

0781 and are available online by going to <http://www.regulations.gov>, inserting USCG–2011–0781 in the “Keyword” box and then clicking “Search”. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Terrance Knowles, Environmental Protection Specialist, Fifth Coast Guard District; telephone 757–398–6587, e-mail [Terrance.A.Knowles@uscg.mil](mailto:Terrance.A.Knowles@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The US 70 (Alfred C. Cunningham) Bridge, a bascule lift bridge across Trent River, at mile 0.0, has a vertical clearance in the closed position to vessels of approximately 14 feet, above mean high water.

On behalf of the City of New Bern NC, the National Multiple Sclerosis (MS) Society has requested a temporary deviation from the current operating regulations of the bridge set out in 33 CFR 117.843 (a) to accommodate the Bike MS/Historic New Bern Ride.

Under this deviation, the drawbridge would be allowed to remain in the closed position to vessels on two separate occasions on the following dates and times: For the Bike MS/Historic New Bern Ride, from 8 a.m. to 9 a.m., on Saturday, September 10, 2011 and from 8 a.m. to 9 a.m., on Sunday, September 11, 2011. There are no alternate routes for vessels transiting this section of the Trent River and the drawbridge will be able to open in the event of an emergency.

The majority of the vessels that transit through this bridge during this time of year are primarily recreational boats. The Coast Guard will inform the users of the waterway through our Local and Broadcast Notices to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviations.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time periods. This deviation from the operating regulation is authorized under 33 CFR 117.35.

Dated: August 12, 2011.

**Waverly W. Gregory, Jr.**,  
*Bridge Program Manager.*

By direction of the Commander, Fifth Coast Guard District.

[FR Doc. 2011–21867 Filed 8–25–11; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2011–0798]

#### Drawbridge Operation Regulations; Cape Fear River, Wilmington, NC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Cape Fear Memorial Bridge, at mile 26.8, over Cape Fear River, at Wilmington, NC. The deviation restricts the operation of the draw span to facilitate the cleaning and painting of the structure.

**DATES:** This deviation is effective at 6 a.m. on August 12, 2011 thru August 26, 2011 with actual notice and from 12 a.m. on August 26, 2011 thru 11:59 p.m. December 1, 2011 with constructive notice.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket USCG–2011–0798 and are available online by going to <http://www.regulations.gov>, inserting USCG–2011–0798 in the “Keywords” box, and then clicking “Search”. This material is also available for inspection or copying the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Mr. Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District, telephone (757) 636–2416, e-mail [Bill.H.Brazier@uscg.mil](mailto:Bill.H.Brazier@uscg.mil). If you have questions on reviewing the docket, call Rene V. Wright, Program Manager, Docket Operations, (202)366–9826.

**SUPPLEMENTARY INFORMATION:** The North Carolina Department of Transportation, who owns and operates this vertical lift bridge, has requested a temporary

deviation from the current operating regulations set out in 33 CFR 117.823, to facilitate painting of the structure.

The Cape Fear Memorial Bridge, at mile 26.8, at Wilmington NC has vertical clearances in the full open and closed position to vessels of 135 feet and 65 feet, above mean high water, respectively.

Under the regular operating schedule, the bridge opens on signal as required by 33 CFR 117.5, except that under 33 CFR 117.823, the draw need not open for the passage of vessels from 8 a.m. to 10 a.m. on the second Saturday of July and from 7 a.m. to 11 a.m. on the second Sunday of November every year. This regulation does not change the provisions of 33 CFR 117.823 and therefore the draw need not open for the passage of vessels from 7 a.m. to 11 a.m. on the second Sunday of November, specifically November 13, 2011.

Under this temporary deviation, the drawbridge will operate as follows: From 6 a.m. on August 12, 2011 until and including 11:59 on December 1, 2011, vessel openings will be provided if at least three hours advance notice is given to the bridge operator at (910) 251–5773 or via marine radio on channel 18 VHF. In addition, to accommodate scaffolding, the available vertical clearances of portions of the drawbridge (up to half of the drawbridge at one time) will be reduced by approximately four feet, to 131 feet and 61 feet above mean high water, respectively. There are no alternate routes for vessels transiting this section of the Cape Fear River. The Bridge may be opened in the event of an emergency.

