

**952.226-70 [Amended]**

- 36. Section 952.226-70 is amended by:
  - a. Removing the “:” in paragraphs (a) introductory text and (a)(1) and adding in its place “—”; and
  - b. Removing “Small, Small Disadvantaged and Women-Owned Subcontracting Plan” in paragraphs (c) and (d) and adding in its place “Small Business Subcontracting Plan”.

**952.226-71 [Amended]**

- 37. Section 952.226-71 is amended by removing the “:” in paragraphs (a) introductory text and (a)(1) and adding in its place “—”.

**952.226-72 [Amended]**

- 38. Section 952.226-72 is amended by:
  - a. Removing the “:” in paragraphs (a) introductory text and (a)(1) and adding in its place “—”;
  - b. Removing the “:” in paragraph (b) and adding in its place “—”;
  - c. Adding “and” in paragraph (b)(2) after the “;”;
  - d. Removing “Small, Small Disadvantaged and Women-Owned Subcontracting Plan” in paragraph (c)(2) and adding in its place “Small Business Subcontracting Plan”.

**952.226-73 [Amended]**

- 39. Section 952.226-73 is amended by:

- a. Removing the “:” in paragraph (a)(1) and adding in its place “—”; and
- b. Removing the “:” in paragraph (a)(1)(i) and adding in its place “;”.

**952.226-74 [Amended]**

- 40. Section 952.226-74 is amended by removing “48 CFR (DEAR)” before “926.7104” in the introductory text.

**952.219-70, 952.225-70, 952.226-70, 952.226-72, 952.226-73, and 952.226-74 [Amended]**

- 41. In the table below, for each section indicated in the left column, remove the word indicated in the middle column from wherever it appears in the section, and add the word in the right column:

Section	Remove	Add
952.219-70 in the provision second sentence	“contractor’s”	“Contractor’s”.
952.225-70(b) introductory text	“contractor”	“Contractor”.
952.226-70(c)	“offeror”	“Offeror”.
952.226-70(c)	“offeror’s”	“Offeror’s”.
952.226-72(b) introductory text	“contractor”	“Contractor”.
952.226-72(c)(1)	“contractor”	“Contractor”.
952.226-72(c)(1)	“contracting officer”	“Contracting Officer”.
952.226-72(c)(2)	“contractor’s”	“Contractor’s”.
952.226-73(a) introductory text, and (b) in 2 places	“offeror”	“Offeror”.
952.226-73(b)	“contracting officer”	“Contracting Officer”.
952.226-74(b) at its second occurrence	“contractor”	“Contractor”.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 0907301205-0289-02]

RIN 0648-XZ70

**Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A**

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

**ACTION:** Temporary rule; notification of trip limit reduction in Area 1A of the Atlantic Herring Fishery.

**SUMMARY:** NMFS announces that, effective 1200 hours, November 8, 2010, federally permitted vessels may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) of Atlantic herring (herring), per trip or calendar day, in or from Management Area 1A (Area 1A) until January 1, 2011, except

for transiting purposes described in this document.

**DATES:** Effective 1200 hours, November 8, 2010, through December 31, 2010.

**FOR FURTHER INFORMATION CONTACT:** Lindsey Feldman, Fishery Management Specialist, (978) 675-2179.

**SUPPLEMENTARY INFORMATION:** Regulations governing the herring fishery are found at 50 CFR part 648 and require annual specification of optimum yield, domestic and foreign fishing, and management area TACs. Herring specifications for 2010-2012 published on August 12, 2010 (75 FR 48874). The 2010 total TAC is 91,200 mt, allocated to the herring management areas as follows: 26,546 mt to Area 1A, 4,362 mt to Area 1B; 22,146 mt to Area 2; and 38,146 mt to Area 3.

Regulations at § 648.201(a) require NMFS to monitor catch from the herring fishery in each of the herring management areas, using dealer reports, state data, and other available information, to determine when the catch of herring is projected to reach 95 percent of the TAC allocated. When such a determination is made, NMFS is required to prohibit, through publication in the **Federal Register**, herring vessel permit holders from fishing for, catching, possessing,

transferring, or landing more than 2,000 lb (907.2 kg) of herring, per trip or calendar day, in or from the specified management area for the remainder of the closure period, with the exception of transiting as described below.

This action announces that NMFS has determined, based upon dealer reports and other available information, that 95 percent of the herring TAC allocated to Area 1A (25,219 mt) for the 2010 fishing year is projected to be harvested on November 8, 2010. Therefore, effective 1200 hrs local time, November 8, 2010, federally permitted vessels may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) of herring, per trip or calendar day, in or from Area 1A through December 31, 2010. Vessels transiting Area 1A with more than 2,000 lb (907.2 kg) of herring on board may do so, provided such herring was not caught in Area 1A and that all fishing gear is stowed and not available for immediate use, as required by § 648.23(b). Federally permitted dealers are also advised, effective November 8, 2010, that they may not purchase herring from federally permitted herring vessels that harvest more than 2,000 lb (907.2 kg) of herring from Area 1A through 2400 hrs local time, December 31, 2010.

