

**Authority:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.49.

#### § 233.11 [Amended]

■ 41. Section 233.11 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

#### PART 234—[AMENDED]

■ 42. The authority citation for part 234 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.49.

#### § 234.6 [Amended]

■ 43. Paragraph (a) of § 234.6 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

#### PART 235—[AMENDED]

■ 44. The authority citation for part 235 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.49.

#### § 235.9 [Amended]

■ 45. Section 235.9 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

#### PART 236—[AMENDED]

■ 46. The authority citation for part 236 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note and 49 CFR 1.49.

#### § 236.0 [Amended]

■ 47. Paragraph (f) of § 236.0 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

#### PART 238—[AMENDED]

■ 48. The authority citation for part 238 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; 49 CFR 1.49.

#### § 238.11 [Amended]

■ 49. Paragraph (a) of § 238.11 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

#### PART 239—[AMENDED]

■ 50. The authority citation for part 239 continues to read as follows:

**Authority:** 49 U.S.C. 20102–20103, 20105–20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461, note; and 49 CFR 1.49(c), (g), (m).

#### § 239.11 [Amended]

■ 51. Section 239.11 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

#### PART 240—[AMENDED]

■ 52. The authority citation for part 240 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.49.

#### § 240.11 [Amended]

■ 53. Paragraph (a) of § 240.11 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

#### PART 241—[AMENDED]

■ 54. The authority citation for part 241 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461, note; 49 CFR 1.49.

#### § 241.15 [Amended]

■ 55. Paragraph (a) of § 241.15 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

#### PART 244—[AMENDED]

■ 56. The authority citation for part 244 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 21301; 5 U.S.C. 553 and 559; 28 U.S.C. 2461, note; and 49 CFR 1.49.

#### § 244.5 [Amended]

■ 57. Paragraph (a) of § 244.5 is amended by removing the numerical amount "\$11,000" and adding in its place the numerical amount "\$15,000."

Issued in Washington, DC on June 3, 2005.

**Joseph H. Boardman,**

*Administrator, Federal Railroad Administration.*

[FR Doc. 05–11396 Filed 6–7–05; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### 49 CFR Part 1507

[Docket No. TSA–2004–18984, Amendment 1507–1]

RIN 1652–AA36

#### Privacy Act of 1974: Implementation of Exemptions; Registered Traveler Operations Files

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** Final rule.

**SUMMARY:** TSA is issuing a final rule that will exempt the Registered Traveler Operations Files (DHS/TSA 015) from several provisions of the Privacy Act of 1974 to prevent the unauthorized disclosure of classified and law enforcement information.

**DATES:** Effective July 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Lisa Dean, Privacy Officer, Office of Transportation Security Policy, TSA–9, 601 South 12th Street, Arlington, VA 22202–4220; telephone (571) 227–3947.

#### SUPPLEMENTARY INFORMATION:

##### Availability of Rulemaking Document

You may obtain an electronic copy using the Internet by—

- (1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>);
- (2) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>; or
- (3) Visiting the TSA's Law and Policy Web page at <http://www.tsa.gov/public>.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

##### Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within TSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in **FOR FURTHER INFORMATION CONTACT**. Persons can obtain further information regarding SBREFA on the Small Business Administration's Web page at [http://www.sba.gov/advo/laws/law\\_lib.html](http://www.sba.gov/advo/laws/law_lib.html).

## Background

On June 1, 2004, TSA published a notice in the **Federal Register** establishing a new system of records titled "Registered Traveler Operations Files (DHS/TSA 015)," which governs records related to the Registered Traveler (RT) pilot program. See 69 FR 30948. TSA is currently conducting a pilot program at a limited number of airports to test and evaluate the merits of the RT program, in which travelers may volunteer to undergo a limited security threat assessment in order to expedite the pre-boarding process.

In conjunction with the establishment of Registered Traveler Operations Files (DHS/TSA 015), TSA published a notice of proposed rulemaking on September 8, 2004, to exempt this system of records from several provisions of the Privacy Act. See 69 FR 54256. Specifically, TSA proposed to exempt the system of records from 5 U.S.C. 552a(c)(3) (accounting of disclosures); (d) (access to records); (e)(1) (relevancy and necessity of information); (e)(4)(G), (H) and (I) (agency requirements); and (f) (agency rules) pursuant to exemptions (k)(1) and (k)(2) of the Act. TSA claimed these exemptions in accordance with the Privacy Act so that the security aspects of the system may properly function, and to prevent the unauthorized disclosure of classified and law enforcement information.

