

Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This regulation establishes a temporary security zone. A final "Environmental Analysis Checklist" and a final "Categorical Exclusion Determination" are available in the docket where indicated under **ADDRESSES**.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T14-1159 to read as follows:

#### § 165.T14-1159 Security Zone; Passenger Vessel SAFARI EXPLORER Arrival/Departure, Kaunakakai Harbor, Molokai, Hawaii.

(a) *Location.* All waters, from the surface to the sea floor, and land encompassed within a rectangle-like shape bounded by the following coordinates: North of the Young Brothers Facility at 21°05'08" N, 157°01'41" W; then Southeast at a bearing of 125° for 770 yards to 21°04'55" N, 157°01'21" W; then southwest at a bearing of 226° for 1,360 yards to 21°04'27" N, 157°01'52" W; then northwest at a bearing of 306° for 580 yards to 21°04'27" N, 157°01'52" W; then northeast at a bearing of 038° for 1,375 yards back to the starting point.

(b) *Definitions.* As used in this section, *designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Honolulu to assist in enforcing the security zones described in paragraph (a) of this section.

(c) *Regulations.* The general security zone found in 33 CFR part 165, subpart D, apply to the security zones created by this temporary section.

(1) All persons are required to comply with the general regulations governing security zones found in 33 CFR 165.33.

(2) Entry into or remaining in the security zone described in paragraph (a) of this section is prohibited unless authorized by the Coast Guard Captain of the Port Honolulu zone or her designated representatives.

(3) Persons desiring to transit the area of the security zone may contact the on-scene patrol commander on VHF channel 16 (156.800 MHz) or VHF channel 13 (156.650 MHz), or the Captain of the Port Honolulu at

telephone number 1-(808) 842-2600. If permission is granted to enter the security zone, all persons and vessels must comply with the instructions of the Captain of the Port or her designated representatives.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zones by Federal, State, and local agencies.

(e) *Enforcement period.* The security zone described in paragraph (a) of this section will be activated for enforcement 60 minutes before the SAFARI EXPLORER's intended transit into the Kaunakakai Harbor Channel and will remain subject to enforcement until 10 minutes after the SAFARI EXPLORER is safely moored in the harbor. The security zone may also be activated for enforcement 60 minutes before the SAFARI EXPLORER's intended transit until after the SAFARI EXPLORER has safely departed from the security zone. Notice of the zone's activation will be provided by broadcast notice to mariners and the display of a red flag at the Kaunakakai Harbor Master's building.

Dated: December 21, 2011.

**J. M. Nunan,**

*Captain, U.S. Coast Guard, Captain of the Port Honolulu.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 110303179-1290-02]

RIN 0648-XA926

#### Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested

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

**ACTION:** Temporary rule; closure of spiny dogfish fishery.

**SUMMARY:** NMFS announces that the spiny dogfish commercial quota available to the coastal states from Maine through Florida for the second semi-annual quota period, November 1, 2011-April 30, 2012, has been harvested. Therefore, effective 0001 hours, January 13, 2012, federally permitted spiny dogfish vessels may not fish for, possess, transfer, or land spiny dogfish until May 1, 2012, when the

2012 spiny dogfish fishing year begins. Regulations governing the spiny dogfish fishery require publication of this notification to advise the coastal states from Maine through Florida that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no Federal commercial quota is available for landing spiny dogfish in these states. This action is necessary to prevent the fishery from exceeding its Period 2 quota and to allow for effective management of this stock.

**DATES:** Effective at 0001 hr local time, January 13, 2012, through 2400 hr local time April 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** Carly Bari, (978) 281-9224, or [Carly.Bari@noaa.gov](mailto:Carly.Bari@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

Regulations governing the spiny dogfish fishery are found at 50 CFR part 648, subpart L. The regulations require annual specification of a commercial quota, which is allocated into two quota periods based upon percentages specified in the fishery management plan. The fishery is managed from Maine through Florida, as described in § 648.230.

The initial total commercial quota for spiny dogfish for the 2011 fishing year is 20 million lb (9,071.85 mt) (76 FR 32874, June 7, 2011). The commercial quota is allocated into two periods (May 1 through October 31, and November 1 through April 30). Vessel possession limits are set at 3,000 lb (1.36 mt) per trip for both Quota Period 1 and 2. Quota Period 1 is allocated 11,580,000

lb (5,252.6 mt), and Quota Period 2 is allocated 8,420,000 lb (3,819.25 mt) of the commercial quota. The total quota cannot be exceeded, so landings in excess of the amount allocated to Period 1 have the effect of reducing the quota available to the fishery during Period 2.

The Administrator, Northeast Region, NMFS (Regional Administrator), monitors the commercial spiny dogfish quota for each quota period and, based upon dealer reports, state data, and other available information, determines when the total commercial quota will be harvested. NMFS is required to publish notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the Federal spiny dogfish commercial quota has been harvested and no Federal commercial quota is available for landing spiny dogfish for the remainder of that quota period.

Section 648.4(b) provides that Federal spiny dogfish permit holders agree, as a condition of the permit, not to land spiny dogfish in any state after NMFS has published notification in the **Federal Register** that the commercial quota has been harvested and that no commercial quota for the spiny dogfish fishery is available. Therefore, effective 0001 hr local time, January 13, 2012, landings of spiny dogfish in coastal states from Maine through Florida by vessels holding commercial Federal fisheries permits will be prohibited through 2400 hr local time, April 30, 2012. The 2012 Period 1 quota will be available for commercial spiny dogfish harvest on May 1, 2012. Effective

January 13, 2012, federally permitted dealers are also advised that they may not purchase spiny dogfish from vessels issued Federal spiny dogfish permits that land in coastal states from Maine through Florida.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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 contrary to the public interest. This action closes the spiny dogfish fishery until May 1, 2012, under current regulations. The regulations at § 648.231 require such action to ensure that the spiny dogfish 2011 Period 2 quota is not exceeded. Data indicating the spiny dogfish fleet will have landed the 2011 Period 2 quota have only recently become available. If implementation of this closure is delayed to solicit prior public comment, the quota for Period 2 will be exceeded, thereby undermining the conservation objectives of the FMP. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: January 9, 2012.

**Steven Thur,**

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

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