

scoping process for subsequent environmental review, such as if NMFS later issues an NOI to prepare an EIS for a proposed action related to the Convention.

In the event of ratification of the Convention (in which case the United States would become a member of the Commission) and legislation the need for action would be limited to fulfilling the obligations of the United States with respect to the Convention provisions that are ready for decision-making. Examples of such provisions are in the articles of the Convention relating to: flag state duties; compliance and enforcement; boarding and inspection; port state measures; the implementation of a regional vessel observer program; and regulation and monitoring of transshipments.

#### **Commission's Second Annual Session, December 2005, Pohnpei, Federated States of Micronesia**

The United States has not ratified the Convention as of this date and thus will participate in the second session of the Commission in December 2005 as a cooperating non-member. Anticipated items of interest at the December 2005 Commission session include the status of bigeye and yellowfin tuna stocks and consideration of conservation and management measures to ensure sustainable use of those stocks, the establishment of the Northern Committee (NC), and the first meeting of the Technical and Compliance Committee (TCC).

The first meeting of the Commission's Scientific Committee (SC), held in Noumea, New Caledonia, in August 2005, resulted in updated stock assessments for the four primary tuna species in the Convention Area. The most recent results for bigeye tuna confirm previous analyses that the current level of fishing mortality is likely greater than the level associated with maximum sustainable yield (MSY). In addition the most recent yellowfin tuna assessment is more pessimistic than previous analyses, and suggests this stock is also subject to a fishing mortality rate greater than the level associated with MSY. As the Commission previously resolved (2004) to adopt conservation and management measures at the 2005 annual session and the SC's latest assessments suggest overfishing is occurring for two principal tuna stocks in the region, there will be considerable attention given to potential conservation and management measures for these stocks.

The NC is to be established as a subsidiary body of the Commission with responsibility to develop

recommendations for conservation and management measures for those stocks primarily located and fished north of the 20° parallel N. lat. Actions of the NC, once established, may include, in addition to establishing institutional processes for itself, proposing a Memorandum of Understanding between the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean and the Commission, and recommending that the Commission adopt a resolution to address the sustainable use of albacore tuna in the north Pacific.

The first meeting of the Commission's TCC is to be held immediately prior to the Commission session, and will likely focus on establishing a work plan for future action by the Committee. Other matters of priority will be the development of standards, specifications and procedures for the Commission's vessel monitoring system, the regional vessel observer program and the United Nations Food and Agricultural Organization Port State Model Scheme.

#### **Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Rhea Moss, NMFS, 808-944-2153 (voice) or 808-973-2941 (fax), at least 5 working days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*, and 16 U.S.C. 5501 *et seq.*

Dated: October 14, 2005.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## **DEPARTMENT OF COMMERCE**

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

[I.D. 101305A]

#### **Endangered Species; File No. 1552**

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the NMFS, Southeast Fisheries Science Center (SEFSC), 75 Virginia Beach Drive, Miami, Florida 33149, has applied in due form for a permit to take green (*Chelonia mydas*), loggerhead

(*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), and olive ridley (*Lepidochelys olivacea*) sea turtles for purposes of scientific research.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before November 18, 2005.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 1552.

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

Patrick Opay or Kate Swails, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The applicant proposes to handle, measure, weigh, photograph, flipper tag, passive integrated transponder tag, skin biopsy, and release up to 110 green, 550 loggerhead, 195 Kemp's ridley, 110 hawksbill, 235 leatherback, 110 olive ridley, and 145 unidentified hardshell (combination of green, loggerhead, Kemp's ridley, hawksbill, olive ridley, or hybrids that would not be able to be identified at the time of capture) sea

turtles annually. The applicant would sample turtles captured incidentally during other activities including the shark gillnet fishery, longline fisheries, the shrimp trawl fishery, and surveys during oil/gas platform removal. The capture would be authorized by the incidental take statements of the biological opinions that cover these activities. The research would provide data on the turtles that interact with these activities and provide data useful to better understanding turtle migration, habitat use, genetics, and population dynamics. The information would be used to develop, implement, and evaluate conservation recovery efforts for sea turtles. The research would take place in Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries. The permit would be issued for 5 years.

Dated: October 13, 2005.

