

that are interchangeable with a majority of the covered major parts of passenger cars or MPVs subject to the parts marking requirements. (70 FR 28843 and 69 FR 17960) As part of the May 2005 final rule, the agency changed the effective date of the April 2004 final rule to phase-in the new requirements over a two-year period. The reporting requirements for this phase-in were found in new 49 CFR part 545. This new part contained six incomplete cross-references to the parts marking requirements in 49 CFR part 541. This notice corrects those errors.

Correcting these errors will not impose or relax any additional substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice and opportunity for comment on these correcting amendments are not necessary.

■ For the reasons set out in the preamble, NHTSA is correctly amending 49 CFR part 545 as follows:

#### **PART 545—[AMENDED]**

■ 1. The authority for part 545 continues to read as follows:

**Authority:** 49 U.S.C. 322, 33101, 33102, 33103, 33104, 33105; delegation of authority at 49 CFR 1.50.

■ 2. Section 545.1 is revised to read as follows:

##### **§ 545.1 Scope.**

This part establishes requirements for manufacturers of motor vehicles to respond to NHTSA inquiries, to submit reports, and to maintain records related to the reports, concerning the number of vehicles that meet the requirements of 49 CFR part 541, and the number of vehicles that are excluded from the requirements of 49 CFR part 541 pursuant to 49 CFR 541.3(b)(2).

■ 3. The first paragraph of § 545.4 is designated as paragraph (a) and the second paragraph of § 545.4 is designated as paragraph (b) and revised to read as follows:

##### **§ 545.4 Response to inquiries.**

(a) \* \* \*

(b) At any time prior to August 31, 2007, each manufacturer must, upon request from the Office of Vehicle Safety Compliance, provide information identifying the vehicles (by make, model, and vehicle identification number) that are excluded from the requirements of 49 CFR part 541 pursuant to 49 CFR 541.3(b)(2).

■ 4. Section 545.6 is amended by revising the heading, paragraph (a) introductory text, and paragraph (b)(1) to read as follows:

##### **§ 545.6 Reporting requirements for vehicles listed in § 541.3(a)(1).**

(a) *General reporting requirements.* Within 60 days after the end of the production year ending August 31, 2007, each manufacturer shall submit a report to the National Highway Traffic Safety Administration concerning its compliance with 49 CFR part 541 for vehicles listed in § 541.3(a)(1) that were manufactured between September 1, 2006 and August 31, 2007. Each report must—

\* \* \* \* \*

(b) *Report content—(1) Basis for Statement of Compliance.* Each manufacturer shall provide the number of motor vehicles listed in § 541.3(a)(1) that were manufactured between September 1, 2006 and August 31, 2007 (excluding those motor vehicles that were subject to the requirements of 49 CFR part 541 before September 1, 2006).

\* \* \* \* \*

■ 5. Section 545.7 is amended by revising the heading to read as follows:

##### **§ 545.7 Reporting requirements for vehicles listed in § 541.3(b)(2).**

\* \* \* \* \*

Issued on: August 10, 2007.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## **DEPARTMENT OF COMMERCE**

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

#### **50 CFR Part 660**

**[Docket No. 070404078-0778-01]**

**RIN 0648-XB00**

#### **Fisheries off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor, Mothership and Shore-based Sectors**

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces the end of the 2007 Pacific Whiting (whiting) primary Season for the catcher-processor, mothership and shore-based sectors at 1800 local time (l.t.) July 26, 2007. This action is intended to minimize impacts on widow rockfish and to keep the harvest of widow

rockfish, an overfished species, within its 2007 optimum yield (OY).

**DATES:** Effective from 1800 l.t. July 26, 2007, until the start of the 2008 primary seasons, unless modified, superseded or rescinded in which NMFS will publish a notification in the **Federal Register**. Comments will be accepted through September 4, 2007.

**ADDRESSES:** You may submit comments, identified by [RIN number 0648-XB00], by any of the following methods:

1. E-mail:

[Whitingclosureall.nwr@noaa.gov](mailto:Whitingclosureall.nwr@noaa.gov)

Include [RIN number 0648-XB00] in the subject line of the message.

2. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

3. Fax: 206-526-6736, Attn: Becky Renko.

4. Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Becky Renko.

#### **FOR FURTHER INFORMATION CONTACT:**

Becky Renko at 206-526-6110.

**SUPPLEMENTARY INFORMATION:** This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California.

The 2007 non-tribal commercial optimum yield (OY) for whiting is 208,091 mt. Regulations at 50 CFR 660.323(a)(4) divide the commercial whiting OY into separate allocations for the catcher-processor, mothership, and shore-based sectors. The catcher-processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of catcher vessels that harvest whiting and mothership vessels that process, but do not harvest whiting. The shore-based sector is composed of vessels that harvest whiting for delivery to land-based processors. Each commercial sector receives a portion of the commercial OY. For 2007, the catcher-processors received 34 percent (70,751 mt), motherships received 24 percent (49,942 mt), and the shore-based sector received 42 percent (87,398 mt).

#### **Overfished Species**

The limited availability of overfished species that can be taken as incidental catch in the whiting fisheries, particularly canary, darkblotched and widow rockfish led to NMFS implementing bycatch limits for those species. With bycatch limits, the industry has the opportunity to harvest a larger whiting OY, providing the

incidental catch of overfished species does not exceed the adopted bycatch limits. If a bycatch limit is reached, all non-tribal sectors of the whiting fishery are closed for the remainder of the year. For 2007, the following bycatch limits were specified for the non-tribal whiting sectors: 4.7 mt for canary rockfish, 25 mt for darkblotched rockfish and 220 mt for widow rockfish.

The best available information on July 25, 2007, indicated that 220.7 mt of widow rockfish had been taken in the whiting fisheries in 2007. Accordingly, the primary seasons for the catcher-processor sector, mothership sector and the shore-based sectors were ended at 1800 l.t. July 26, 2007 through actual notice to the fishers. Actual notice was made by fax, VHS radio notice to mariners, internet postings on the Northwest Region's whiting web site and the Oregon Department of Wildlife's whiting web site, and by emails sent to a public groundfish listserve maintained by NMFS Northwest Region.

#### NMFS Action

This notice announces that the primary seasons for the catcher-processor, mothership and shore-based sectors of the whiting fishery, was ended at 1800 l.t. July 26. The best available information on July 25, 2007, indicated that 220.7 mt of widow rockfish has been taken by these sectors of the whiting fisheries. Because the

bycatch limit had been reached and in accordance with the regulations at 50 CFR 660.373(b)(4), NMFS announced that effective 1800 l.t. July 26, 2007: (1) further taking and retaining, receiving or at-sea processing of whiting by a catcher-processor is prohibited; (2) further taking and retaining, receiving or at-sea processing of whiting by a mothership processor is prohibited, and (3) no more than 10,000-lb (4,536 kg) of whiting may be taken and retained, possessed or landed by any vessel participating in the shore-based sector of the whiting fishery, unless otherwise announced in the **Federal Register**. For vessels in the at-sea processing sectors, no additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher-processor or mothership may continue to process whiting that was on board before at-sea processing was prohibited. For vessels in the shore-based sector fishing shoreward of the 100 fm (183 m) contour in the Eureka area (43O - 40O30' N. lat.) at any time during a fishing trip, the 10,000-lb (4,536 kg) trip limit applies, as announced in the management measures 660.373 (d).

#### Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. Actual notice of the closure was

provided to the fishers prior to the effective date. The Assistant Administrator for Fisheries, NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for comment on this action pursuant to 5 U.S.C. 553 (3)(b)(B), because providing prior notice and opportunity would be impracticable. It would be impracticable because if this closure were delayed in order to provide notice and comment, the catch of widow rockfish would be expected to result in the rebuilding-based OY being exceeded. The delay needed to provide a cooling off period also could be expected to result in the rebuilding-based OY for widow rockfish being exceeded. Therefore, good cause also exists to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553 (d)(3). The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours.

This action is taken under the authority of 50 CFR 660.373 (b) and is exempt from review under E.O. 12866.

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

Dated: August 10, 2007.

**Emily H. Menashes,**

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