

with timely, adequate, and accurate information necessary to allow the industry to plan for the fishing season, to conduct orderly and efficient fisheries, and to avoid potential disruption to the fishing fleet and processors. Per the implementing requirements of Amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), the Pacific cod TAC apportionments between the inshore and offshore components in the Western and Central Management Areas are superseded and replaced by apportionments among various gear and operational sectors. Absent waiver of the 30-day delay in effective date, the Pacific cod fisheries in the Western and Central Management Areas would be subject to obsolete management measures for a several weeks at the onset of the 2012, as the regulations requiring NMFS to apportion the Pacific cod TAC limits in these two areas to the inshore and offshore components (§ 679.20(a)(6)(ii)) no longer exist as of January 1, 2012.

NMFS prepared a Final EIS for the harvest strategy implemented by the annual harvest specifications and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the Final EIS. Copies of the Final EIS and ROD for this action are available (see ADDRESSES). NMFS also prepared an EA in conjunction with Amendment 83 to the GOA FMP (See ADDRESSES).

Two separate final regulatory flexibility analyses (FRFAs) were prepared to evaluate the impacts on small entities resulting from (1) alternative harvest strategies employed in establishing the final 2011 and 2012 harvest specifications and (2) alternatives considered during the development and approval of Amendment 83. Both of these FRFAs met the statutory requirements of the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601–612). A summary of each FRFA was published with its relevant final rule and is not repeated here. The summary of the FRFA supporting the final 2011 and 2012 harvest specifications was published March 1, 2011 (76 FR 11111), and the summary of the FRFA supporting Amendment 83 to the FMP was published December 1, 2011 (76 FR 74670).

**Authority:** 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, 3631 *et seq.*; Pub. L. 108–447.

Dated: December 22, 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 679

**RIN 0648–AY53**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska; Amendment 83; Correction

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

**ACTION:** Correction to final rule.

**SUMMARY:** This document contains one correction to the final rule pertaining to Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska published on December 1, 2011. This correction is intended to clarify a regulatory prohibition.

**DATES:** Effective January 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** Seanbob Kelly, (907) 586–7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

A final rule was published in the **Federal Register** on December 1, 2011 (76 FR 74670) that revises several sections of regulations that pertain to the management of Pacific cod in the Gulf of Alaska Management Area (GOA). The final rule allocates total allowable catch of Pacific cod to various gear and operational type sectors in the Western and Central GOA Pacific cod fisheries that are managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

##### Need for Correction

The error is located in a prohibition at § 679.7 that limits access to the Pacific cod parallel fishery for federal fishery participants. This prohibition precludes federally permitted vessels that do not have a properly endorsed license limitation program license from participating in the Western or Central GOA Pacific cod parallel fishery. The error occurred in limiting the scope of the prohibition to vessels that “catch and process” only; thus the regulations

omit vessels that solely directed fish for Pacific cod and do not process. As written, the regulation is inconsistent with the Council’s recommendations under Amendment 83, the environmental analysis, regulatory impact review, final regulatory flexibility analysis, and the preambles to both the proposed and final rules.

The correction will amend § 679.7(b)(6) to replace the words “catch and process” with “directed fish for”. The correction will ensure that the prohibition applies to both catcher and catcher processor vessels, as intended by the Council’s recommendations and the Secretarial action under Amendment 83.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be unnecessary and contrary to the public interest. This error must be corrected immediately to clarify the regulatory prohibition’s application. Left uncorrected, the prohibition purports to apply only to catcher processor vessels fishing for Pacific cod in the GOA, when the prohibition was clearly meant to apply to catcher vessels, too. The correction will ensure that NMFS can enforce the prohibition against both catcher and catcher processors, as intended. If the effective date for these corrections is delayed to solicit prior public comment, this technical error will not be corrected by the effective date of this final rule, thereby undermining the conservation and management objectives of the FMP. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the thirty (30) day delayed effectiveness period for the reasons stated above.