**Carrie W. Hubbard,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 05-20894 Filed 10-18-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Publication of Families First Business Rules

**AGENCY:** Department of the Army, DOD.  
**ACTION:** Final notice.

**SUMMARY:** The Military Surface Deployment and Distribution Command (SDDC), as the Department of Defense (DoD) Traffic Manager for the Personal Property Program published the Defense Personal Property System (DPS) Phase II Business Rules for Industry comment. These rules were posted to the Families First Web Site located at <http://www.sddc.army.mil> under Families First.

This announcement is being made to provide an overview of the comments received by SDDC from the **Federal Register** notice published on April 26, 2005 (70 FR 21401). All stakeholders were given 30 days to review these draft business rules and provide SDDC their comments. Responses were returned in several ways, including letters, spreadsheets and the Frequently Asked Question process.

SDDC received approximately 1300 comments from the industry. Some of the comments were unique, but there were many duplicates.

After the initial review of the comments and identification of duplicates, the comments were assigned

to SDDC Subject Matter Experts (SME) in each of the associated Functional Areas related to the development of DPS. These SME's performed a detailed review of these comments to determine if revision to the business rules were appropriate.

Our review indicated that there were approximately 800 duplicates and 500 unique comments. Some of industries major concerns were: the new best value traffic distribution methodology, establishment of minimum performance score, claims metrics, issues with CWA/invoicing, prompt payment, hard copy documentation, low response customer survey response rate, lack of statistically valid number of Transportation Service Providers (TSPs), non-availability of interface with TSP systems, 13% cost growth limitation on the new program, access to rate filing instructions, tools required to perform rate filing, inadequate time to test the new system, shipment management, TSP/agent relationship and access to multiple SCACs.

Our review indicated that all the comments required clarification to the business rules. SDDC is currently in the process of providing these clarifications in the business rules and will publish the Final Business Rule when incorporation of these changes is completed. In the **SUPPLEMENTARY INFORMATION** section, SDDC has identified Industry's major concerns.

**ADDRESSES:** Surface Deployment and Distribution Command, ATTN: SDPP, Room 10N35-29 (Judith Tarbox), Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332-5000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Judith Tarbox at (703) 428-3004.

**SUPPLEMENTARY INFORMATION:** Industry's comments ranged from questions, suggestions, rewording of business rules and requesting of additional information. SDDC will continue to work with Industry to clarify interpretations of the program and develop the understanding necessary to make the implementation of DPS a success. During the review of these comments, several consistent themes emerged, including:

1. *Requests for the release of SDDC proprietary information.* As part of developing rules/logic for DPS; SDDC has developed several DoD specific logic, formulas, and additional information to assist our System Integrator (SI) to implement our new Personal Property System. For example, some of the logic involves computation of targets per market to keep the program cost growth under 13% etc. This is DoD specific proprietary

information and is therefore acquisition sensitive thus cannot be released outside DoD.

2. *Questions that SDDC believes have already been addressed.* Many of the industry's comments are addressed in other sections of the business rules or other business rules documents. For example, distribution of shipments, spread and blackout dates, filing and settlement of claims, new rate filing process and timeline etc.

3. *Recurring questions.* Several unique questions were asked by Industry, but most of these questions were recurring questions from the past two years that have been previously responded to by SDDC. SDDC believes that these questions reveal areas where Industry may need more information, and SDDC will provide responses as part of the FAQ section of the Families First Web site. Additionally, topics of some of these questions will be considered for future Families First info-grams.

4. *Documentation Edits and Changes.* Industry identified areas in the documentation where editorial changes or updates to the documentation are necessary that are not related to the content of the Business Rules. Where applicable, SDDC will make all appropriate updates to the documentation to correct these items. For example: mileage guide reference in the new domestic 400NG tariff, business rules and international tender language changes for clarity and some changes to footnotes in the business rules and cross referencing of business rules etc.

5. *Industry opinion.* In many cases Industry reiterated opinions and concerns with regards to the Families First Program. SDDC continues to provide a monthly In-Process Review (IPR) to the Industry to discuss these concerns and work towards a better understanding and resolution of issues.

6. *Business Rules Changes.* In some cases, Industry identified perceived gaps in the business rules or divergent business rule explanations in the documentation. In such cases SDDC will work to provide clarification to the business rule document. For example: Historical tonnage will be provided to all DoD qualified TSPs per market.

#### Regulatory Flexibility Act

This action is not considered rule making within the meaning of Regulatory Flexibility Act, 5 U.S.C. 601-612.

#### Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3051 *et seq.*, does not apply because no information collection or record keeping requirements are