Beginning on January 1, 2011, a new TAC in Area 1A will become effective.

**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 reduces the trip limit for herring in Area 1A to 2,000 lb (907.2 kg) until January 1, 2011, under current regulations. Regulations at § 648.201(a) require such an action to ensure that herring catch does not exceed the 2010 Area 1A TAC. The herring fishery opened for the 2010 fishing year at 0001 hours on January 1, 2010. Data indicating the herring fleet will have harvested at least 95 percent of the 2010 Management Area 1A TAC have only recently become available. If implementation of this trip limit reduction is delayed to solicit prior public comment, the 2010 TAC for the management area will be exceeded, thereby undermining the conservation objectives of the herring fishery management plan. 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: November 4, 2010.

**Emily H. Menashes,**

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

[FR Doc. 2010-28321 Filed 11-5-10; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 665**

[Docket No. 100618274-0543-03]

**RIN 0648-AY92**

**Fisheries in the Western Pacific; Hawaii Bottomfish and Seamount Groundfish; Measures To Rebuild Overfished Armorhead at Hancock Seamounts**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule prohibits fishing for bottomfish and seamount groundfish at the Hancock Seamounts

until the overfished U.S. stock of pelagic armorhead (*Pseudopentaceros wheeleri*) is rebuilt, and classifies the area around the Hancock Seamounts as an ecosystem management area. This rule is intended to rebuild the armorhead stock and facilitate research on armorhead and other seamount groundfish.

**DATES:** This rule is effective December 10, 2010.

**ADDRESSES:** Amendment 2 to the Fishery Ecosystem Plan for the Hawaiian Archipelago (FEP) describes the background and details of this action. Amendment 2 also contains an environmental assessment and is available from <http://www.regulations.gov>, or the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or <http://www.wpcouncil.org>.

**FOR FURTHER INFORMATION CONTACT:**

Jarad Makaiau, Sustainable Fisheries, NMFS Pacific Islands Region, 808-944-2108.

**SUPPLEMENTARY INFORMATION:**

Armorhead are overfished because of over-exploitation by foreign vessels in international waters dating back to the 1980s, and probably earlier. Although there has never been a U.S. fishery targeting this fish, continued exploitation outside the U.S. Exclusive Economic Zone (EEZ) by foreign fleets has kept the stock in an overfished condition. The Hancock Seamounts are the only known armorhead habitat within the EEZ. These seamounts lie west of 180 °W. and north of 28 °N. in the Northwestern Hawaiian Islands.

The Council and NMFS previously responded to the overfished condition of armorhead with a series of four, 6-year domestic fishing moratoria at the Hancock Seamounts, beginning in 1986. The most recent 6-year moratorium expired on August 31, 2010. This final rule prohibits fishing for bottomfish and seamount groundfish at the seamounts until the armorhead stock is rebuilt, and classifies the EEZ around the Hancock Seamounts as an ecosystem management area. This final rule will aid in rebuilding the armorhead stock, and will facilitate research on armorhead and other seamount groundfish.

Additional background information on this final rule is found in the preamble to the proposed rule published on August 30, 2010 (75 FR 52921), and is not repeated here. The public comment period for the proposed rule ended on October 14, 2010. NMFS did not receive any comments.

**Changes From the Proposed Rule**

There no changes from the proposed rule.

**Classification**

The Regional Administrator, Pacific Islands Region, NMFS, determined that this final rule is necessary for the conservation and management of Hawaii seamount and groundfish fisheries, and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a substantial economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required, and none was prepared.

**List of Subjects in 50 CFR Part 665**

Armorhead, Bottomfish, Fisheries, Fishing, Hancock seamounts, Hawaii, Seamount groundfish.

Dated: November 4, 2010.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

■ For the reasons set out in the preamble, 50 CFR part 665 is amended as follows:

**PART 665—FISHERIES IN THE WESTERN PACIFIC**

■ 1. The authority citation for part 665 continues to read as follows:

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

■ 2. In § 665.202, revise paragraph (a)(3) to read as follows:

**§ 665.202 Management subareas.**

(a) \* \* \*

(3) Hancock Seamounts Ecosystem Management Area means that portion of the EEZ in the Northwestern Hawaiian Islands west of 180 °W. long. and north of 28 °N. lat.

\* \* \* \* \*

■ 3. In § 665.204, add new paragraph (k) to read as follows:

**§ 665.204 Prohibitions.**

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