

9. The contract contains the final terms and conditions of this agreement between the parties and represents the entire and exclusive agreement between them.

10. The contract terms are severable, and, in the event that any portion of the contract is held to be unenforceable, the remaining portion shall remain fully enforceable against the parties.

11. Any and all disputes involving the contract shall be governed by laws of the

State of Alaska. The bidder expressly acknowledges that by submitting the Bid, he/she makes an irrevocable offer to relinquish the permit, and once having submitted the Bid, is not entitled to withdraw or in any way amend the Bid.

12. The failure of a bidder to perform his/her obligations under the Bid will result in irreparable damage to the SRA and its members upon submittal of the Plan to the Secretary for approval. Accordingly, the SRA

and the bidder expressly acknowledge that money damages are an inadequate means of redress and agree that upon failure of the bidder to fulfill his/her obligations under the Bid that specific performance of those obligations may be obtained by suit in equity brought by the SRA in any court of competent jurisdiction without obligation to arbitrate such action.

#### BIDDER'S SIGNATURE AND NOTARY'S ACKNOWLEDGEMENT AND CERTIFICATION

Bidder signature	Notary signature
(1) Sign (2) Print the following: (a) signer's name (b) signing date (c) state and city/borough  (1) (2)(a) (2)(b) (2)(c)	(1) Sign (2) Print the following: (a) name (b) signing date (3) date commission expires, and State and city/borough. Each notary signature attests to the following: "I certify that I know or have satisfactory evidence that the person who is signed in the 1st column of this same row is the person who appeared before me and: (1) Acknowledged his/her signature; (2) on oath, stated that he/she was authorized to sign; and (3) acknowledged that he/she did so freely and voluntarily."  (1) (2)(a) (2)(b) (3)

#### II. Southeast Revitalization Association signature Southeast Revitalization Association

Dated: \_\_\_\_\_

By: \_\_\_\_\_

#### Appendix C to § 600.1107—Conditional Notice to CFEC and Request by Permit Holder

In support of my Bid to the Southeast Revitalization Association (SRA), I have executed this Conditional Notice and request and authorize the Southeast Revitalization Association (SRA) to submit this executed document to the Alaska Commercial Fisheries Entry Commission (CFEC) in the event that the SRA accepts my bid to permanently relinquish my Southeast Salmon Purse Seine Entry Permit under AS 16.43.150(i).

I hereby notify the CFEC that the SRA has accepted my Bid to permanently relinquish my Southeast Salmon Purse Seine Entry Permit # \_\_\_\_\_.

I request the CFEC: (1) not to renew my above-identified entry permit; and (2) not to authorize any transfer of my entry permit.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

(Permit Holder/Bidder)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

#### Appendix D to § 600.1107—Conditional Relinquishment of Southeast Salmon Purse Seine Entry Permit

[AS 16.43.150(i)]

Upon satisfaction of the conditions that the Southeast Revitalization Association (SRA) accepts my bid and that NMFS agrees to pay my full bid amount to me, the SRA may submit this executed Conditional Relinquishment of Southeast Salmon Purse Seine Entry Permit to the Commercial Fisheries Entry Commission.

I fully understand this relinquishment of my permanent entry permit # \_\_\_\_\_ under AS 16.43.150(i) is permanent, and I will not be able to reinstate the permit.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

(Permit Holder/Bidder)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

[FR Doc. 2011-25750 Filed 10-5-11; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 100923469-1543-05]

RIN 0648-BA27

#### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Emergency Rule Extension, Georges Bank Yellowtail Flounder Catch Limit Revisions

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

**ACTION:** Temporary final rule; emergency action extension and request for comments.

**SUMMARY:** This action extends the Georges Bank (GB) yellowtail flounder specifications for fishing year (FY) 2011 that were implemented on May 1, 2011, through emergency authority concurrent with the Framework Adjustment (FW) 45 Final Rule under the Northeast (NE) Multispecies Fishery Management Plan (FMP), which is scheduled to expire on October 24, 2011. Specifically, this temporary rule maintains the current Acceptable Biological Catch (ABC) and Annual Catch Limit (ACL) for GB yellowtail flounder for an additional 186 days, *i.e.*, through the end of fishing

year (FY) 2010 (May 1, 2011 through April 30, 2012).

