

health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions 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 M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded 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) (h), of the Instruction. This rule involves special local regulations issued in conjunction a regatta or marine parade. Under figure 2-1, paragraph (34) (h), of the instruction, an environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07-0201 to read as follows:

§ 100.35T07-0201 Special Local Regulations; ODBA Draggin’ on the Waccamaw, Atlantic Intracoastal Waterway, Bucksport, SC.

(a) *Regulated Area.* The following regulated area is established as a special local regulation: All waters of the Atlantic Intracoastal Waterway encompassed within an Imaginary line connecting the following points; starting at point 1 in position 33°39’11.46” N 079°05’36.78” W; thence west to point 2 in position 33°39’12.18” N 079°05’47.76” W; thence south to point 3 in position 33°38’39.48” N 079°05’37.44” W; thence east to point 4 in position 33°38’42.3” N 079°05’30.6” W; thence north back to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated area.

(c) *Regulations.*

(1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated areas unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740-7050, or a designated representative via VHF radio on channel 16 to seek authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such permission must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Broadcast Notice to Mariners, Local Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Period.* This rule will be enforced daily from 11:30 a.m. until 7:30 p.m. on June 23, 2012 through June 24, 2012.

Dated: June 6, 2012.

M.F. White,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2012-15512 Filed 6-21-12; 11:15 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2008-0177; FRL-9689-5]

Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Emissions Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a portion of a State Implementation Plan (SIP) revision submitted on April 29, 2010, by the State of South Carolina, through the Department of Health and Environmental Control (SC DHEC), to meet the emissions statements requirement for the York County portion of the bi-state Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-hour ozone nonattainment area. The Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-hour ozone nonattainment area (hereafter referred to as the “bi-state Charlotte Area”) is comprised of Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union and a portion of Iredell (Davidson and Coddle Creek Townships) Counties in North Carolina;

and a portion of York County (i.e., the boundary for the Rock Hill-Fort Mill Area Transportation Study) in South Carolina. EPA is addressing the emissions statements requirement for the North Carolina portion of this Area in a separate action. This action is being taken pursuant to section 110 and section 182 of the Clean Air Act (CAA or Act).

DATES: This direct final rule is effective August 24, 2012 without further notice, unless EPA receives adverse comment by July 25, 2012. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number, "EPA-R04-OAR-2008-0177," by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email*: R4-RDS@epa.gov.

3. *Fax*: 404-562-9019.

4. *Mail*: "EPA-R04-OAR-2008-0177," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier*: Ms. Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Instructions: Direct your comments to Docket ID Number, "EPA-R04-OAR-2008-0177." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you

provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Sara Waterson of the Regulatory Development Section, in the Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9061. Ms. Sara Waterson can be reached via electronic mail at waterson.sara@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What is the background for EPA's action?

II. What is EPA's analysis of the emissions statements for South Carolina?
III. Final Action
IV. Statutory and Executive Order Reviews

I. What is the background for EPA's action?

On July 18, 1997, EPA promulgated a revised national ambient air quality standard (NAAQS or standard) for ozone, setting the standard at 0.08 parts per million (ppm) averaged over an 8-hour time frame.¹ This revised standard was established based on scientific evidence demonstrating that ozone causes adverse health effects at lower ozone concentrations and over longer periods of time.²

On April 30, 2004, EPA published designations and classifications for the revised 1997 8-hour ozone standard (69 FR 23858). These actions became effective on June 15, 2004. South Carolina was required to develop nonattainment SIP revisions addressing the CAA requirements for its nonattainment areas. Among other things, South Carolina was required to address the emissions statements requirement pursuant to CAA section 182(a)(3)(B).

Section 182(a)(3)(B)(i) of the CAA, requires states with areas designated nonattainment for the ozone NAAQS (under subpart 2 of the Act) to submit within 2 years of designations a SIP revision to require emissions statements to be submitted annually by nitrous oxides (NO_x) and volatile organic compound (VOC) sources to the state within that nonattainment area. Section 182(a)(3)(B)(ii) provides criteria for waiving the application of clause (i) to sources which emit less than 25 tons per year of NO_x or VOC.

In a March 14, 2006, memorandum from Thomas C. Curran, Director Air Quality Assessment Division to EPA Regional Air Division Directors (Curran Memo),³ EPA clarified that the emissions statements requirement under CAA section 182(a)(3)(B), is applicable to all areas designated nonattainment for the 1997 8-hour ozone NAAQS and classified marginal or higher under subpart 2, part D, title I of the CAA. Consistent with EPA's interpretation of

¹ EPA notes that the Agency issued a revised 8-hour ozone standard on March 27, 2008 (73 FR 16436). Today's action, however, relates to the 1997 ozone standard. The designation and implementation process for the 2008 standard does not relate to this action.

² When the pre-existing 1-hour ozone standard was promulgated (62 FR 38856), the risks associated with exposure to lower concentrations of ozone over longer periods of time was less understood.

