

a regulatory flexibility analysis has not been prepared.

Dated: April 26, 2004.

**David A. Sampson,**

*Assistant Secretary for Economic Development.*

[FR Doc. 04-9811 Filed 4-29-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042204E]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the Southern Atlantic States; Amendment 6

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

**ACTION:** Notice of intent to prepare a draft supplemental environmental impact statement (SEIS), supplemental notice.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) has added Federal permitting, bycatch reporting, and bycatch reduction actions to Amendment 6 of the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (Shrimp Amendment 6). Shrimp Amendment 6 also includes actions to evaluate and redefine, as needed, biological reference points and status determination criteria, and actions to modify the bycatch reduction protocol.

**ADDRESSES:** Comments and requests for copies of the scoping documents should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, fax: 843-769-4520. Comments may also be submitted by e-mail to [shrimpcments@safmc.net](mailto:shrimpcments@safmc.net). Include in the subject line of the e-mail comment the following document identifier: Shrimp Amendment 6.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Office; phone: 866-SAFMC-10 or 843-571-4366; e-mail: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** This notice supplements the notice of intent to prepare a draft SEIS to support Shrimp Amendment 6 (February 19, 2002, 67 FR 7344) by adding the following actions: (1) require Federal permits in the penaeid (white, pink, and brown shrimp) shrimp fishery; (2) regularly monitor and assess bycatch in

the penaeid and rock shrimp fisheries; and (3) reduce bycatch in the rock shrimp fishery. These actions will be evaluated in the draft SEIS.

The purpose of the permit action is to identify and quantify the number of vessels participating in the South Atlantic penaeid shrimp fishery. Alternatives evaluated under the action would not limit access to the fishery at this time. However, the Council might consider a limited access program in the future and could use the control date of December 10, 2003, as a qualifying criterion for participation in the fishery. The Council notified the public of this control date through an advanced notice of proposed rulemaking published in the **Federal Register** on March 4, 2004 (69 FR 10189).

The purpose of the bycatch reporting and reduction actions is to improve the accounting and management of bycatch in the penaeid and rock shrimp fisheries, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

Other actions in Shrimp Amendment 6 previously noticed in the **Federal Register** include evaluating and redefining, as needed, biological reference points and status determination criteria and modifying the bycatch reduction protocol.

The Environmental Protection Agency will publish a notice in the **Federal Register** when the draft SEIS is available for public comment. Comments received by the Council and NMFS during the 45-day comment period on the draft SEIS will be considered in developing the final SEIS.

Dated: April 27, 2004.

**John H. Dunnigan,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 011204A]

RIN 0648-AN16

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 10

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

**ACTION:** Notice of partial approval of a fishery management plan amendment.

**SUMMARY:** NMFS announces that Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan (Amendment 10) has been partially approved by NMFS, acting on behalf of the Secretary of Commerce. Amendment 10 was developed by the New England Fishery Management Council to establish a long-term, comprehensive program to maximize scallop yield and implement a suite of management measures intended to make the management program more effective and flexible. The intent of this announcement is to inform the public of the partial approval of Amendment 10 and of the availability of the Record of Decision (ROD) for Amendment 10 in compliance with the National Environmental Policy Act (NEPA).

**DATES:** Amendment 10 was partially approved on April 14, 2004.

**ADDRESSES:** Copies of the ROD may be obtained from the Patricia Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930 or from the Northeast Regional Office's website at <http://www.nero.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Peter Christopher, Fishery Policy Analyst, 978-281-9288, fax: 978-281-9135; email: [peter.christopher@noaa.gov](mailto:peter.christopher@noaa.gov).

**SUPPLEMENTARY INFORMATION:** A Notice of Availability for Amendment 10 was published on January 16, 2004 (69 FR 2561) that announced NMFS review of Amendment 10 under the Magnuson-Stevens Fishery Conservation and Management Act. The public comment period on the NOA ended on March 15, 2004. Thirteen comments in response to the NOA were received. A proposed rule to implement Amendment 10 was published in the **Federal Register** on February 26, 2004 (69 FR 8915), with public comment ending on March 29, 2004. A total of 27 comments were received on the proposed rule. A summary of the comments received and NMFS's responses to those comments will be published in the final rule.

On April 14, 2004, NMFS approved all measures in Amendment 10 with the exception of the following proposed measures, which have been disapproved: (1) Possession restriction on Limited Access scallop vessels fishing outside of scallop days at sea; and a (2) cooperative industry resource survey program. A full explanation of the reasons for disapproval will be included in the final rule implementing Amendment 10. Regulatory provisions