

### Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as “small entity compliance guides.” The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. Copies of the compliance guide for this final rule is available (see **ADDRESSES**).

### Weak Hook Voucher Program

The National Fish and Wildlife Foundation (an independent 501(c)(3) non-profit that preserves and restores our nation's native wildlife species and habitats) is conducting a Weak Hook Voucher Program through which Atlantic Tuna Longline permit holders who use PLL gear in the GOM may obtain an initial supply of weak hooks. The National Fish and Wildlife Foundation will mail vouchers to Atlantic Tuna Longline permit holders that used PLL gear in the GOM in 2009–2010. Atlantic Tuna Longline permit holders that have not received the National Fish and Wildlife Foundation voucher in the mail by April 12, 2011, and are planning to fish with PLL gear in the GOM this year, may request a voucher by contacting Mary Beth Charles with the National Fish and Wildlife Foundation at 202–595–2445 or [Marybeth.charles@nfwf.org](mailto:Marybeth.charles@nfwf.org). Weak hook vouchers are for hooks that will be used in the Gulf of Mexico and the National Fish and Wildlife Foundation will consider requests for vouchers on a case-by-case basis.

### List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: March 31, 2011.

**Eric C. Schwaab,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

### PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

**Authority:** 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.2, the definition of “round wire stock” is added in alphabetical order to read as follows:

#### § 635.2 Definitions.

\* \* \* \* \*

*Round wire stock* means round metal wire, typically used in the manufacturing of fishing hooks, that has not been forged, or otherwise modified or treated in any way to increase the original factory tensile strength set by the hook manufacturer.

\* \* \* \* \*

■ 3. In § 635.21, paragraph (c)(5)(iii)(C)(2)(i) is revised to read as follows:

#### § 635.21 Gear operation and deployment restrictions.

\* \* \* \* \*

- (c) \* \* \*
- (5) \* \* \*
- (iii) \* \* \*
- (C) \* \* \*
- (2) \* \* \*

(i) For purposes of paragraphs (c)(5)(iii)(C)(1) and (c)(5)(iii)(C)(2) of this section, the outer diameter of an 18/0 circle hook at its widest point must be no smaller than 2.16 inches (55 mm), and the outer diameter of a 16/0 circle hook at its widest point must be no smaller than 1.74 inches (44.3 mm), when measured with the eye of the hook on the vertical axis (y-axis) and perpendicular to the horizontal axis (x-axis). The distance between the hook point and the shank (*i.e.*, the gap) on an 18/0 circle hook must be no larger than 1.13 inches (28.8 mm), and the gap on a 16/0 circle hook must be no larger than 1.01 inches (25.8 mm). The allowable offset is measured from the barbed end of the hook, and is relative to the parallel plane of the eyed-end, or shank, of the hook when laid on its side. The only allowable offset circle hooks are those that are offset by the hook manufacturer. In the Gulf of Mexico, as described at § 600.105(c), circle hooks also must be constructed of corrodible round wire stock that is no larger than 3.65 mm in diameter.

\* \* \* \* \*

■ 4. In § 635.71, add paragraph (a)(54) to read as follows:

#### § 635.71 Prohibitions.

\* \* \* \* \*

- (a) \* \* \*

(54) Possess, use, or deploy, in the Gulf of Mexico, any circle hook, other than as described at § 635.21(c). Vessels in the Gulf of Mexico, with pelagic gear onboard, are prohibited from possessing, using, or deploying circle hooks that are constructed of round wire stock which is larger than 3.65 mm in

diameter (See: § 635.21(c)(5)(iii)(C)(2)(i)).

\* \* \* \* \*

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### DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

[Docket No. 0910051338–0151–02]

**RIN 0648–XA304**

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

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

**ACTION:** Temporary rule; inseason adjustment of landing limits.

**SUMMARY:** NMFS increases the possession limit for George's Bank (GB) cod, Cape Cod (CC)/Gulf of Maine (GOM) yellowtail flounder, and Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder, and reduces the trip limit GOM cod and GOM winter flounder for Northeast (NE) multispecies common pool vessels for the 2010 fishing year (FY), through April 30, 2011. This action is authorized under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, and by the regulations implementing Amendment 16 and Framework Adjustment 44 to the NE Multispecies Fishery Management Plan (FMP). The action is intended to facilitate the harvest of GB cod, CC/GOM yellowtail flounder, and SNE/MA yellowtail to allow the total catch of these stocks to approach the pertinent common pool sub-annual catch limits (sub-ACLs). This action is also intended to reduce catch rates of GOM cod and GOM winter flounder by NE common pool vessels and minimize additional overharvest of these stocks relative to the pertinent common pool sub-ACLs.