³ The March 14, 2006, Curran Memo can be found at http://www.epa.gov/ttnchie1/eidocs/eiguid/8hourozone_naaqs_031406.pdf.

the submission period for other subpart 2 obligations, the Curran Memo provides that the 2-year submission period for the emissions statements rule for the 1997 8-hour ozone standard will run from the date an area was designated nonattainment and classified under subpart 2 for the 8-hour standard. Thus, states were required to submit their emissions statements rule by June 15, 2006, and the rule is required to provide that sources submit their first emissions statements to the state by no later than June 15, 2007 (for the 2006 calendar year). The Curran Memo further provides that if an area has a previously approved emissions statements rule for the 1-hour standard that covers all portions of the designated 1997 8-hour ozone nonattainment area, such rule will generally be sufficient for purposes of the emissions statements requirement for the 1997 8-hour ozone standard.

On April 29, 2010, South Carolina submitted an attainment demonstration⁴ and associated reasonably available control measures, a reasonable further progress (RFP) plan, contingency measures, emissions statement, a 2002 base year emissions inventory and other planning SIP revisions related to attainment of the 1997 8-hour ozone NAAQS for its portion of the bi-state Charlotte Area. On November 15, 2011, EPA determined the bi-state Charlotte Area attained the 1997 8-hour ozone NAAQS; and subsequently, on March 7, 2012, EPA determined that the bi-state Charlotte Area attained the 1997 8-hour ozone NAAQS by the applicable attainment date. See 76 FR 70656, and 77 FR 13493, respectively. Therefore, on January 12, 2012, South Carolina withdrew its portion of the bi-state Charlotte Area's attainment demonstration (the RFP, emissions statements, and the emissions inventory submittals, however, were not withdrawn) pursuant to 40 CFR 51.918. In today's action, EPA is approving the emissions statements portion of the attainment demonstration submitted by the State of South Carolina on April 29, 2010, as required by section 182(a)(3)(B). EPA will take action on the RFP and emissions inventory of South Carolina's April 29, 2010, SIP revision in separate actions.

⁴ South Carolina withdrew an August 31, 2007, attainment demonstration SIP for its portion of the bi-state Charlotte Area on December 22, 2008. On April 29, 2010, South Carolina resubmitted the attainment demonstration SIP for its portion of the bi-state Charlotte Area.

II. What is EPA's analysis of the emissions statements for South Carolina?

The April 29, 2010, SIP revision states that South Carolina has the authority to require annual emissions statements and is taking specific actions to comply with the emissions statements requirements for any class or category of stationary sources that emits 25 tons per year or more of VOCs or NO_x. Section VI. *Moderate Nonattainment Requirements* of the April 29, 2010, SIP revision states that the South Carolina portion of the moderate nonattainment area shall make submissions prescribed under the CAA section 182(a) and will comply with these mandates. Furthermore, South Carolina "has and is requiring, receiving, and archiving" emissions statements. SC DHEC has created a Web site at <http://www.scdhec.gov/environment/baq/OzoneNonattainmentReporting/> to assist in this effort. SC DHEC provided a letter to EPA on May 4, 2012, to further clarify the State's emissions statements requirements. The May 4, 2012, letter can be found in the docket for today's action. EPA has evaluated South Carolina's April 29, 2010, SIP revision as it relates to the emissions statements requirement and has made the determination that it meets the requirements of CAA section 182(a)(3)(B).

III. Final Action

EPA is taking direct final action to approve a portion of a SIP revision, submitted on April 29, 2010, by the State of South Carolina, through the SC DHEC, to meet the emissions statements requirement for the 1997 8-hour ozone NAAQS. This action is being taken pursuant to section 110 and section 182 of the CAA.

EPA is publishing this rule without prior proposal because the Agency views this as a non-controversial revision and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comment be filed. This rule will be effective on August 24, 2012 without further notice unless the Agency receives adverse comment by July 25, 2012. If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will

not institute a second comment period on this action. Any parties interested in commenting must do so at this time. If no such comments are received, the public is advised this rule will be effective on August 24, 2012 and no further action will be taken on the proposed rule.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this final action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this 1997 8-hour ozone NAAQS emissions statement's final approval for the bi-state Charlotte Area does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the determination does not have substantial direct effects on an Indian Tribe. The Catawba Indian Nation Reservation is located within the South Carolina portion of the bi-state Charlotte Area. Generally SIPs do not apply in Indian country throughout the United States. However, for purposes of the Catawba Indian Nation Reservation in Rock Hill, the South Carolina SIP does apply within the Reservation. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27-16-120, "all state and local environmental laws and regulations apply to the Catawba Indian Nation and Reservation and are fully enforceable by all relevant state and local agencies and authorities." Pursuant to Executive Order 13175 and the EPA Policy on Consultation and Coordination with Indian Tribes, in a letter dated October 13, 2011, EPA extended the opportunity for consultation between EPA and Catawba. Consultation with the Catawba Tribe began on October 14, 2011, and ended on October 31, 2011. The views and concerns raised by the Catawba Indian Nation during consultation have been taken into account in this final rule. Furthermore, EPA notes today's action will not impose substantial direct costs on tribal governments or preempt tribal law. The Congressional Review

Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 24, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial

review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 8, 2012.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart PP—South Carolina

- 2. Section 52.2120(e), is amended by adding a new entry for "South Carolina portion of bi-state Charlotte; 1997 8-Hour Ozone Emissions Statement" at the end of the table to read as follows:

§ 52.2120 Identification of plan.

