

on October 27, 2009, and the Marriott New York Downtown, 85 West Street at Albany Street, New York, NY 10006, on October 29, 2009.

All meetings will be held from 9 a.m. until 4 p.m. local time unless otherwise noted. The meetings may conclude before the allotted time if all matters of discussion have been addressed.

You may submit written comments identified by docket number USCG–2001–10486 before or after the meeting using any one of the following methods:

(1) *Federal eRulemaking Portal*: <http://www.regulations.gov>.

(2) *Fax*: 202–493–2251.

(3) *Mail*: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery*: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. Our online docket for this rulemaking is available on the Internet at <http://www.regulations.gov> under docket number USCG–2001–10486.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rulemaking, call or e-mail Mr. John Morris, Project Manager, Environmental Standards Division, U.S. Coast Guard Headquarters, telephone 202–372–1433, e-mail: [John.C.Morris@uscg.mil](mailto:John.C.Morris@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on Friday, August 28, 2009 (74 FR 44632), entitled “Standards for Living Organisms in Ships’ Ballast Water Discharged in U.S. Waters.” In it, we stated our intention to hold public meetings, and to publish a notice with additional details regarding those public meetings as soon as the information was available (74 FR 44632).

On Monday, September 14, 2009, we published a Notice of Public Meeting to inform the public of the date for each public meeting, as well as the city in which those meetings will be held (74 FR 46964). That notice also stated that additional notice(s) would be published in the **Federal Register** as specific locations and details for these meetings were finalized.

On Tuesday, September 22, 2009, we published a Notice of Public Meeting

with the specific locations and details for the first two of the six public meetings (74 FR 48190). Then, on Monday, September 28, 2009, we published a Notice of Public Meeting providing the same information for the second two public meetings and restating the details for the first two public meetings (74 FR 49355). This notice provides those details for the final two public meetings.

On Thursday, October 15, 2009, we published a Notice to extend the periods of public comment on the Notice of Proposed Rulemaking (NPRM) and the Draft Programmatic Environmental Impact Statement (DPEIS) to December 4, 2009 (74 FR 52941). On Thursday, October 22, 2009, we published a Notice of Public Meetings with locations and details for the Oakland, CA and New York, NY public meetings (74 FR 54533).

The location for the Oakland, CA meeting listed in the October 22, 2009 notice was incorrect. The October 27, 2009 meeting will be held at the Hilton Oakland Airport, One Hegenberger Road, Oakland, CA 94621. The phone number for the location is 510–635–5000.

The October 29, 2009 meeting will be held at the Marriott New York Downtown, 85 West Street at Albany Street, New York, NY 10006. The phone number for the location is 212–385–4900.

Live Webcasts (audio and video) of the public meetings will also be broadcast online at <http://ballastwater.us/>.

Written comments and related material may also be submitted to Coast Guard personnel specified at those meetings for inclusion in the official docket for this rulemaking.

#### **Information on Service for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the public meetings, contact Mr. John Morris at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Dated: October 22, 2009.

**Mark W. Skolnicki,**

*Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.*

[FR Doc. E9–25807 Filed 10–22–09; 4:15 pm]

**BILLING CODE 4910–15–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 0907221160–91168–01]

RIN 0648–AY01

#### **Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery**

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

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

**SUMMARY:** NMFS is proposing a regulatory amendment to the Monkfish Fishery Management Plan (FMP) to allow projects funded through the Monkfish Research Set-Aside (RSA) Program to carryover unused monkfish RSA days-at-sea (DAS) into the following fishing year. Given the most recent information on the status of monkfish stocks, the regulation that prohibits monkfish RSA DAS to be carried over to the next fishing year is no longer necessary. In addition, this action would provide researchers with flexibility to complete research funded through the Monkfish RSA Program.

**DATES:** Written comments must be received no later than 5 p.m. eastern standard time, on November 25, 2009.

**ADDRESSES:** You may submit comments, identified by RIN number 0648–AY01, by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking portal <http://www.regulations.gov>.
- Fax: (978) 281–9135, Attn: Anna Macan.
- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: “Comments on Monkfish RSA DAS Regulatory Amendment.”

Instructions: All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

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

**FOR FURTHER INFORMATION CONTACT:**

Anna Macan, Fishery Management Specialist, phone (978) 281-9165, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:**

**Background**

The monkfish fishery is jointly managed by the New England and Mid-Atlantic Fishery Councils, with the New England Council having the administrative lead. The fishery extends from Maine to North Carolina, and is divided into two management units: The Northern Fishery Management Area (NFMA) and the Southern Fishery Management Area (SFMA).