**DATES:** The trip limit increases for GB cod and SNE/MA and CC/GOM yellowtail flounder are effective March 31, 2011, through April 30, 2011. The trip limits reductions for GOM cod and GOM winter flounder are effective April 5, 2011, through April 30, 2011.

**FOR FURTHER INFORMATION CONTACT:** Sarah Heil, Fishery Policy Analyst, (978) 281–9257, fax (978) 281–9135.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the NE multispecies fishery are found at 50 CFR 648 subpart F. The regulations at § 648.86(o) authorize the NE Regional Administrator (RA) to adjust the possession limits for common pool vessels in order to optimize the harvest of NE regulated multispecies by preventing the overharvest or underharvest of the pertinent common pool sub-ACLs. For FY 2010, the common pool sub-ACLs for GB cod, GOM cod, CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, and GOM winter flounder are: 128 mt (282,192 lb); 240 mt (529,109 lb); 50 mt (110,231 lb); 75 mt (165,347 lb), and 25 mt (55,116 lb), respectively. The current possession limit for GB cod is 2,000 lb (907.2 kg) per day-at-sea (DAS) up to 20,000 lb (9,071.8 kg) per trip, and the current possession limit for CC/GOM yellowtail flounder and SNE/MA yellowtail flounder is 250 lb (113.4 kg) per DAS up to 1,500 lb (680.4 kg) per trip. The current possession limits for GOM cod and GOM winter flounder are: 100 lb (45.4 kg) per DAS up to 1,000 lb (453.6 kg) per trip and 250 lb (113.4 kg) per trip, respectively.

The initial limit for GOM cod set by Amendment 16 was 800 lb (362.9 kg) per DAS up to 4,000 lb (1,814.5 kg) per trip. An inseason action published in the **Federal Register** on May 27, 2010 (75 FR 29678), reduced the common pool trip limits for five stocks: GOM haddock, GB haddock, GOM winter flounder, GB winter flounder, and GB yellowtail flounder. A subsequent

action (75 FR 44924, July 30, 2010) reduced the trip limit for GOM cod to 200 lb (90.7 kg) per DAS up to 1,000 lb (453.6 kg) per trip and imposed a gear restriction in the U.S./Canada Management Area to reduce catch of GB yellowtail flounder. A September 2, 2010, inseason action (75 FR 53872) imposed 2:1 differential DAS counting in the Inshore GOM, Offshore GOM, Inshore GB, and Offshore GB Differential DAS Areas to reduce effort on GOM cod, white hake, and witch flounder. A fourth action (75 FR 59154, September 27, 2010) further reduced the GOM cod trip limit to 100 lb (45.4 kg) per DAS. No inseason adjustments have been made to the possession limits for GB cod, CC/GOM yellowtail flounder, or SNE/MA yellowtail flounder for FY 2010.

As of March 24, 2011, the best available catch information, including Vessel Monitoring System (VMS) reports and dealer reports, indicated that approximately 44 percent of the GB cod, 67 percent of the CC/GOM yellowtail flounder, 24 percent of the SNE/MA yellowtail flounder, 102 percent of the GOM cod, and 100 percent of the GOM winter flounder common pool sub-ACLs has been harvested. Based on this information, the RA determined that additional measures are needed to facilitate the harvest of GB cod, CC/GOM yellowtail flounder, and SNE/MA yellowtail flounder to help allow the total catch of these stocks by common pool vessels to approach the pertinent common pool sub-ACLs. Conversely, the RA

