

FIGURE 8.—AVERAGE FIRST-YEAR COMPLIANCE COSTS AS A PERCENT OF REVENUE

Type	Average first-year cost	Average revenue	Cost as a percent of revenue (percent)
	A	B	A/B
Regional .....	\$5,761	\$45,483,871	0.01
Local .....	767	3,121,019	0.02
S & T .....	769	3,137,255	0.02
Small Transit .....	245	590,000	0.04
Chemical Manufacturer, 10–19 FTE .....	71,693	18,637,676	0.38
Chemical Wholesaler, 10–19 FTE .....	71,693	6,184,695	1.16
Agricultural Wholesaler, 10–19 FTE .....	71,693	6,062,925	1.18

Source: TSA Calculations.

### 7.5 Identification of Duplication, Overlap, and Conflict With Other Rules

TSA has no knowledge of any duplicative, overlapping, or conflicting Federal rules.

### 7.6 Preliminary Conclusion

Based on this preliminary analysis, TSA has not determined if the rulemaking would have a significant economic impact on a substantial number of small entities under section 605(b) of the RFA (5 U.S.C. 601 *et seq.*). The agency requests comment on all aspects of this analysis. TSA will publish a Final Regulatory Flexibility Analysis for the Final Rule.

Issued in Arlington, Virginia, on February 12, 2007.

**Mardi Ruth Thompson,**

*Deputy Chief Counsel for Regulations.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018–AV19

### Endangered and Threatened Wildlife and Plants; 12-Month Petition Finding and Proposed Rule To List the Polar Bear (*Ursus maritimus*) as Threatened Throughout Its Range

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

**ACTION:** Proposed rule; notice of public informational meetings and public hearings.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the locations and times of combined public meetings that have been scheduled to: (1) Provide information on the 12-month petition finding and proposed rule to

list the polar bear (*Ursus maritimus*) as threatened throughout its range, and (2) Receive verbal public comments on that proposal.

**DATES:** The meeting dates are:

1. March 1, 2007, 7 to 10 p.m., Anchorage, AK.

2. March 5, 2007, 6 to 9 p.m., Washington, DC.

3. March 7, 2007, 5 to 10 p.m., Barrow, AK.

We will accept written comments until April 9, 2007. If you wish to submit written comments, follow the directions in our January 9, 2007, proposed regulation (72 FR 1064).

**ADDRESSES:** The meeting locations are:

1. Anchorage—Wilda Marston Theatre, Z.J. Loussac Library, 3600 Denali Street, Anchorage, AK 99503.

2. Washington, DC—Department of the Interior (Sidney Yates Auditorium), 1849 C St., NW., Washington, DC 20240.

3. Barrow—Inupiat Heritage Center (Multipurpose Room), Barrow, AK 99723.

#### FOR FURTHER INFORMATION CONTACT:

Cathy Rezabeck, Regional Outreach Coordinator, 1011 East Tudor Rd., MS–101, Anchorage, AK 99503 (telephone 907/786–3351). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, 7 days a week. For information concerning the Washington, D.C., meeting, please contact Valerie Fellows, Public Affairs Specialist, U.S. Fish and Wildlife Service, 1849 C Street, NW., Washington, DC 20240 (telephone 202/208–5634).

**SUPPLEMENTARY INFORMATION:** We will hold a combined public informational meeting and public hearing at the following locations: Anchorage, Alaska; Barrow, Alaska; and Washington, DC. In each location, the public informational meeting will precede the public hearing. All meetings will include a 30-minute presentation on the Service's status

review of the polar bear followed by a 30-minute question and answer period on the status review. We invite the public to provide oral testimony during the public hearing.

### Background

On January 9, 2007, we published a proposed rule (72 FR 1064) to list the polar bear as threatened on the Federal List of Endangered and Threatened Wildlife in 50 CFR 17.11(h). Because of the wide geographic scope of the proposal and heightened public interest, we have scheduled public informational meetings and public hearings at three locations.

Our purpose for holding these public informational meetings is to provide additional opportunities for the public to gain information and ask questions about our proposal. These informational sessions should assist interested parties in preparing substantive comments, which we will accept until close of business (5 p.m.) Alaska Local Time on April 9, 2007. The public hearings will be the only method for the public to verbally present comments and data for entry into the public record of this rulemaking and for our consideration during our final decision. Anyone wishing to make an oral comment or statement for the record at a public hearing listed above is encouraged (but not required) to also provide a written copy of the statement and present it to us at the hearing. Oral and written statements receive equal consideration. In the event there is a large attendance, the time allotted for oral statements may be limited.

Comments and data can also be submitted in writing or electronically, as described in the January 9, 2007, proposal, and at: <http://alaska.fws.gov/fisheries/mmm/polarbear/issues.htm>.

