Salmon Bystander Management in the Bering Sea Pollock Fishery: Economic Data Collection published on February 3, 2012. This correction is intended to clarify regulatory text.

DATES: Effective March 9, 2012 and is applicable beginning March 5, 2012.


SUPPLEMENTARY INFORMATION:

Background

On February 3, 2012, NMFS published a final rule in the Federal Register (77 FR 5389) to implement the Chinook Salmon Economic Data Report Program, which will evaluate the effectiveness of Chinook salmon bycatch management measures for the Bering Sea pollock fishery that were implemented under Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. This final rule added a regulatory provision at 50 CFR § 679.5(e)(6)(i)(A)(12), which describes deliveries from catcher vessels directed fishing for pollock in the Bering Sea in which the operator of the catcher vessel moved fishing location primarily to avoid Chinook salmon bycatch. However, a final rule implementing Amendment 83 to the Fishery Management Plan for Groundfish of the Gulf of Alaska previously had added a § 679.5(e)(6)(i)(A)(12), which describes the receipt of groundfish deliveries in the marine municipal boundaries of a Community Quota Entity community. (76 FR 74640; December 1, 2011). Thus, there are two different regulatory paragraphs numbered § 679.5(e)(6)(i)(A)(12).

Need for Correction

If this error is not corrected, the regulatory text at § 679.5(e)(6)(i)(A)(12) implementing Amendment 83 will be removed and replaced by the text implementing the Chinook Salmon Economic Data Report Program. Therefore, this correction is necessary to fully implement Amendment 83. Left uncorrected, the regulatory text at § 679.5(e)(6)(i)(A)(12) implementing Amendment 83 will be removed and replaced by the text implementing the Chinook Salmon Economic Data Report Program. The correction will ensure that regulations in this section include all of the regulatory text intended by the two programs.

If the effective date for this correction 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 fishery management plans. Moreover, the public has already had opportunity to comment on both provisions included in the two final rules. Thus, further public comment is unnecessary.

The AA further finds, 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 fully implement Amendment 83. Left uncorrected, the regulatory text at § 679.5(e)(6)(i)(A)(12) implementing Amendment 83 will be removed and replaced by the text implementing the Chinook Salmon Economic Data Report Program. The correction will ensure that regulations in this section include all of the regulatory text intended by the two programs.

Corrections

In FR Doc. 2012–2361, appearing on page 5389 in the Federal Register of Friday, February 3, 2012, the following corrections are made:

§ 679.5 [Corrected]


Dated: March 6, 2012.

Alan D. Risenhoover,
Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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BILING CODE 3510–22–P
of the 2012 Pacific cod TAC apportioned to vessels using jig gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 246 mt and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 5, 2012.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 6, 2012.

Carrie Selberg,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.