

§ 98.102 Content of Error Rate Reports.

(a) *Baseline Submission Report*—At a minimum, States, the District of Columbia and Puerto Rico shall submit an initial error rate report to the Department, as required in § 98.100, which includes the following information on errors and resulting improper payments occurring in the administration of CCDF grant funds, including Federal Discretionary Funds (which includes any funds transferred from the TANF Block Grant), Mandatory and Matching Funds and State Matching and Maintenance-of-Effort (MOE Funds):

(1) Percentage of cases with an error (regardless of whether such error resulted in an over or under payment), expressed as the total number of cases in the sample with an error compared to the total number of cases in the sample;

(2) Percentage of cases with an improper payment (both over and under payments), expressed as the total number of cases in the sample with an improper payment compared to the total number of cases in the sample;

(3) Percentage of improper payments (both over and under payments), expressed as the total dollar amount of improper payments in the sample compared to the total dollar amount of payments made in the sample;

(4) Average amount of improper payments (gross over and under payments, divided by the total number of cases in the sample that had an improper payment (both over and under payments));

(5) Estimated annual amount of improper payments (which is a projection of the results from the sample to the universe of cases statewide during the 12-month review period) calculated by multiplying the percentage of improper payments by the total dollar amount of child care payments that the State, the District of Columbia or Puerto Rico paid during the 12-month review period;

(6) For each category of data listed above, targets for errors and improper payments in the next reporting cycle (which must be lower than the most recent estimated error rates);

(7) Summary of methodology used to arrive at estimate, including fieldwork preparation, sample generation, record review and error rate computation processes;

(8) Discussion of the causes of improper payments identified and actions that will be taken to correct those causes in order to reduce the error rates;

(9) Description of the information systems and other infrastructure that assist the State, the District of Columbia

and Puerto Rico in identifying and reducing improper payments, or if the State, the District of Columbia or Puerto Rico does not have these tools, a description of actions that will be taken to acquire the necessary information systems and other infrastructure; and

(10) Such other information as specified by the Secretary.

(b) *Standard Report*—At a minimum, the State, the District of Columbia and Puerto Rico shall submit an error rate report to the Department, as required in § 98.100, made subsequent to the baseline submission report as set forth in § 98.102(a) which includes the following information on errors and resulting improper payments occurring in the administration of CCDF grant funds, including Federal Discretionary Funds (which includes any funds transferred from the TANF Block Grant), Mandatory and Matching Funds and State Matching and Maintenance-of-Effort (MOE Funds):

(1) All the information reported in the baseline submission, as set forth in § 98.102(a), updated for the current cycle;

(2) For each category of data listed in § 98.102(a)(1) through (5), States, the District of Columbia and Puerto Rico must include data and targets from the prior cycle in addition to data from the current cycle and targets for the next cycle;

(3) Description of whether the State, the District of Columbia or Puerto Rico met error rate targets set in the prior cycle and, if not, an explanation of why not;

(4) Discussion of the causes of improper payments identified in the prior cycle and actions that were taken to correct those causes, in addition to a discussion on the causes of improper payments identified in the current cycle and actions that will be taken to correct those causes in order to reduce the error rates; and

(5) Such other information as specified by the Secretary.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[I.D. 021507B]

South Atlantic Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration, Commerce.

ACTION: Notice of additional public hearing.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold an additional public hearing in a series of public hearings regarding Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic. Amendment 18 will modify the total allowable catch (TAC) for the Atlantic migratory group king mackerel and Spanish mackerel fisheries, and change the commercial trip limits for Spanish mackerel to reflect recent changes in the fishing year.

DATES: The additional public hearing will be held March 18, 2007. Written comments regarding Amendment 18 must be received in the Council office by close of business on April 10, 2007. See **SUPPLEMENTARY INFORMATION** for the date, time, and location of the public hearing.