TSA did not receive any comments on the proposed rule but made two minor, non-substantive changes. TSA revised § 1507.3(i)(1) (Accounting for Disclosures) to reflect the fact that the "investigative interest" involved may be on the part of the Department of Homeland Security or other law enforcement or recipient agencies. In § 1507.3(i)(2) (Access to Records) TSA also revised the reference "security sensitive information" to read "sensitive security information protected pursuant to 49 U.S.C. 114(s) and 49 CFR part 1520 \* \* \*". TSA therefore adopts the proposed rule as final with these minor modifications.

## Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*) requires that TSA consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from the Office of Management and Budget (OMB) for each collection of information it conducts, sponsors, or requires through regulations. TSA has determined that there are no current or

new information collection requirements associated with this rule.

## Analysis of Regulatory Impacts

This rule is not a "significant regulatory action" within the meaning of Executive Order 12886. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, I certify that this rule will not have a significant economic impact on a substantial number of small entities, because the reporting requirements themselves are not changed and because it applies only to information on individuals.

## Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), (Pub. L. 104-4, 109 Stat. 48), requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for proposed and final rules that contain Federal mandates. A "Federal mandate" is a new or additional enforceable duty, imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in aggregate, \$100 million or more in any one year the UMRA analysis is required. This rule will not impose Federal mandates on any State, local, or tribal government or the private sector.

## Executive Order 13132, Federalism

TSA has analyzed this rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government, and therefore will not have federalism implications.

## Environmental Analysis

TSA has reviewed this action for purposes of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4347) and has determined that this action will not have a significant effect on the human environment.

## Energy Impact

The energy impact of this document has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Public Law 94-163, as amended (42 U.S.C. 6362). We have determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

## List of Subjects in 49 CFR Part 1507

Privacy, Transportation security.

## The Amendment

■ In consideration of the foregoing, the Transportation Security Administration amends part 1507 of Chapter XII, Title 49 of the Code of Federal Regulations, as follows:

### PART 1507—PRIVACY ACT-EXEMPTIONS

■ 1. The authority citation for part 1507 is revised to read as follows:

**Authority:** 49 U.S.C. 114(l)(1), 40113, 5 U.S.C. 552a(j) and (k).

■ 2. Add a new paragraph (i) to § 1507.3 to read as follows:

#### § 1507.3 Exemptions.

\* \* \* \* \*

(i) *Registered Traveler Operations Files (DHS/TSA 015)*. The purpose of this system is to pre-screen and positively identify volunteer travelers using advanced identification technologies and conduct a security threat assessment to ensure that the volunteer does not pose a security threat. This system may expedite the pre-boarding process for the traveler and improve the allocation of TSA's security resources on individuals who may pose a security threat. Pursuant to exemptions (k)(1) and (k)(2) of the Privacy Act, DHS/TSA 015 is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of heightened security concerns relating to an actual or potential criminal, civil, or regulatory violation to the existence of an investigative interest on the part of the Department of Homeland Security or another Federal law enforcement or other recipient agency. Disclosure of the accounting would therefore present a serious impediment to transportation security law enforcement efforts and efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the program suitability determination, which undermines the entire system.

(2) From subsection (d) (Access to Records) because access to some of the records contained in this system of records could permit the individual who is the subject of a record to impede the program suitability determination. Amendment of the records would

interfere with ongoing security assessment investigations and program suitability determinations and impose an impossible administrative burden by requiring such investigations to be continuously reinvestigated. The information contained in the system may also include classified information, the release of which would pose a threat to national defense and/or foreign policy. In addition, permitting access and amendment to such information also could disclose sensitive security information protected pursuant to 49 U.S.C. 114(s) and 49 CFR part 1520, the disclosure of which could be detrimental to transportation security.

(3) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of screening applicants for program suitability, TSA must be able to review information from a variety of sources. What information is relevant and necessary may not always be apparent until after the evaluation is completed. In the interests of transportation security, it is appropriate to include a broad range of information that may aid in determining an applicant's suitability for the Registered Traveler program.

