

(d) For the purposes of this section—  
 (1) *Accessible* means, on passenger-carrying or cargo-only aircraft that each package is loaded where a crew member or other authorized person can access, handle, and, when size and weight permit, separate such packages from other cargo during flight, including a freight container in an accessible cargo compartment when packages are loaded in an accessible manner. Additionally, a package is considered accessible when transported on a cargo-only aircraft if it is:

- (i) In a cargo compartment certified by FAA as a Class C aircraft cargo compartment as defined in 14 CFR 25.857(c); or
- (ii) In an FAA-certified freight container that has an approved fire or smoke detection system and fire suppression system equivalent to that required by the certification requirements for a Class C aircraft cargo compartment.

(2) *Inaccessible* means all other configurations to include packages loaded where a crew member or other

authorized person cannot access, handle, and, when size and weight permit, separate such packages from other cargo during flight, including a freight container in an accessible cargo compartment when packages are loaded in an inaccessible manner.

(e) For transport aboard cargo-only aircraft, the requirements of paragraphs (c) and (d) of this section do not apply to the following hazardous materials:

- (1) Class 3, PG III (unless the substance is also labeled CORROSIVE), Class 6 (unless the substance is also labeled FLAMMABLE LIQUID (PG II and III only)), Division 6.2, Class 7 (unless the hazardous material meets the definition of another hazard class), Class 9, and those marked as ORM-D-AIR, Limited Quantity or Excepted Quantity material.
- (2) Packages of hazardous materials transported aboard a cargo aircraft, when other means of transportation are impracticable or not available, in accordance with procedures approved in writing by the FAA Regional or Field

Security Office in the region where the operator is located.

(3) Packages of hazardous materials carried on small, single pilot, cargo aircraft if:

(i) No person is carried on the aircraft other than the pilot, an FAA inspector, the shipper or consignee of the material, a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material;

(ii) The pilot is provided with written instructions on the characteristics and proper handling of the materials; and

(iii) Whenever a change of pilots occurs while the material is on board, the new pilot is briefed under a hand-to-hand signature service provided by the operator of the aircraft.

(f) At a minimum, quantity limits and loading instructions in the following quantity and loading table must be followed to maintain acceptable quantity and loading between packages containing hazardous materials. The quantity and loading table is as follows:

QUANTITY AND LOADING TABLE

Applicability	Forbidden	Quantity Limitation: 25 kg net weight of hazardous material plus 75 kg net weight of Division 2.2 (non-flammable compressed gas) per cargo compartment	No limit
Passenger-carrying aircraft .....	Cargo Aircraft Only labeled packages	Inaccessible .....	Accessible.
Cargo-only aircraft— .....	Not applicable .....	Inaccessible (Note 1) .....	Accessible (Note 2).
Packages authorized aboard a passenger-carrying aircraft.			
Cargo-only aircraft— .....	Inaccessible (Note 1) .....	Not applicable .....	Accessible (Note 2).
Packages not authorized aboard a passenger-carrying aircraft and displaying a Cargo Aircraft Only label.			

- Note 1:** The following materials are not subject to this loading restriction—  
 a. Class 3, PG III (unless the substance is also labeled CORROSIVE).  
 b. Class 6 (unless the substance is also labeled FLAMMABLE LIQUID (PG II and III only)).  
 c. Class 7 (unless the hazardous material meets the definition of another hazard class).  
 d. Class 9, ORM-D-AIR and Limited Quantity or Excepted Quantity material.

**Note 2:** Aboard cargo-only aircraft, packages required to be loaded in a position that is considered to be accessible include those loaded in a Class C cargo compartment.

**PART 176—CARRIAGE BY VESSEL**

■ 14. The authority citation for part 176 continues to read as follows:

**Authority:** 49 U.S.C. 5101–5128; 49 CFR 1.53.

■ 15. In § 176.905, paragraph (j) is revised to read as follows:

**§ 176.905 Stowage of motor vehicles or mechanical equipment.**

\* \* \* \* \*

(j) Except as provided in § 173.220(f) of this subchapter, the provisions of this subchapter do not apply to items of equipment such as fire extinguishers, compressed gas accumulators, airbag

inflators and the like which are installed in the vehicle or mechanical equipment if they are necessary for the operation of the vehicle or equipment, or for the safety of its operator or passengers.

Issued in Washington, DC, on December 20, 2011, under authority delegated in 49 CFR part 1.