NMFS is correcting this error and is not making substantive changes to the document in rule FR Docket No. 100107012–1689–03 published on December 1, 2011 (76 FR 74670).

##### Correction

Accordingly, the final rule published on December 1, 2011 (76 FR 74670), to be effective January 1, 2012, is corrected as follows:

##### § 679.7 [Corrected]

On page 74687, in § 679.7(b)(6), in the third column of the page, under the paragraph heading “Parallel fisheries.”, correct the reference to “catch and process” to read as “directed fish for”.

Dated: December 23, 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 679

[Docket No. 101126521-0640-02]

RIN 0648-XA901

#### Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Bering Sea and Aleutian Islands Atka Mackerel Total Allowable Catch Amount

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

**ACTION:** Temporary rule; inseason  
adjustment; request for comments.

**SUMMARY:** NMFS is adjusting the 2012 total allowable catch (TAC) amount for the Bering Sea and Aleutian Island management area (BSAI) Atka mackerel fishery. This action is necessary because NMFS has determined this TAC is incorrectly specified. This action will ensure the BSAI Atka mackerel TAC is the appropriate amount, based on the best available scientific information for Atka mackerel in the BSAI. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), December 29, 2011, until the effective date of the final 2012 and 2013 harvest specifications for BSAI groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., January 13, 2012.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2011-0297, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov). To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter NOAA-NMFS-2011-0297 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 that line.

- **Mail:** Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

- **Fax:** Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to (907) 586-7557.

- **Hand delivery to the Federal Building:** Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Deliver comments to 709 West 9th Street, Room 420A, Juneau, AK.

**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 a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS 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 or Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:**

Mary Furuness, (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 (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 2012 Atka mackerel TAC in the BSAI was set at 36,800 metric tons (mt) in the Eastern Aleutian District and the Bering Sea subarea, 10,293 mt in the

Central Aleutian District, and 1,150 mt in the Western Aleutian District by the final 2011 and 2012 harvest specification for groundfish in the BSAI (76 FR 11139, March 1, 2011).

In December 2011, the Council recommended the 2012 Atka mackerel TACs of 38,500 metric tons (mt) in the Eastern Aleutian District and the Bering Sea subarea, 10,763 mt in the Central Aleutian District, and 1,500 mt in the Western Aleutian District. These amounts are higher in the Eastern Aleutian District and Bering Sea subarea and Central Aleutian District, and the same in the Western Aleutian District than established by the final 2011 and 2012 harvest specification for groundfish in the BSAI (76 FR 11139, March 1, 2011). The TACs recommended by the Council are based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November 2011, which NMFS has determined is the best available scientific information for this fishery.

Regulations at § 679.20(a)(8)(ii)(A) apportion the Atka mackerel TAC allocated to the BSAI Atka mackerel trawl fisheries seasonally to distribute catch over time because Atka mackerel is a principal prey species for Steller sea lions listed as endangered under the Endangered Species Act. The first seasonal apportionment can be harvested quickly, and must reflect the TAC based on the best available scientific information to provide the opportunity to harvest available TAC in a manner consistent with the established Steller sea lion protection measures.

In accordance with § 679.25(a)(1)(iii) and (a)(2)(i)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that, based on the November 2011 SAFE report for this fishery, the current BSAI Atka mackerel TAC is incorrectly specified. Consequently, the Regional Administrator is adjusting the 2012 Atka mackerel TACs to 38,500 mt in the Eastern Aleutian District and Bering Sea subarea, 10,763 mt in the Central Aleutian District, and 1,500 mt in the Western Aleutian District.

Pursuant to § 679.20(a)(8), Table 4 of the final 2011 and 2012 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011) is revised for the 2012 Atka mackerel TAC consistent with this adjustment. Table 4 includes the Steller sea lion protection measures effective January 1, 2011 (75 FR 77535, December 13, 2010), to insure that the BSAI groundfish fisheries off Alaska are not likely to jeopardize the continued existence of the western distinct population segment of Steller