and are used to denote regulatory text that follows the table and is to remain the same.)

In CFR Codification, Remember that When You Create a Paragraph (a), there Must Be a Paragraph (b)

In other words, in CFR codification, there cannot be a level with only one paragraph designation.

-If a section has a paragraph (a), then there must be a paragraph (b), even if it's reserved.

-If a section has a paragraph (a)(1), then there must be a paragraph (a)(2), even if it's reserved.

-And if a section has a paragraph (a)(4)(i), then there must be a paragraph (a)(4)(ii), even if it's reserved.

APPENDIX V: NEW ADDRESSES TEMPLATE TO USE FOR PROPOSED RULES AND RULES REQUESTING COMMENTS

ADDRESSES: You may submit comments on this document, identified by [FDMS Docket Number], by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=\[FDMS Docket Number\]](http://www.regulations.gov/#!docketDetail;D=[FDMS Docket Number]), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to [name, address].
- Fax: [fax phone #]; Attn: [name]

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, or Adobe PDF file formats only.

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