ADDRESSES: Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405, or via email to MackerelAmendment18@safmc.net. Copies of the public hearing document are available from Kim Iverson, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; telephone: 843-571-4366 or toll free at 866/SAFMC-10.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; telephone: 843-571-4366; fax: 843-769-4520; email address: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: The Council initiated a regulatory amendment in June 2006 to adjust the TAC following an assessment and report reflecting the need to reduce the current TACs for both Atlantic migratory group king and Spanish mackerel. The Council is proposing to reduce the current annual TAC for king mackerel from 10.0 million pounds to 7.1 million pounds, and for Spanish mackerel from 7.04 million pounds to 6.7 million pounds. Amendment 18 was changed from a regulatory amendment to a plan amendment in September 2006 to allow more flexibility for alternatives. While the title has changed, the alternatives and information contained in the plan amendment remain the same.

Information regarding the other public hearings was published at 72 FR 8145, February 23, 2007, remain unchanged and will not be repeated in this notification.

Public Hearing, Date, and Location

The additional public hearing will be held Sunday, March 18, 2007, at 6 p.m. The hearing will be held at the Hatteras Civic Center, Highway 12, Hatteras, NC 27943.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by March 16, 2007.

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

Dated: February 26, 2007.

James P. Burgess,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 070215037-7037-01; I.D. 020907A]

RIN 0648-AV26

Fisheries in the Western Pacific; Western Pacific Precious Corals Fisheries; Control Date

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

ACTION: Advance notice of proposed rulemaking; notification of control date; request for comments.

SUMMARY: NMFS announces that persons who enter the black coral fishery in the Au'au Channel, Hawaii, after December 21, 2006, (the "control date") are not guaranteed future participation in the fishery if the

Western Pacific Fishery Management Council (Council) recommends, and NMFS approves, a program that limits entry into the fishery or fishing effort. This action does not commit the Council or NMFS to limit entry, or prevent any other date from being selected for use when limiting eligibility to participate in the Au'au Channel black coral fishery. The Council or NMFS may also use other criteria to limit fishing effort or participation in a limited entry program that is developed in the future.

DATES: Comments must be submitted in writing by May 1, 2007.

ADDRESSES: You may submit comments on this action identified by 0648-AV26 by any of the following methods:

- E-mail: AV26BlackCoral@noaa.gov.

Include 0648-AV26 in the subject line of the e-mail comment following document identifier: Black coral. Comments sent via e-mail, including all attachments, must not exceed a 10 megabyte file size.

- Federal e-Rulemaking portal: www.regulations.gov. Follow the instructions for submitting comments.

- Mail: William L. Robinson, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814.

FOR FURTHER INFORMATION CONTACT: Bob Harman, NMFS PIR, 808-944-2271.

SUPPLEMENTARY INFORMATION: At its 136th meeting in December, 2006, the Council adopted a control date of December 21, 2006, applicable to persons who are contemplating entering the fishery for black corals in the Au'au Channel, Hawaii (south of Maui). The Council requested that this control date be published in the **Federal Register** to provide timely notice to fishermen and the general public. Anyone entering the fishery after December 21, 2006, will not be guaranteed future access, if a management regime that limits the number of participants in the fishery is prepared and implemented.

Recent research has indicated that the biomass of the Au'au Channel black coral population has decreased by at least 25 percent in the last 30 years. Data collected in late 2001, during submersible dives, showed a decline in

recruitment, as well as a decrease in the relative abundance of legal-sized coral colonies. The decline in recruitment may be related to an increase in abundance of the alien snowflake coral *Carijoa riisei*. This highly-invasive soft coral was found to be overgrowing large areas of black coral habitat and black coral colonies, especially at depths of 80-110 meters (beyond the normal working depth of black coral harvesters). Directed fishing pressure on black corals in shallower areas of the Au'au Channel bed is also considered to be an important factor in the observed population and recruitment declines.

Control dates are intended to discourage speculative entry into fisheries, as new participants entering the fisheries after the control date are forewarned that they are not guaranteed future participation in the fisheries. Establishment of this control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the Au'au Channel black coral fishery. Fishermen are not guaranteed future participation in the fishery, regardless of their level of participation before or after the control date. The Council may choose a different control date, or it may choose a management regime that does not involve a control date. Other criteria, such as documentation of commercial landings and sales, may be used to determine eligibility for participation in a limited access fishery. The Council also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

Classification

This advance notice of proposed rulemaking has been determined to be not significant for the purposes of Executive Order 12866.

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

Dated: February 26, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E7-3702 Filed 3-1-07; 8:45 am]

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