

**Authority:** 47 U.S.C. 901 *et seq.*, Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp., p. 158.

■ 2. Section 300.1 (b) is revised to read as follows:

**§ 300.1 Incorporation by reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management.**

\* \* \* \* \*

(b) The federal agencies shall comply with the requirements set forth in the January 2008 edition of the NTIA Manual, as revised through May 2010, which is incorporated by reference with approval of the Director, Office of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

Dated: September 2, 2010.

**Lawrence E. Strickling,**

*Assistant Secretary for Communications and Information.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 100218107-0199-01]

RIN 0648-XY08

**Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #9, #10, and #11**

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

**ACTION:** Modification of fishing seasons, gear restrictions, and landing and possession limits; request for comments.

**SUMMARY:** NOAA Fisheries announces three inseason actions in the ocean salmon fisheries. Inseason actions #9 and #11 modified the commercial fishery in the area from U.S./Canada Border to Cape Falcon, Oregon. Inseason action #10 modified the recreational fishery in the areas from U.S. Canada Border to Cape Alava (Neah Bay Subarea), Cape Alava to Queets River (La Push Subarea), and Queets River to Leadbetter Point (Westport Subarea).

**DATES:** Inseason action #9 was effective on July 16, 2010. Inseason action #10 was effective on July 23, 2010. Inseason action #11 was effective on July 30, 2010. Inseason actions #9, #10, and #11 remain in effect until the closing date of

the 2010 salmon season announced in the 2010 annual management measures or through additional inseason action. Comments will be accepted through September 24, 2010.

**ADDRESSES:** You may submit comments, identified by 0648-XY08, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>
- Fax: 206-526-6736, Attn: Peggy Busby
- Mail: 7600 Sand Point Way NE, Building 1, Seattle, WA, 98115

Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) 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 required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Peggy Busby, by phone at 206-526-4323.

**SUPPLEMENTARY INFORMATION:** In the 2010 annual management measures for ocean salmon fisheries (75 FR 24482, May 5, 2010), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada Border to the U.S./Mexico Border, beginning May 1, 2010.

The Regional Administrator (RA) consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 15, 2010. The information considered during this consultation related to Chinook and coho salmon catch to date and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason.

Inseason action #9 increased the landing and possession limits for the commercial salmon fishery from the U.S./Canada Border to Cape Falcon, Oregon. The open period landing and possession limits of 40 Chinook salmon and 30 coho per vessel, imposed by inseason action #6 (75 FR 51183, August 19, 2010), were increased to 60 Chinook

salmon and 50 coho per vessel north of Leadbetter Point or 60 Chinook salmon and 50 coho per vessel south of Leadbetter Point. This action was taken because salmon catch rates had been lower than expected due to poor weather conditions that had limited fishery participation. There was concern that if landing and possession limits were not increased there would be lost opportunity to utilize available salmon quota. On July 15, 2010, the states recommended this action and the RA concurred; inseason action #9 took effect on July 16, 2010. Modification of quota and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

The RA consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 20, 2010. The information considered during this consultation related to catch to date for Chinook and coho salmon and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason for the recreational fishery.

Inseason action #10 modified fishery openings in the recreation fisheries in Neah Bay, La Push, and Westport subareas. Openings described in the 2010 annual management measures were Tuesday through Saturday for Neah Bay and La Push subareas, and Sunday through Thursday for the Westport subarea. Inseason action #10 changed these 5-day openings to 7-day openings. This action was taken to provide more opportunity for recreational fishing as fishing effort had been low, due largely to poor weather conditions. Low fishing effort resulted in unutilized Chinook and coho salmon quota in these subareas. On July 20, 2010, the states recommended this action and the RA concurred; inseason action #10 took effect on July 23, 2010. Modification of quota and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

The RA consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 29, 2010. The information considered during this consultation related to catch to date for Chinook and coho salmon and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason for the fishery.

Inseason action #11 increased the landing and possession limit for Chinook salmon in the commercial salmon fishery from the U.S./Canada Border to Cape Falcon, Oregon;

superseding the limit established by inseason action #9. The open period landing and possession limit of 60 Chinook salmon per vessel, imposed by inseason action #9, was increased to 75 Chinook salmon per vessel. No change was made to the open period limit of 50 coho per vessel. Inseason action #11 also modified the commercial fishery openings north of Cape Falcon that were scheduled Saturday through Tuesday, beginning July 31, 2010; openings will instead be Friday through Tuesday, beginning July 30, 2010. This action was taken because salmon catch rates had been lower than expected due to poor weather conditions that had limited fishery participation. There was concern that if the landing and possession limit for Chinook salmon was not increased there would be lost opportunity to utilize available salmon quota. On July 29, 2010, the states recommended this action and the RA concurred; inseason action #11 took effect on July 30, 2010. Modification of quota and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

All other restrictions and regulations remain in effect as announced for the 2010 Ocean Salmon Fisheries and previous inseason actions.

The RA determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason actions recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the date the action was effective, by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (75 FR 24482, May 5, 2010), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan 50 CFR 660.409 and

660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data were collected to determine the extent of the fisheries, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, thus allowing fishers access to the available fish at the time the fish were available while ensuring that quotas are not exceeded. The AA also finds good cause to waive the 30-day delay in effectiveness required under U.S.C. 553(d)(3), as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the Salmon Fishery Management Plan and the current management measures.

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

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

Dated: September 3, 2010.

**Carrie Selberg,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0910131363-0087-02]

RIN 0648-XY84

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amounts of the 2010 pollock incidental catch allowance (ICA) to the directed fisheries in the Bering Sea subarea. This action is necessary to provide opportunity for harvest of the 2010 total allowable catch (TAC) of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the

Bering Sea and Aleutian Islands Management Area (FMP).

**DATES:** Effective September 3, 2010, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2010.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands Management Area (BSAI) according to the FMP prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Bering Sea subarea, the portion of the 2010 pollock TAC allocated to the ICA is 29,268 mt as established by the final 2010 and 2011 harvest specifications for groundfish in the BSAI (75 FR 11778, March 12, 2010).

As of September 2, 2010, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that the ICA has been set too high: 4,500 mt of the 2010 pollock ICA in the Bering Sea subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(i)(A)(1), NMFS reallocates 4,500 mt of the 2010 pollock ICA to the directed fisheries in the Bering Sea subarea.

As a result, in accordance with § 679.20(a)(5)(i)(A)(3), (4), and (5), the 2010 harvest specifications for pollock in the Bering Sea subarea included in the final harvest specifications for groundfish in the BSAI (75 FR 11778, March 12, 2010) are revised as follows: 24,768 mt to the pollock ICA, 212,980 mt to B season AFA catcher vessels harvesting pollock for processing by AFA inshore processors, 170,384 mt to B season AFA catcher/processors and AFA catcher vessels delivering pollock to catcher/processors, and 42,596 mt to B season AFA catcher vessels harvesting pollock for processing by AFA motherships. This will enhance the socioeconomic well-being of harvesters dependent upon Pacific cod in this area. The Regional Administrator considered the following factors in reaching this decision: (1) The current catch of Pacific cod by the applicable BSAI sectors and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in the sectors participating in this fishery.

Furthermore, pursuant to § 679.20(a)(5)(i), Table 3 of the final 2010 and 2011 final harvest specifications for groundfish in the BSAI (75 FR 11778, March 12, 2010) is