

According to 50 CFR 229.33(f)(2), the Assistant Administrator for Fisheries may revise the requirements of the Plan through notification published in the **Federal Register** if NMFS determines that the boundaries or timing of a closed area is inappropriate. After consideration of this recent information, NMFS will temporarily shift the implementation of year 1 of the Coastal Gulf of Maine Closure Area from October 1, 2012 through November 30, 2012, to February 1, 2013 through March 31, 2013. This temporary shift will be for year 1 only, and will include the entire Coastal Gulf of Maine Closure Area as identified in the regulations for the full two-month time period. This temporary shift of the closure will provide greater conservation benefits to harbor porpoises. During October, the Team will convene to consider data generated since the last Team meeting in late 2007. New information includes: new harbor porpoise abundance estimates, the most recent harbor porpoise bycatch information that indicates that harbor porpoise bycatch is exceeding allowable levels under the MMPA, and fishing effort and distribution information within the consequence closure area boundaries as well as throughout the entire range of the Plan. The Team will also assess how the implementation of groundfish sectors has affected gillnet effort and distribution and any related effects on harbor porpoise bycatch. This information will allow the Team to develop a comprehensive management strategy to further reduce the bycatch of harbor porpoises to acceptable levels under the MMPA. After year 1, the closure area timing will revert to October and November, pending the implementation of revised conservation measures resulting from the Team's deliberations this fall.

Despite the shift in the timing of the Coastal Gulf of Maine Closure to February and March of 2013, NMFS stresses the importance of fully complying with the Plan's pinger requirements (i.e., proper number of fully functional pingers present on each net string) to reduce harbor porpoise bycatch. Pingers are still required on gillnet fishing gear in the Mid-Coast Management Area from September 15 through May 31 and the Massachusetts Bay and Stellwagen Bank Management Areas from November 1 through May 31. Additionally, the entire Massachusetts Bay Management Area is closed during March.

References

Orphanides C.D. 2012. New England harbor porpoise bycatch rates during

2010–2012 associated with Consequence Closure Areas. US Dept. of Commerce, Northeast Fisheries Science Center Reference Doc 12–19; 15 pp.

Dated: September 27, 2012.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, performing the functions and duties of the, Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111207737–2141–02]

RIN 0648–XC270

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 620 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2012 total allowable catch of pollock for Statistical Area 620 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 1, 2012, through 2400 hrs, A.l.t., December 31, 2012. Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 15, 2012.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2012–0187, by any one of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal www.regulations.gov. To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter NOAA–NMFS–2012–0187 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on that line.

- *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

- *Fax:* Address written comments to Glenn Merrill, Assistant Regional

Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to 907–586–7557.

- *Hand delivery to the Federal Building:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Deliver comments to 709 West 9th Street, Room 420A, Juneau, AK.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. 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. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address) submitted voluntarily by the sender will 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). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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.

The 2012 total allowable catch (TAC) of pollock in Statistical Area 620 of the GOA is 45,808 metric tons (mt) as established by the final 2012 and 2013 harvest specifications for groundfish of the GOA (77 FR 15194, March 14, 2012).

As of September 27, 2012, approximately 5,200 mt of pollock remain in the 2012 TAC for pollock in Statistical Area 620 of the GOA. Based on fleet capacity and potentially high levels of fleet participation in this fishery, the Administrator, Alaska Region (Regional Administrator) has determined that the pollock TAC for Statistical Area 620 of the GOA could be

exceeded if a fishery were allowed to occur. NMFS, in accordance with § 679.25(a)(1)(i), § 679.25(a)(2)(i)(A), and § 679.25(a)(2)(iii)(B) is issuing an inseason adjustment prohibiting directed fishing for pollock in Statistical Area 620 of the GOA. The Regional Administrator has determined that this action is the least restrictive necessary to ensure that the TAC not be exceeded.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA

(AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 620 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 27, 2012.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 28, 2012.

Lindsay Fullenkamp,

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

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