**Cynthia L. Quarterman,**  
*Administrator.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

**49 CFR Part 390**

**Drivers of CMVs: Restricting the Use of Cellular Phones**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** FMCSA is correcting a Final Rule that appeared in the **Federal Register** on December 2, 2011 (76 FR 75470), which restricted the use of

hand-held mobile telephones by drivers of commercial motor vehicles. That rule was jointly issued by FMCSA and Pipeline and Hazardous Materials Safety Administration (PHMSA), but this correction only affects an FMCSA regulation.

**DATES:** Effective January 3, 2012.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Routhier, Transportation Specialist, Federal Motor Carrier Safety Administration, Vehicle and Roadside Operation Division, at (202) 366-4325 or [FMCSA\\_MCPSV@dot.gov](mailto:FMCSA_MCPSV@dot.gov).

**SUPPLEMENTARY INFORMATION:** For FMCSA and PHMSA's Final Rule published on December 2, 2011 (76 FR 75470), the following correction is made:

### § 390.3 [Corrected]

■ On page 75487, in § 390.3, paragraph (f)(1), correct "(g)(2)" to "(f)(2)".

Issued on: December 21, 2011.

**Larry Minor,**

*Associate Administrator for Policy, Federal Motor Carrier Safety Administration.*

[FR Doc. 2011-33198 Filed 12-29-11; 8:45 a.m.]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 111207732-1745-01]

RIN 0648-BB73

#### International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions for Bigeye Tuna and Yellowfin Tuna in Purse Seine Fisheries for 2012

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

**ACTION:** Interim rule; request for comments.

**SUMMARY:** This interim rule extends the dates of applicability of existing regulations applicable to U.S. purse seine vessels operating in the western and central Pacific Ocean (WCPO) through December 31, 2012. NMFS issues this rule under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act) to implement a decision of the Commission for the Conservation and Management of Highly Migratory Fish

Stocks in the Western and Central Pacific Ocean (WCPFC). The WCPFC decision, made December 20, 2011, extends the effectiveness of the WCPFC's "Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean" (CMM 2008-01), originally scheduled to expire on December 31, 2011. CMM 2008-01 is the basis for the existing regulations whose dates of applicability are being extended by this interim rule. Under this rulemaking, these regulations now apply through December 31, 2012, and include limits on fishing effort, restrictions on the use of fish aggregating devices (FADs), closed areas, catch retention requirements, and requirements to carry observers. This action is necessary for the United States to satisfy its international obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party.

**DATES:** Effective on December 30, 2011, comments must be submitted in writing by February 28, 2012.

**ADDRESSES:** Comments on this interim rule, identified by NOAA-NMFS-2011-0296, and the regulatory impact review (RIR) prepared for this interim rule may be sent to either of the following addresses:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking portal, at <http://www.regulations.gov>; or
- *Mail:* Mail written comments to Michael D. Tosatto, Regional Administrator,

NMFS, Pacific Islands Regional Office (PIRO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

*Instructions:* Comments must be submitted to one of the two addresses to ensure that the comments are received, documented, and considered by NMFS. Comments sent 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 generally will be posted on <http://www.regulations.gov> without change. All personal identifying information (for example, name and address) voluntarily submitted by the commenter may 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 relevant 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.

Copies of the RIR prepared for this interim rule are available from <http://www.regulations.gov> or may be obtained from Michael D. Tosatto, NMFS PIRO (see address above).

**FOR FURTHER INFORMATION CONTACT:** Tom Graham, NMFS PIRO, (808) 944-2219.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This interim rule is also accessible at <http://www.gpoaccess.gov/fr>.

##### Background on the Convention and the WCPFC

The Convention Area comprises the majority of the western and central Pacific Ocean (WCPO). A map showing the boundaries of the Convention Area can be found on the WCPFC Web site at: <http://www.wcpfc.int/doc/convention-area-map>. The Convention focuses on the conservation and management of highly migratory species (HMS) and the management of fisheries for HMS. The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of HMS in the WCPO.

As a Contracting Party to the Convention and a Member of the WCPFC, the United States is obligated to implement the decisions of the WCPFC. The WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*), authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (currently the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the WCPFC. The Secretary of Commerce has delegated the authority to promulgate regulations to NMFS.

##### Existing Regulations To Implement WCPFC Decision for Bigeye Tuna and Yellowfin Tuna in Purse Seine Fisheries

At its Fifth Regular Session, in December 2008, the WCPFC adopted CMM 2008-01. The CMM, available with other decisions of the WCPFC at <http://www.wcpfc.int/decisions.htm>, places certain obligations on the WCPFC Members, Participating Territories, and Cooperating Non-members (collectively, CCMs). The CMM was based in part on the findings by the WCPFC that the stock of bigeye tuna (*Thunnus obesus*) in the WCPO was experiencing a fishing