determined that additional measures are needed to slow catch rates of GOM cod and GOM winter flounder by common pool vessels. Therefore, the trip limit for GB cod is increased to 3,000 lb (1,360.8 kg) per DAS up to 30,000 lb (13,607.8 kg) per trip, and the trip limit for CC/GOM yellowtail flounder and SNE/MA yellowtail flounder is increased to 750 lb (340.2 kg) per DAS up to 3,000 lb (1,360.8 kg) per trip for common pool vessels, effective March 31, 2011 through April 30, 2011. In addition, the trip limit for GOM cod is reduced to 100 lb (45.4 kg) per trip, and the trip limit for GOM winter flounder is reduced to 100 lb (45.4 kg) per trip for common pool vessels, effective April 5, 2011, through April 30, 2011. This action does not change the current cod trip limit for vessels with a Handgear A (50 lb (22.7 kg) per trip), Handgear B (25 lb (11.3 kg) per trip), or Small Vessel Category (75 lb (34.0 kg) per trip of cod within the limit of 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder combined) permit. This action does change the GOM winter flounder trip limit for vessels with a Handgear A, Handgear B, or Small Vessel Category permit to 100 lb (45.4 kg) per trip. The trip limit adjustments implemented through this action are detailed in the table below. 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.

| Stock                         | Old possession/trip limit                                          | New possession/trip limit                                             |
|-------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------|
| CC/GOM yellowtail flounder    | 250 lb (113.4 kg) per DAS up to 1,500 lb (680.4 kg) per trip.      | 750 lb (340.2 kg) per DAS up to 3,000 lb (1,360.8 kg) per trip.       |
| SNE yellowtail flounder ..... | 250 lb (113.4 kg) per DAS up to 1,500 lb (680.4 kg) per trip.      | 750 lb (340.2 kg) per DAS up to 3,000 lb (1,360.8 kg) per trip.       |
| GB cod .....                  | 2,000 lb (907.2 kg) per DAS up to 20,000 lb (9,071.8 kg) per trip. | 3,000 lb (1,360.8 kg) per DAS up to 30,000 lb (13,607.8 kg) per trip. |
| GOM cod .....                 | 100 lb (45.4 kg) per DAS up to 1,000 lb (453.6 kg) per trip.       | 100 lb (45.4 kg) per trip.                                            |
| GOM winter flounder .....     | 250 lb (113.4 kg) per trip .....                                   | 100 lb (45.4 kg) per trip.                                            |

**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 finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(3) to waive prior notice and the opportunity for public comment, as well as delayed effectiveness, for this inseason adjustment because notice, comment, and a delayed effectiveness would be impracticable and contrary to the public interest. The regulations at

§ 648.86(o) grant the RA authority to adjust the NE multispecies possession limits for common pool vessels in order to prevent the overharvest or underharvest of the pertinent common pool sub-ACLs. This action increases the possession limit for GB cod, CC/GOM yellowtail flounder, and SNE/MA yellowtail flounder to facilitate the harvest of these stocks, as well as reduces the trip limits for GOM cod and GOM winter flounder to minimize overharvest of the common pool sub-ACLs for these stocks. Catch data upon

which this action is based have only recently become available. The time necessary to provide for prior notice and comment, and delayed effectiveness for this action, would prevent NMFS from implementing the necessary possession limit adjustments in a timely manner. A resulting delay in the liberalization of possession limits would unnecessarily restrain catch rates for GB cod, CC/GOM yellowtail flounder, and SNE/MA yellowtail flounder, thereby preventing the total catch of these stocks to approach the pertinent common pool

sub-ACLs. In addition, a resulting delay in the curtailment of the catch rates of GOM cod and GOM winter flounder could increase the amount of overharvest of GOM cod, or cause the GOM winter flounder sub-ACL to be exceeded, thereby undermining the conservation objectives of the FMP.

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

Dated: March 31, 2011.

**Margo Schulze-Haugen,**

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

[FR Doc. 2011-8056 Filed 3-31-11; 4:15 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 101126521-0640-02]

RIN 0648-XA347

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the B season allowance of the 2011 Pacific cod allowable catch (TAC) specified for

catcher vessels using trawl gear in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 4, 2011, through 1200 hrs, A.l.t., June 10, 2011.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The B season allowance of the 2011 Pacific cod TAC allocated to catcher vessels using trawl gear in the BSAI is 4,949 metric tons (mt) as established by the final 2011 and 2012 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS, has determined that the B season allowance of the 2011 Pacific cod TAC allocated to catcher vessels using trawl gear in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,449 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher vessels using trawl gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 30, 2011.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 31, 2011.

**Margo Schulze-Haugen,**

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

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