### Public Comments Solicited

We intend that any final action resulting from the proposed rule will be

as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule. We particularly seek comments concerning:

(1) Information on taxonomy, distribution, habitat selection (especially denning habitat), food habits, population density and trends, habitat trends, and effects of management on polar bears;

(2) Information on the effects of sea ice change on the distribution and abundance of polar bears and their principal prey over the short and long term;

(3) Information on the effects of other potential listing factors, including oil and gas development, contaminants, ecotourism, hunting, and poaching, on the distribution and abundance of polar bears and their principal prey over the short and long term;

(4) Information on regulatory mechanisms and management programs for polar bear conservation, including mitigation measures related to oil and gas exploration and development, hunting conservation programs, anti-poaching programs, and any other private, tribal, or governmental conservation programs that benefit polar bears;

(5) The specific physical and biological features to consider, and specific areas that may meet the definition of critical habitat and that should or should not be considered for a proposed critical habitat designation as provided by section 4 of the Endangered Species Act;

(6) Information relevant to whether any populations of the species may qualify as distinct population segments; and

(7) The data and studies referred to within the proposal.

#### Author

The author of this notice is Charles S. Hamilton, U.S. Fish and Wildlife Service, Anchorage, Alaska.

#### Authority

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

Dated: February 2, 2007.

**Mamie A. Parker,**

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

[FR Doc. 07-723 Filed 2-13-07; 11:21 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 223

[Docket No. 070122014-7014-01; I.D. 011907A]

RIN 0648-AV04

### Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements

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

**ACTION:** Advance notice of proposed rulemaking; request for comments.

**SUMMARY:** NMFS issues this advance notice of proposed rulemaking to announce that it is considering amendments to the regulatory requirements for turtle excluder devices (TEDs). Specific changes NMFS is considering include increasing the size of the TED escape opening currently required in the summer flounder fishery; requiring the use of TEDs in the flynet, whelk, calico scallop, and Mid-Atlantic sea scallop trawl fisheries; and moving the current northern boundary of the Summer Flounder Fishery-Sea Turtle Protection Area off Cape Charles, Virginia, to a point farther north. The objective of the proposed measures would be to effectively protect all life stages and species of sea turtle in Atlantic trawl fisheries where they are vulnerable to incidental capture and mortality. NMFS is seeking public comment on these potential amendments to the TED regulations. NMFS is also soliciting public comment on the need for, and development and implementation of, other methods to reduce bycatch of sea turtles in any commercial or recreational fishery in the Atlantic and Gulf of Mexico where sea turtle conservation measures do not currently exist.

**DATES:** Comments will be accepted through March 19, 2007.

**ADDRESSES:** Written comments on this action and requests for literature cited should be addressed to Michael Barnette, Southeast Regional Office, Office of Protected Resources, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701. Comments may also be sent via fax to 727-824-5309, via email to 0648-AV04@noaa.gov, or to the Federal eRulemaking portal: <http://www.regulations.gov> (follow instructions for submitting comments).

**FOR FURTHER INFORMATION CONTACT:** Michael Barnette (ph. 727-824-5312,

fax 727-824-5309, e-mail [Michael.Barnette@noaa.gov](mailto:Michael.Barnette@noaa.gov)), Ellen Keane (ph. 978-281-9300 x6526, fax 978-281-9394, e-mail [Ellen.Keane@noaa.gov](mailto:Ellen.Keane@noaa.gov)), or Tanya Dobrzynski (ph. 301-713-2322, fax (301) 427-2522, e-mail [Tanya.Dobrzynski@noaa.gov](mailto:Tanya.Dobrzynski@noaa.gov)).

#### SUPPLEMENTARY INFORMATION:

##### Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered. Incidental capture of sea turtles in fisheries (bycatch) is a primary factor hampering the recovery of sea turtles in the Atlantic Ocean and the Gulf of Mexico.

To address this factor comprehensively, NMFS has initiated a Strategy for Sea Turtle Conservation and Recovery in Relation to Atlantic Ocean and Gulf of Mexico Fisheries (Strategy). The Strategy is a gear-based approach to addressing sea turtle bycatch. Certain types of fishing gear are more prone to the incidental capture of sea turtles than others, depending on the design of the gear, the way the gear is fished, and/or the time and area within which it is fished. An evaluation of sea turtle interactions by gear type provides a more comprehensive assessment of fishery impacts across fishing sectors as well as across state, federal, and regional boundaries. Through this strategy, NMFS seeks to address sea turtle bycatch across jurisdictional boundaries and fisheries for gear types that have the greatest impact on sea turtle populations.

Through the Strategy and based on documented sea turtle-fishery interactions, NMFS has identified trawl gear as a priority for reducing sea turtle bycatch. Trawling is a method of fishing that involves actively towing a net through the water behind one or more boats. Because trawl gear is towed, it has the capability to incidentally capture sea turtles and other species that are not the intended target of the fishery. The likelihood of incidental capture is inherent in the basic design of trawls, regardless of the specific fishery. Trawl fisheries with documented observer coverage or