The Monkfish RSA Program was implemented through Amendment 2 to the Monkfish FMP, and 500 DAS are set aside annually from the total number of DAS allocated to limited access monkfish vessels to encourage vessels to participate in cooperative research. Because the amendment was silent on this issue of whether RSA DAS allocated to a research project should be allowed to be carried over to the following fishing year, during the rulemaking for Amendment 2, NMFS implemented a regulation that prohibited the carryover of unused monkfish RSA DAS (§ 648.92(c)(1)(v)). This regulation was not an element of the RSA program as proposed by the Councils in Amendment 2 to the FMP, but rather was implemented in the final rule for the amendment under NMFS's administrative authority, under section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS took this approach due, in part, to the status of the stock at the time; at the time the amendment was being implemented, monkfish were considered overfished in both areas, with little sign of rebuilding. Since the stock is now considered to be rebuilt, the restriction on carrying over RSA DAS has become less of a concern.

Recent experience has demonstrated that researchers who participate in the monkfish RSA program have often been unable to use all of their allocated RSA DAS within the fishing year for which the grants were issued. Reasons such as unsafe weather conditions, unexpected DAS adjustments (e.g., Framework Adjustment 4 to the FMP), higher than expected fuel costs, and delayed grant approval have caused RSA DAS to go

unused, resulting in loss of fishing revenue and corresponding research funding.

Allowing RSA DAS carryover would improve the success of the Monkfish RSA Program and would be consistent with the rationale for allowing commercial DAS carryover, detailed in the original FMP (e.g., to reduce the incentive to operate in unsafe conditions at the end of the fishing year).

NMFS considered four options for how monkfish RSA DAS could be carried over, as follows:

Option 1: Allow a specific number of DAS to be carried over by each project. For example, each project could be allowed to carry over up to four unused DAS to be used in the following fishing year. This option would be consistent with the current carryover policy for commercial vessels (which limits each vessel to four carryover DAS). However, this does not take into account variations in the number of monkfish RSA DAS granted to each project or the number of vessels that may be involved.

Option 2: Allow for a fixed percentage of RSA DAS carryover based on current commercial carryover policy. Because monkfish vessels are currently allowed to carryover 4 of their allocated 31 DAS, representing 13 percent of their base DAS allocation, this 13 percent could be applied to each project's RSA DAS as well. For example, if a project were granted 200 RSA DAS in fishing year (FY) 2009, up to 26 of these DAS could be carried over to FY 2010. Unlike Option 1, this percentage-based scheme would allow for those projects given more RSA DAS the opportunity to carryover more DAS. The carryover percentage for RSA DAS would be adjusted annually with any changes in the carryover allocation to commercial vessels, accounting for changes in the management of the fishery. If carryover DAS are discontinued in the commercial fishery, no rollover DAS would be allowed for RSA.

Option 3: Allow for projects to rollover of all unused RSA DAS into the following fishing year.

Option 4: Status quo, NMFS retains its conservative approach and does not allow for the carryover of RSA DAS.

Option 3, the rollover of all RSA DAS, is NMFS's preferred alternative. The annual allocation of 500 DAS to the monkfish RSA program is a small percentage of the total DAS allocated to the fishery. Since 2006, when the program was first implemented, around 2 percent of the allocated DAS have been RSA DAS. In 2008, only 346.88 (69.38 percent) of the 500 RSA DAS awarded to various projects were used.

The unused 2008 RSA DAS of 153.12 days would have represented less than 1 percent of the total 2009 allocated DAS, had the rollover of all unused RSA DAS been allowed in 2009. When considering fishing effort for 2008, the used RSA DAS represented less than 7 percent of the total DAS used. Furthermore, the biological impacts of the 500 RSA DAS have already been assessed in Amendment 2 and because monkfish is considered a data poor stock, the research generated from these projects outweigh any minimal biological impacts associated with rollover of RSA DAS.

The other three non-preferred options either do not allow for the carryover of RSA DAS, or do not allow for all RSA DAS to be carried over. As a result, these options would not maximize the recovery of revenue that is needed to fund the research projects. If RSA funding cannot be realized, researchers may have to abandon their projects or seek support from other sources that often result in a lengthy review process. Therefore, NMFS considers option 3 as the best approach to successfully implement the Monkfish RSA Program. Also, had the 500 monkfish DAS set aside for research instead remained in the commercial fishery pool, some of these DAS would have been able to be carried over to the next fishing year under existing regulations. If carryover DAS are discontinued in the commercial fishery, NMFS would reconsider whether rollover of RSA DAS would be allowed under the Monkfish RSA Program.

