

the ways the material is reasonably available to interested parties or how the agency worked to make materials available to interested parties.

In this final rule, NHTSA incorporates by reference a new technical data package for the Q3s consisting of a set of engineering drawings for the test dummy, and a parts list. Q3s dummies manufactured to meet the qualification requirements and the technical data package will be uniform in their design, construction, and response to impact forces.

NHTSA has placed a copy of the updated technical data package in the docket listed at the beginning of this document. Interested persons can download a copy of the materials or view the materials online by accessing www.Regulations.gov. Telephone: 1-877-378-5457. The material is also available for inspection at the Department of Transportation, Docket Operations, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC. Telephone: 202-366-9826. The material is also available for inspection by contacting NHTSA's Chief Counsel's Office at the phone number and address set forth in the **FOR FURTHER INFORMATION** section of this document. The material is available for review at NHTSA and is available for purchase from SAE International.

Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

Has the agency organized the material to suit the public's needs?

Are the requirements in the rule clearly stated?

Does the rule contain technical language or jargon that is not clear?

Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?

Would more (but shorter) sections be better?

Could the agency improve clarity by adding tables, lists, or diagrams?

What else could the agency do to make this rulemaking easier to understand?

If you have any responses to these questions, please send them to NHTSA.

Regulation Identifier Number

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified

Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

List of Subjects in 49 CFR Part 572

Motor vehicle safety, Incorporation by reference.

In consideration of the foregoing, NHTSA amends 49 CFR part 572 as follows:

PART 572—ANTHROPOMORPHIC TEST DEVICES

■ 1. The authority citation for Part 572 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

Subpart W—Q3s Three-Year-Old Child Test Dummy

■ 2. Section 572.210 is amended by revising paragraphs (a)(1), (2) and (3), to read as follows:

* * * * *

§ 572.210 Incorporation by reference.

(a) * * *

(1) A parts/drawing list entitled, "Parts/Drawings List, Part 572 Subpart W, Q3s Three-Year-Old Child Side Impact Dummy" dated (and revised) January 2021 (Parts/Drawings List); IBR approved for § 572.211.

(2) A drawings and inspection package entitled, "Drawings and Specifications for Q3s Three-Year-Old Child Side Impact Dummy, Part 572 Subpart W" dated (and revised) January 2021 (Drawings and Specifications); IBR approved for §§ 572.211, 572.212, 572.213, 572.214, 572.215, 572.216, 572.217, 572.218, and 572.219.

(3) A procedures manual entitled "Procedures for Assembly, Disassembly, and Inspection (PADI) of the Q3s Child Side Impact Crash Test Dummy" dated January 2021 (PADI); IBR approved for §§ 572.211, 572.215(b), 572.216(b), and 572.219(a).

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Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95, 501.4, and 501.5.

Steven Cliff,
Deputy Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 210616-0131; RTID 0648-XB564]

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2021 Tribal Fishery Allocations for Pacific Whiting; Reapportionment Between Tribal and Non-Tribal Sectors

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

ACTION: Inseason reapportionment of tribal Pacific whiting allocation.

SUMMARY: This document announces the reapportionment of 34,645 metric tons of Pacific whiting from the tribal allocation to the non-tribal commercial fishery sectors via automatic action on September 15, 2021. This reapportionment is to allow full utilization of the Pacific whiting resource.

DATES: The reapportionment of Pacific whiting went into effect at 12 p.m. local time, September 15, 2021, and is effective through December 31, 2021. Comments will be accepted through December 7, 2021.

ADDRESSES: You may submit comments, identified by NOAA-NMFS-2021-0112 by any of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2021-0112 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

Instructions: 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 by NMFS. All comments received are a part of the public record. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Electronic Access

This document is accessible online at the Office of the Federal Register's

website at <https://www.federalregister.gov/>. Background information and documents are available at the NMFS West Coast Region website at <https://www.fisheries.noaa.gov/region/west-coast>.

