

Table 1 for the commercial summer flounder quota for Maryland is corrected to read as follows:

TABLE 1—FINAL STATE-BY-STATE COMMERCIAL SUMMER FLOUNDER ALLOCATIONS FOR 2011

State	FMP percent share	Initial quota (TAL)		Initial quota, less RSA		2010 quota overages (through 10/31/10)		Adjusted quota, less RSA	
		lb	kg	lb	kg	lb	kg	lb	kg
MD	2.03910	360,676	163,603	354,296	160,709	0	0	354,296	160,760

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive prior notice and opportunity for additional public comment for this action because this would be impracticable and contrary to the public interest. The proposed rule for the 2011 summer flounder, scup, and black sea bass specification already took comment on the initial summer flounder quota with the understanding that overage adjustments would be made. This action is correcting an error found in the specifications regarding the amount of commercial summer flounder quota allocated to Maryland. Using the most recent summer flounder landings data for Maryland, NMFS determined that the 2011 commercial summer flounder quota for Maryland should be increased from 298,330 lb (135.3 mt) to 354,296 lb (160.7 mt). This action is correcting an error made in the overage calculation and not to the initial summer flounder quota. Delaying the implementation of this action to allow for prior notice and opportunity for comment of this correction could result in a premature closure of the summer flounder fishery in Maryland. Given that Maryland has surpassed the state's summer flounder quota in the past, if the revised quota is not implemented, there is a higher potential this could happen again, and could produce unnecessary adverse economic consequences for fishermen that participate in this fishery. The measures in the proposed rule for the 2011 summer flounder, scup, and black sea bass specifications, for which the opportunity for public comment was already given, are unaffected by this correction.

Moreover, pursuant to 5 U.S.C. 553(d), the Assistant Administrator finds good cause to waive the 30-day delay in effective date. This action is correcting an error found in the specifications regarding the amount of commercial summer flounder quota

allocated to Maryland. Delaying the effective date of this correction for 30 days could result in a premature closure of the summer flounder fishery in Maryland. Given that Maryland has surpassed the state's summer flounder quota in the past, if the revised quota is not implemented immediately, there is a higher potential this could happen again, and could produce unnecessary adverse economic consequences for fishermen that participate in this fishery.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

This final rule is exempt from review under Executive Order 12866.

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

Dated: August 24, 2011.

Samuel D. Rauch III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0910051338-0151-02]

RIN 0648-XA652

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Decrease for the Common Pool Fishery

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

ACTION: Temporary rule; inseason adjustment of trip limit.

SUMMARY: NMFS decreases the trip limits for Gulf of Maine (GOM) and George's Bank (GB) cod for Northeast (NE) multispecies common pool vessels for the 2011 fishing year (FY), through April 30, 2012. This action is authorized under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and by the regulations implementing Amendment 16 and Framework Adjustment (FW) 44 to the NE Multispecies Fishery Management Plan (FMP). The action is intended to reduce the harvest of GOM and GB cod to prevent the common pool sub-annual catch limit (sub-ACL) from being exceeded.

DATES: Effective August 30, 2011, through April 30, 2012.

FOR FURTHER INFORMATION CONTACT: Brett Alger, Fisheries Management Specialist, (978) 675-2153, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: Regulations governing the NE multispecies fishery are found at 50 CFR part 648, subpart F. The regulations at § 648.86(o) authorize the NMFS NE Regional Administrator (RA) to adjust the trip limits for common pool vessels in order to optimize the harvest of NE regulated multispecies by preventing the overharvest or underharvest of stocks subject to sub-ACLs. For FY 2011, the common pool sub-ACL for GOM cod is 229,281 lb (104 mt). The current trip limit for GOM cod is 500 lb (226.8 kg) per day-at-sea (DAS), up to 2,000 lb (907.2 kg) per trip (76 FR 23042; April 25, 2011). The common pool sub-ACL for GB cod is 205,030 lb (93 mt). The current trip limit for GB cod is 3,000 lb (1,360.8 kg) per day-at-sea (DAS), up to 30,000 lb (13,607.8 kg) per trip (76 FR 30035; May 24, 2011).

As of August 11, 2011, based on the best available catch information, including Vessel Monitoring System (VMS) reports, dealer reports, and vessel trip reports, approximately 57 percent of the GOM cod, and 59 percent of the GB

cod of the common pool sub-ACLs have been harvested.