Typical vessel traffic on the Cape Fear River includes a variety of vessels from freighters, tug and barge traffic, and recreational vessels. Vessels that can pass under the bridge without a bridge opening may continue to do so at anytime.

The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users. The Coast Guard will inform all users of the waterway through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the draw must return to its original operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: August 12, 2011.

**Waverly W. Gregory, Jr.,**

*Bridge Program Manager. By direction of the Commander, Fifth Coast Guard District.*

[FR Doc. 2011-21869 Filed 8-25-11; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

RIN 0648-XA658

#### Atlantic Highly Migratory Species; Commercial Porbeagle Shark Fishery Closure

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

**ACTION:** Temporary rule; fishery closure.

**SUMMARY:** NMFS is closing the commercial fishery for porbeagle sharks. This action is necessary because landings for the 2011 fishing season have reached at least 80 percent of the available quota.

**DATES:** The commercial porbeagle shark fishery is closed effective 11:30 p.m. local time August 29, 2011 until, and if, NMFS announces in the **Federal Register** that additional quota is available and the season is reopened.

**FOR FURTHER INFORMATION CONTACT:** Karyl Brewster-Geisz or Peter Cooper, 301-427-8503; fax 301-713-1917.

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fisheries are managed under the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and its implementing regulations found at 50 CFR part 635 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), shark dealers are required to report to NMFS all sharks landed every two weeks. Dealer reports

for fish received between the 1st and 15th of any month must be received by NMFS by the 25th of that month. Dealer reports for fish received between the 16th and the end of any month must be received by NMFS by the 10th of the following month. Under § 635.28(b)(2), when NMFS projects that fishing season landings for a species group have reached or are about to reach 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a closure action for that shark species group that will be effective no fewer than 5 days from the date of filing. From the effective date and time of the closure until NMFS announces in the **Federal Register** that additional quota is available and the season is reopened, the fishery for that species group is closed, even across fishing years.

On December 8, 2010 (75 FR 76302), NMFS announced that the porbeagle shark fishery for the 2011 fishing year was open and the available porbeagle shark quota was 1.6 metric tons (mt) dressed weight (dw) (3,479 lb dw). Dealer reports through the July 31, 2011, reporting period indicate that 2.3 mt dw or 147 percent of the available quota for porbeagle sharks has been landed. Dealer reports received to date indicate that 2.6 percent of the quota was landed from the opening of the fishery on January 1, 2011, through January 31, 2011; 0.4 percent of the quota was landed in March; 39 percent was landed in May; and 33 percent of the quota was landed in June. Preliminary numbers indicate that 72 percent of the quota was landed in July. The fishery has reached 147 percent of the quota, which exceeds the 80 percent limit specified in the regulations. Accordingly, NMFS is closing the commercial porbeagle shark fishery as of 11:30 p.m. local time August 29, 2011. This closure does not affect any other shark fishery.

During the closure, retention of porbeagle sharks is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit under 50 CFR 635.4, unless the vessel is properly permitted to operate as a

charter vessel or headboat for HMS and is engaged in a for-hire trip, in which case the recreational retention limits for sharks and “no sale” provisions apply (50 CFR 635.22(a) and (c)). A shark dealer issued a permit pursuant to § 635.4 may not purchase or receive porbeagle sharks from a vessel issued an Atlantic shark limited access permit (LAP), except that a permitted shark dealer or processor may possess porbeagle sharks that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Under this closure, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with state regulations, purchase or receive a porbeagle shark if the shark was harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and that has not been issued an Atlantic Shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

#### Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing for prior notice and public comment for this action is impracticable and contrary to the public interest because the fishery is currently underway, and any delay in this action would cause overharvest of the quota and be inconsistent with management requirements and objectives. If the quota is exceeded, the affected public is likely to experience reductions in the available quota and a lack of fishing opportunities in future seasons. For these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This action is required under § 635.28(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: August 23, 2011.

**James P. Burgess,**

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

[FR Doc. 2011-21930 Filed 8-23-11; 4:15 pm]

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