FOR FURTHER INFORMATION CONTACT: Colin Sayre (West Coast Region, NMFS), phone: (206) 526-4656 or email: Colin.Sayre@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

Pacific Whiting

Pacific whiting (*Merluccius productus*) is a very productive species with highly variable recruitment (the biomass of fish that mature and enter the fishery each year) and a relatively short life span compared to other groundfish species. Pacific whiting has the largest annual allowable harvest levels (by volume) of the more than 90 groundfish species managed under the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. The coastwide Pacific whiting stock is managed jointly by the United States and Canada, and mature Pacific whiting are commonly available to vessels operating in U.S. waters from April through December. Background on the stock assessment, and the establishment of the 2021 Total Allowable Catch (TAC), for Pacific whiting was provided in the final rule for the 2021 Pacific whiting harvest specifications, published June 23, 2021 (86 FR 32804). Pacific whiting is allocated to the Pacific Coast treaty tribes (tribal fishery) and to three non-tribal commercial sectors: The catcher/processor cooperative (C/P Co-op), the mothership cooperative (MS Co-op), and the Shorebased Individual Fishery Quota (IFQ) Program.

This notice announces the reapportionment of 34,645 metric tons (mt) of Pacific whiting from the tribal allocation to the non-tribal commercial sectors. This reapportionment was effective on September 15, 2021. Regulations at 50 CFR 660.131(h) contain provisions that allow the

Regional Administrator to reapportion Pacific whiting from the tribal allocation, specified at 50 CFR 660.50, that will not be harvested by the end of the fishing year to other sectors.

Pacific Whiting Reapportionment

For 2021, the Pacific Coast treaty tribes were allocated 64,645 mt of Pacific whiting. The best available information on September 15, 2021, indicated that at least 34,645 mt of the tribal allocation would not be harvested by December 31, 2021. As required under the 2017 Endangered Species Act (ESA) Section 7(a)(2) biological opinion on the effects of the Pacific Coast Groundfish Fishery Management Plan on listed salmonids, NMFS considered the number and bycatch rate of Chinook salmon taken by the Pacific whiting fishery sectors prior to reapportionment. Based on the best available information in early September 2021, NMFS determined there was little risk that the reapportionment would cause the Pacific whiting sector fisheries to exceed the guideline limit of 11,000 Chinook salmon under current regulations and practices. In early September, incidental take of Chinook salmon by the non-tribal sector was 4 percent of the guideline limit. While the incidental take of Chinook salmon was higher compared to the same period in the previous year, the total take this year is still well below the guideline limit.

To allow for increased utilization of the resource, on September 15, 2021, NMFS reapportioned 34,645 mt from the Tribal sector to the Shorebased IFQ Program, C/P Co-op, and MS Co-op in proportion to each sector's original allocation. Reapportioning this amount is expected to allow for greater attainment of the TAC while not limiting tribal harvest opportunities for the remainder of the year. NMFS provided notice of the reapportionment on September 15, 2021, via emails sent directly to fishing businesses and individuals. Reapportionment was effective the same day as the notice.

The amounts of Pacific whiting available for 2021 before and after the reapportionment are described in Table 1 below.

TABLE 1—2020 PACIFIC WHITING ALLOCATIONS

Sector	Initial 2021 allocation (mt)	Final 2021 allocation (mt)
Tribal	64,645.0	30,000.0
C/P Coop	103,362.0	115,141.3
MS Coop	72,961.0	81,275.8
Shorebased IFQ Program	127,682.0	142,232.9

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 660.55 (i), 660.60(d), and 660.131(h), and is exempt from review under Executive Order 12866.

NOAA's Assistant Administrator for Fisheries (AA) finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment pursuant to 5 U.S.C. 553(b)(B), because such notification would be impracticable and contrary to the public interest. As previously noted, NMFS provided actual notice of the reapportionment to fishery participants at the time of the action. Prior notice and opportunity for public comment on this reapportionment was impracticable because NMFS had insufficient time to provide prior notice between the time the information about the progress of the fishery needed to make this determination became available and the time at which fishery modifications had to be implemented in order to allow fishery participants access to the available fish during the remainder of the fishing season. For the same reasons, the AA also finds good cause to waive the 30-day delay in effectiveness for these actions, required under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 7001 *et seq.*

Dated: November 16, 2021.

Ngagne Jafnar Gueye,

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

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