This action decreases the GOM cod trip limit to 350 lb (158.8 kg) per DAS, up to 1,000 lb (453.6 kg) per trip and decreases the GB cod trip limit to 300 lb (136.1 kg) per DAS, up to 600 lb (272.2 kg) per trip, for common pool vessels, effective August 30, 2011, through April 30, 2012, to reduce harvest of these stocks and prevent the overharvest of their respective sub-ACLs. This action does not change the current GB cod trip limit for vessels with a Handgear A permit (300 lb (136.1 kg) per trip), Handgear B permit (75 lb (34.0 kg) per trip), or Small Vessel Category permit (300 lb (136.1 kg) of cod, haddock, and yellowtail flounder combined). Catch will continue to be monitored through dealer-reported landings, VMS catch reports, and other available information, and if necessary, additional adjustments to common pool management measures may be made.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive prior notice and the opportunity for public comment for this inseason adjustment because notice and comment would be impracticable and contrary to the public interest. The regulations at § 648.86(o) grant the RA authority to adjust the NE multispecies trip limits for common pool vessels in order to prevent the overharvest or underharvest of the pertinent common pool sub-ACLs. This action decreases the trip limits for GOM and GB cod to reduce their harvest in order to prevent the common pool sub-ACLs from being exceeded. The time necessary to provide for prior notice and comment would prevent NMFS from implementing the necessary trip limit adjustments in a timely manner. A resulting delay in the reduction of trip limits would allow for continued higher catch rates and potentially allow the pertinent common pool sub-ACLs to be exceeded. This is contrary to the agency's obligation under the Magnuson-Stevens Act to prevent overfishing. Further, if the sub-ACLs are exceeded, this would trigger the implementation of accountability measures that will have negative economic impacts on the participants in the common pool. Giving effect to this rule as soon as possible will prevent these unnecessary impacts.

Further, the AA finds good cause pursuant to 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for this

action. This action decreases the trip limits for GOM and GB cod to reduce their harvest in order to prevent the common pool sub-ACLs from being exceeded. A delay in the reduction of trip limits would allow for continued higher catch rates and potentially allow the pertinent common pool sub-ACLs to be exceeded. This is contrary to the agency's obligation under the Magnuson-Stevens Act to prevent overfishing. Further, if the sub-ACLs are exceeded, this would trigger the implementation of accountability measures that will have negative economic impacts on the participants in the common pool. Giving effect to this rule as soon as possible will prevent these unnecessary impacts

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

Dated: August 25, 2011.

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 660

[Docket No. 110721401-1470-01]

RIN 0648-BB31

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendments 20 and 21; Trawl Rationalization Program; Correcting Amendments

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

ACTION: Final rule; correcting amendment.

SUMMARY: NMFS announces a correcting amendment to regulations implementing the Pacific Coast Groundfish Fishery Management Plan (PCGFMP). The regulations implementing Amendments 20 and 21 to the PCGFMP, which included reorganization of the entire groundfish regulations and revision of the trawl related regulations, contained inadvertent non-substantive errors that are being corrected by this action in order to assure the enforceability of the regulations and reduce potential confusion of regulated parties. Amendment 20 established a trawl rationalization program for the Pacific

Coast groundfish fishery, which included an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and nonwhiting sectors); and cooperative (coop) programs for the at-sea (whiting only) mothership and catcher/processor trawl fleets. Amendment 21 established fixed allocations for limited entry trawl participants.

DATES: This action is effective August 30, 2011.

FOR FURTHER INFORMATION CONTACT:

Becky Renko, NMFS, Northwest Region, 206-526-6110.

SUPPLEMENTARY INFORMATION:

Need for Corrections

On October 1, 2010 (75 FR 60868) and December 15, 2010 (75 FR 78344) NMFS published final rules to implement Amendments 20 and 21 to the PCGFMP. The October 1, 2010, final rule reorganized the Pacific Coast groundfish regulations previously at subpart G of part 660 by restructuring the regulations in subparts C through G of part 660 and adding regulations for establishing a new allocation structure and issuance of quota shares for the new trawl rationalization program. The second final rule, published on December 15, 2010, implemented the management structure for the trawl rationalization program that took effect on January 1, 2011. These actions contained numerous inadvertent minor errors in regulatory text, including: duplicate paragraphs; cross references that refer to incorrect sections and paragraphs; inconsistent formatting for cross references; and obsolete regulatory text that was not removed. This action corrects these non-substantive errors.

Duplicate paragraphs were identified at § 660.112 (c)(5) and (d)(12), § 660.150 (f)(2), and § 660.160 (e)(1). This action removes the duplicate regulatory text. Incorrect cross references as well as cross reference formatting errors are being corrected by this action. Language regarding the use of "bycatch limits" in the Pacific whiting fishery has been removed as they are no longer in use and have been replaced by allocations. Terms that were defined in the definitions, but inconsistently used in regulatory text were revised, including "Pacific Fishery Management Council", "sablefish primary season" and "economic data collection."

Classification

The Assistant Administrator (AA) finds good cause under 5 U.S.C. 553(b)(3)(B) to waive prior notice and opportunity for public comment because it is unnecessary and contrary