* * * * *
(e) * * *

EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Explanation
* * * * * South Carolina portion of bi-state Charlotte; 1997 8-Hour Ozone Emissions Statement.	* * * * * 04/29/2010	* * * * * 6/25/2012 [Insert citation of publication]	* * * * * Applicable to the 1997 8-hour Ozone boundary in York County only (Rock Hill-Fort Mill Area Transportation Study Metropolitan Planning Organization Area).

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 120109034-2153-02]

RIN 0648-BB62

Revisions to Framework Adjustment 47 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2012

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

ACTION: Temporary final rule; adjustment to specifications.

SUMMARY: Based on the final Northeast multispecies sector rosters submitted as of May 1, 2012, NMFS is adjusting the fishing year 2012 specification of annual catch limits for commercial groundfish vessels as well as sector annual catch entitlements for groundfish stocks. This revision to fishing year 2012 catch levels is necessary to account for changes in the number of participants electing to fish in either sectors or the common pool fishery.

DATES: Effective June 22, 2012, through April 30, 2013.

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, (978) 281-9182.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council (the Council) developed Amendment 16 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) to establish a process for setting groundfish annual catch limits (also referred to as ACLs or catch limits) and accountability measures. The Council has a biennial review process to develop catch limits and revise management measures. Framework Adjustment (FW) 47 set annual catch limits for nine groundfish stocks and three jointly managed U.S./Canada stocks for FY 2012-2014. We recently approved FW

47, which became effective on May 1, 2012 (77 FR 26104).

While the Council was working on FW 47, a new benchmark stock assessment for Gulf of Maine (GOM) cod was finalized in January 2012. The perception of the stock biomass changed dramatically as a result of this assessment. The Council initially intended to include catch limit alternatives based on these updated results in FW 47. However, after the results were finalized, the Council elected not to recommend final measures for GOM cod and requested that NMFS, acting on behalf of the Secretary of Commerce, use the interim rulemaking authority provided at section 305(c) of the Magnuson-Stevens Act to implement measures designed to reduce, but not end, overfishing in fishing year (FY) 2012. We published an emergency action for GOM cod on May 1, 2012 (77 FR 25623), consistent with the Council's request. The common pool and sector GOM cod catch limits are based on this emergency action.

Along with FW 47 and the emergency GOM cod rule, we recently approved FY 2012 sector operations plans and allocations (77 FR 26129, May 2, 2012) (the "sector rule"). A sector receives an allocation of each stock, or annual catch entitlement (referred to as ACE, or allocation), based on its members' catch histories. State-operated permit banks also receive an allocation that can be transferred to qualifying sector vessels (for more information, see Amendment 17, 77 FR 16942, March 23, 2012). The sum of all sector and state-operated permit bank allocations is referred to as the sector sub-ACL in the management plan. Whatever groundfish allocation remains after sectors and state-operated permit banks receive their allocations is then provided to vessels not enrolled in a sector (referred to as the common pool). This allocation is also referred to as the common pool sub-ACL.

Changes in sector membership require ACL and ACE adjustments. This rule adjusts the FY 2012 sector and common pool allocations based on final sector membership as of May 1, 2012. Permitted vessels that wish to fish in a sector must enroll by December 1 of each year, with the fishing year

beginning the following May 1 and lasting until April 30 of the next year. However, due to concern over the reduced GOM cod allocation (see the emergency action cited above), we provided additional flexibility to NE multispecies permitted vessels by allowing vessels to enroll in a sector for fishing year 2012 up through April 30, 2012. In addition, vessels had until April 30 (the day before the beginning of the fishing year) to drop out of a sector and fish in the common pool. If the sector allocation increases as a result of sector membership changes, the common pool allocation decreases—the opposite is true as well. Because sector membership has changed since the December 1, 2011, date used in the FW 47 and sector proposed and final rules, we need to update the allocations to all sectors and to the common pool.

The final number of permits enrolled in a sector or state-operated permit bank for FY 2012 is 850 (an increase of 5 permits since the December 1, 2011, roster submission). All sector allocations assume that each NE multispecies vessel enrolled in a sector has a valid permit for FY 2012. Tables 1, 2, and 3 (below) explain the revised FY 2012 allocations as a percentage and absolute amount (in metric tons and pounds).

Table 4 compares the preliminary FY 2012 allocations published in the FW 47 final rule, with the revised allocations based on the final sector and state-operated permit bank rosters as of May 1, 2012. The table shows that changes in sector allocations due to updated rosters range from a decrease of 0.14 percent of GOM winter flounder, to an increase of 2.53 percent of Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder. Common pool allocation adjustments range between a 43.18-percent decrease in Georges Bank (GB) haddock, to a 4.17-percent increase in GOM winter flounder. The changes in the common-pool allocations are greater because the common-pool has a significantly lower allocation for all stocks, so even small changes appear large when viewed as a percentage increase or decrease.

BILLING CODE 3510-22-P