**DATES:** The effective date of the GB yellowtail flounder specifications in the final rule published April 25, 2011 (76 FR 23042) is extended through April 30, 2012. Comments are accepted through November 7, 2011.

**ADDRESSES:** You may submit comments, identified by FDMS Docket Number NOAA-NMFS-2011-0237, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-rulemaking portal: <http://www.regulations.gov>. To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter [NOAA-NMFS-2011-0237] in the keyword search. Locate the document you wish to comment on from the resulting list and click on the "Submit a Comment" icon on the right of that line.

- **Mail:** Paper, disk, or CD-ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930-2276. Mark the outside of the envelope: "Comments on NE Multispecies GB Yellowtail Flounder Specifications Emergency Rule Extension."

- **Fax:** (978) 281-9135.

**Instructions:** Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

We will accept anonymous comments (enter "N/A" in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF formats only.

Copies of the small entity compliance guide are available from the Regional Administrator, NMFS, Northeast Regional Office, at the address above. Copies of the Environmental Assessment (EA) prepared for this rule may be found at the following Internet address: <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Warren, Fishery Policy Analyst, (978) 281-9347, fax (978) 281-9135.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

This temporary final rule extends the revised GB yellowtail flounder catch limits implemented through emergency authority as published in the FW 45 final rule on April 25, 2011 (76 FR 23042) in order to maintain those measures through the end of FY 2010 (April 30, 2012). The April 25, 2011 final rule included detailed information on the background and reasons for the need to revise the GB yellowtail flounder catch limits from those originally proposed in the FW 45 proposed rule (76 FR 11858; March 3, 2011). The public had an opportunity to comment on the April 25, 2011 emergency measures, but no comments were submitted. We will again accept public comment on both the appropriateness of the emergency action to date, and its extension.

The emergency specifications extended through this final rule are the revised GB yellowtail flounder catch limits for FY 2011, as follows: A U.S. ABC of 1,458 mt; a total ACL of 1,416 mt; a groundfish sub-ACL of 1,142 mt; a scallop fishery sub-ACL of 200.8 mt; and an Other ACL sub-component of 73 mt. The initial emergency action modified GB yellowtail flounder catch limits from those originally proposed as a result of the passage of new legislation (International Fisheries Agreement Clarification Act).

Although the FW 45 final rule contained preliminary information regarding the more specific components of the groundfish sub-ACL (the division of the groundfish sub-ACL between sectors and the common pool and the Incidental Catch Total Allowable Catches for common pool vessels), it did not implement the final specification of these components (and this rule does not need to address those aspects of the FMP). The components of the GB yellowtail flounder groundfish sub-ACL are specified in the final rule that adjusted the FY 2011 groundfish sub-ACL components for all stocks (76 FR 34903; June 15, 2011).

No comments were received on the initial emergency rule.

##### **Classification**

We have determined that the emergency specifications extended by this temporary final rule are necessary and are consistent with the Magnuson-Stevens Fishery Conservation and

Management Act and other applicable law.

The interim rule that this rule extends was determined to be not significant for purposes of E.O. 12866.

This rule is exempt from the procedures of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because the rule is issued without opportunity for prior public comment.

The supplemental Environmental Assessment (EA) prepared for the initial emergency action analyzed the impacts of the emergency specifications for the duration of a year (Supplemental EA, Revised Georges Bank Yellowtail Flounder Catch Limits for Fishing Year 2011; April 13, 2011). Therefore, the impacts of this emergency action extension have been analyzed, and are within the scope of the Finding of No Significant Impact.

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

Dated: October 3, 2011.

**Eric C. Schwaab,**

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

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## **DEPARTMENT OF COMMERCE**

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

#### **50 CFR Part 679**

**RIN 0648-XA421**

#### **Fishery Management Plan for the Scallop Fishery Off Alaska; Amendment 13**

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

**ACTION:** Notice of agency decision.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces approval of Amendment 13 to the Fishery Management Plan for the Scallop fishery off Alaska (FMP). Amendment 13 implements an annual catch limit (ACL) and accountability measures (AMs) to prevent overfishing in the target fishery for weathervane scallops. Implementing these measures requires revising the maximum sustainable yield (MSY) and the optimum yield (OY) for weathervane scallops to account for total catch. Amendment 13 also clarifies that, in the absence of a statewide estimate of spawning biomass for weathervane scallops, the overfishing level (OFL) is