(4) From subsections (e)(4)(G), (H) and (I) (Agency Requirements), and (f) (Agency Rules), because this system is exempt from the access and amendment provisions of subsection (d).

Issued in Arlington, Virginia, on May 24, 2005.

**David M. Stone,**

*Assistant Secretary.*

[FR Doc. 05-10632 Filed 6-7-05; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 050228048-5144-02; I.D. 021705A]

RIN 0648-AS19

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Rebuilding Plan

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Amendment 23 to the Fishery Management Plan (FMP) for the

Reef Fish Resources of the Gulf of Mexico (Amendment 23) prepared by the Gulf of Mexico Fishery Management Council (Council). This final rule increases the minimum size limit for vermilion snapper to 11 inches (28 cm), total length (TL), for the recreational and commercial sectors; establishes a 10-fish recreational bag limit for vermilion snapper within the existing 20-fish aggregate reef fish bag limit; and closes the commercial vermilion snapper fishery from April 22 through May 31 each year. In addition, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Amendment 23 establishes a stock rebuilding plan, biological reference points, and stock status determination criteria for vermilion snapper in the Gulf of Mexico. The intended effect of this final rule is to end overfishing and rebuild the vermilion snapper resource.

**DATES:** This final rule is effective July 8, 2005.

**ADDRESSES:** Copies of the Regulatory Impact Review (RIR), Final Regulatory Flexibility Analyses (FRFA), Final Supplemental Environmental Impact Statement (FSEIS), and Record of Decision (ROD) may be obtained from the Southeast Regional Office, NMFS, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701.

**FOR FURTHER INFORMATION CONTACT:**

Peter Hood, telephone: 727-551-5728, fax: 727-824-5308, e-mail: [peter.hood@noaa.gov](mailto:peter.hood@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622.

NMFS approved Amendment 23 on May 23, 2005. NMFS published a proposed rule to implement Amendment 23 and requested public comment on the proposed rule through April 25, 2005 (70 FR 11600, March 9, 2005). The rationale for the measures in Amendment 23 is provided in the preamble to the proposed rule and is not repeated here.

#### Comments and Responses

Following is a summary of comments received on Amendment 23 and the associated proposed rule along with NMFS' responses.

*Comment 1:* Increasing the minimum size from 10 inches (25.4 cm) to 11 inches (28.0 cm) total length and establishing a commercial closed season

from April 21 to May 31 will result in high rates of discard mortality, minimizing the effectiveness of harvest reduction measures.

*Response:* All harvest reduction measures examined in Amendment 23 have some associated discard mortality. In evaluating the measures, the Council balanced harvest reduction, the degree of discard mortality, and the economic efficacy of each alternative.

Increasing the minimum size to 11 inches (28 cm) would temporarily increase the number of discards.

However, it also protects vermilion snapper spawning by protecting immature fish from harvest and allows mature fish additional spawning seasons. As time proceeds, the number of discards should decrease somewhat as the population rebuilds and larger fish become more available.

The closed season for the commercial fishery was requested by industry representatives to avoid a 12-inch minimum size limit, avoid trip limits, and minimize the economic harm to markets of an extended season closure. To minimize the number of vermilion snapper discarded when the commercial red snapper season is open, the season closure was designed to only span one red snapper 10-day season (May 1 through May 10). The closed season will have some positive effect on vermilion snapper spawning because it covers the beginning of the reproductive season.

*Comment 2:* Three comments were received suggesting the recreational and commercial fisheries should be closed at the same time to halt illegal sale of vermilion snapper by anglers when the commercial season is closed.

*Response:* To sell reef fish, a valid Federal commercial reef fish permit is required. Reef fish can only be sold to a dealer who has a valid Federal permit for Gulf reef fish. Thus, the sale of recreationally caught reef fish such as vermilion snapper is illegal. While keeping concurrent closed seasons for the commercial and recreational fisheries would aid enforcement of illegal sales, the Council determined that it preferred a year-round recreational fishery. A recreational closed season would only increase bycatch mortality for this mainly non-target species. To achieve the needed harvest reductions, they chose to increase the minimum size and decrease the bag limit to provide protection to the stock year-round.

The Council selected the closed season for the commercial fishery based on industry input. Commercial fishermen opposed trip limits as a means to achieve the required reductions. They suggested one 40-day