**Classification**

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the Monkfish 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 adopted, would not have a significant economic impact on a substantial number of small entities.

The entities affected by this action are research institutions and universities, which are the groups that apply for and are issued grants through the Monkfish RSA Program. The proposed action to allow carryover of monkfish RSA DAS into the next fishing year would provide researchers the flexibility

necessary to complete research projects funded through the Monkfish RSA Program. In recent years, researchers have stated that factors such as regulatory changes, increased fuel costs, and delayed grant approval, have greatly impacted their ability to use all of the monkfish RSA DAS within the fishing year for which they were granted. For example, in fishing year 2007 (the second year of the program), 367 monkfish RSA DAS were allocated, but 296 DAS were used, leaving 71 monkfish RSA DAS unused. However, in fishing year 2008, the number of unused monkfish RSA DAS doubled to 153 out of a total of 500 monkfish RSA DAS allocated.

This action is administrative in nature and will not have any economic impacts on small entities. This action would allow researchers issued grants under the Monkfish RSA Program the ability to fulfill those grant obligations by providing them the opportunity to complete their research projects if, for unforeseen circumstances, they are unable to utilize all of their monkfish RSA DAS during the fishing year for which those DAS were granted. Therefore, because this action makes only a minor administrative change to the Monkfish RSA Program to ensure that this program functions as intended, it will not have any economic effect on small entities.

As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 20, 2009.

**James W. Balsiger,**

*Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.92, paragraph (c)(1)(v) is revised to read as follows:

#### § 648.92 Effort-control program for monkfish limited access vessels.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(v) If the Regional Administrator determines that the annual allocation of research DAS will not be used in its entirety once all of the grant awards have been approved, the Regional Administrator shall reallocate the unallocated research DAS as exempted DAS to be authorized as described in paragraph (c)(2) of this section, and provide notice of the reallocation of DAS in the **Federal Register**. Any allocated research DAS that are not used

during the fishing year for which they are granted may be carried over into the next fishing year. Any unallocated research DAS may not be carried over into the next fishing year.

\* \* \* \* \*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 0907241164-91187-01]

**RIN 0648-AY09**

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States

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

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

**SUMMARY:** This proposed regulatory amendment would authorize the NMFS Northeast Regional Administrator (RA), or the RA's designee, to issue a Letter of Authorization (LOA) to eligible researchers on board federally permitted fishing vessels that plan to temporarily possess fish in a manner not compliant with applicable fishing regulations, for the purpose of collecting scientific data on catch. Currently, federally permitted fishing vessels that carry research personnel during commercial fishing trips for the purpose of collecting catch data before discarding fish that otherwise could not be retained are required to obtain an exempted fishing permit (EFP) in order to conduct their sampling work, which is administratively burdensome and has resulted in the delay and lost opportunity to conduct important fishery research.

**DATES:** Written comments must be received on or before November 25, 2009.

**ADDRESSES:** You may submit comments, identified by 0648-AY09, by any one of the following methods:

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

- Mail: Paper, disk, or CD-ROM comments should be sent to Regional Administrator, National Marine Fisheries Service, 55 Great Republic

Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the Proposed Rule to Modify Northeast Region Experimental Fishing Regulations."

- Fax: (978) 281-9135; attention Ryan Silva.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

#### FOR FURTHER INFORMATION CONTACT:

Ryan Silva, Cooperative Research Liaison, phone (978) 281-9326, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** This proposed rule would revise portions of the Northeast Region experimental fishing regulations by authorizing the RA, or the RA's designee, to issue an LOA to eligible researchers on board federally permitted fishing vessels that temporarily possess fish species that otherwise could not be retained under the applicable fishing regulations, for the purpose of collecting scientific data on catch. The proposed changes would be enacted under the authority given to the Secretary of Commerce to promulgate regulations to fully carry out the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Northeast Region fishing regulations found at 50 CFR part 648 implement management measures for fisheries operating under 15 fishery management plans (FMPs). These regulations include minimum fish sizes, fish possession limits, and various spatial and temporal fish possession restrictions such as quota and area closures. Federally permitted fishing vessels that carry research personnel during commercial fishing trips for the purpose of collecting catch data before discarding restricted fish are currently required to obtain an EFP in order to conduct their sampling work. An EFP is required primarily because the vessel would be in possession of fish species that otherwise could not be retained, albeit temporarily, in a manner inconsistent