

(adjusted for inflation with base year of 1995). This rulemaking will not result in expenditures by State, local or tribal governments, in the aggregate, or by the private sector in excess of \$100 million annually.

*J. Regulation Identifier Number (RIN)*

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*K. Privacy Act*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://docketsinfo.dot.gov/>.

**List of Subjects in 49 CFR Parts 571**

Imports, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ In consideration of the foregoing, NHTSA amends 49 CFR Part 571 as follows:

**PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

■ 1. The authority citation for part 571 of Title 49 continues to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Amend section 571.3 as follows:

■ a. In paragraphs (1) and (2) of the definition of “Designated seating position” in paragraph (b), remove the date “September 1, 2010” and add in its place the date “September 1, 2011”; and

■ b. Remove paragraph (c).

■ 3. Amend section 571.10 by removing from paragraphs (b)(1) and (b)(2) the phrase “paragraph (d)” and adding in its place the phrase “paragraph (c)”.

Issued on: December 11, 2009.

**Ronald L. Medford,**

*Acting Deputy Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

[Docket No. 090130102–91386–02]

RIN 0648–XT01

**Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Longline Fishery Closure**

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

**ACTION:** Temporary rule; fishery closure.

**SUMMARY:** NMFS is closing the U.S. pelagic longline fishery for bigeye tuna in the western and central Pacific Ocean as a result of the fishery reaching the 2009 catch limit.

**DATES:** Effective December 29, 2009, through December 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Tom Graham, NMFS Pacific Islands Region, 808–944–2219.

**SUPPLEMENTARY INFORMATION:** This rule is also accessible at [www.gpoaccess.gov/fr](http://www.gpoaccess.gov/fr).

Pelagic longline fishing in the western and central Pacific Ocean is managed, in part, under the Western and Central Pacific Fisheries Convention Implementation Act (Act). Regulations governing fishing by U.S. vessels in accordance with the Act appear at 50 CFR part 300, subpart O.

NMFS established a limit for calendar year 2009 of 3,763 metric tons (mt) of bigeye tuna (*Thunnus obesus*) that may be caught and retained in the U.S. pelagic longline fishery in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention Area), codified at 50 CFR 300.224 (74 FR 63999, December 7, 2009). NMFS monitored the retained catches of bigeye tuna using logbook data submitted by vessel captains and other available information, and determined that the 2009 catch limit is expected to be reached by December 29, 2009. In accordance with § 300.224(d), this rule serves as advance notification to fishermen, the fishing industry, and the general public that the U.S. longline fishery for bigeye tuna in the Convention Area will be closed from December 29, 2009, through the end of the calendar year. The 2010 fishing year is scheduled to open on January 1, 2010; the 2010 bigeye tuna catch limit will be 3,763 mt. This rule does not apply to the

longline fisheries of American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands (CNMI), as described below.

During the closure, a U.S. fishing vessel may not retain on board, transship, or land bigeye tuna captured by longline gear in the Convention Area, except that any bigeye tuna already on board a fishing vessel upon the effective date of the restrictions may be retained on board, transshipped, and landed, provided that they are landed within 14 days of the start of the closure (i.e., January 12, 2010). This 14-day landing requirement does not apply to a vessel that has declared to NMFS, pursuant to 50 CFR 665.23(a), that the current trip type is shallow-setting.

Furthermore, bigeye tuna caught by longline gear may be retained on board, transshipped, and landed if the fish are caught by a vessel registered for use under a valid NMFS-issued American Samoa Longline Limited Access Permit or if they are landed in American Samoa, Guam, or the CNMI, under the following conditions:

- (1) The bigeye tuna must not have been caught in the portion of the U.S. exclusive economic zone (EEZ) surrounding the Hawaiian Archipelago;
- (2) Such retention, transshipment, and/or landing is in compliance with applicable laws and regulations; and
- (3) The bigeye tuna must be landed by a U.S. fishing vessel operated in compliance with a valid permit issued under 50 CFR 660.707 or 665.21.

During the closure, a U.S. vessel is also prohibited from transshipping bigeye tuna caught in the Convention Area by longline gear to any vessel other than a U.S. fishing vessel operated with a valid permit issued under 50 CFR 660.707 or 665.21.

The catch limit and this closure do not apply to bigeye tuna caught by longline gear outside the Convention Area, such as in the eastern Pacific Ocean. To ensure compliance with the restrictions related to bigeye tuna caught by longline gear in the Convention Area, however, the following requirements apply:

- (1) A U.S. fishing vessel may not be used to fish with longline gear both inside and outside the Convention Area during the same fishing trip, with the exception of a fishing trip that is in progress on December 29, 2009. In that case, the catch of bigeye tuna must be landed by January 12, 2010; and
- (2) If a U.S. vessel is used to fish using longline gear outside the Convention Area and the vessel enters the Convention Area at any time during the same fishing trip, the longline gear on the fishing vessel must be stowed in a

manner so as not to be readily available for fishing while the vessel is in the Convention Area. Specifically, the hooks, branch or dropper lines, and floats used to buoy the mainline must be stowed and not available for immediate use, and any power-operated mainline hauler on deck must be covered in such a manner that it is not readily available for use.

The above two additional prohibitions do not apply to the following vessels:

(1) Vessels on declared shallow-setting trips pursuant to 50 CFR 665.23(a); and

(2) Vessels registered for use under valid American Samoa Longline Limited Access Permits and vessels landing their bigeye tuna catch in American Samoa, Guam, or the CNMI, so long as these vessels conduct fishing activities in accordance with the conditions described above; that is, the bigeye tuna were not caught in the EEZ around Hawaii, the retention, transshipment, and/or landing is in compliance with applicable laws and regulations, and the bigeye tuna are landed by a vessel that

has a valid permit issued under 50 CFR 660.707 or 665.21.

This action is required by § 300.224(d) and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 6901 *et seq.*

Dated: December 18, 2009.

**Emily H. Menashes,**

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

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