

Polymer	CAS No.
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Fatty acids, C <sub>18</sub> -unsatd., dimers, polymers with ethylenediamine and stearyl alcohol, minimum number average molecular weight (in amu) 1,400 .....	363162-42-9
Fatty acids, C <sub>18</sub> -unsatd., dimers, hydrogenated, polymers with ethylenediamine, neopentyl glycol and stearyl alcohol, minimum number average molecular weight (in amu) 1,400 .....	678991-29-2
Fatty acids, C <sub>18</sub> -unsatd., dimers, hydrogenated, polymers with ethylenediamine and stearyl alcohol, minimum number average molecular weight (in amu) 1,400 .....	951153-32-5
Fatty acids, C <sub>18</sub> -unsatd., dimers, polymers with 1-docosanol and ethylenediamine, minimum number average molecular weight (in amu) 1,400 .....	1699751-19-3
Fatty acids, C <sub>18</sub> -unsatd., dimers, polymers with cetyl alcohol, neopentyl glycol and trimethylenediamine, minimum number average molecular weight (in amu) 1,400 .....	1699751-23-9
Fatty acids, C <sub>18</sub> -unsatd., dimers, polymers with hexamethylenediamine and stearyl alcohol, minimum number average molecular weight (in amu) 1,400 .....	1699751-24-0
Fatty acids, C <sub>18</sub> -unsatd., dimers, hydrogenated, polymers with cetyl alcohol and ethylenediamine, minimum number average molecular weight (in amu) 1,400 .....	1699751-25-1
Fatty acids, C <sub>18</sub> -unsatd., dimers, hydrogenated, polymers with neopentyl glycol, stearyl alcohol and trimethylenediamine, minimum number average molecular weight (in amu) 1,400 .....	1699751-28-4
Fatty acids, C <sub>18</sub> -unsatd., dimers, polymers with 1-docosanol and trimethylenediamine, minimum number average molecular weight (in amu) 1,400 .....	1699751-29-5
Fatty acids, C <sub>18</sub> -unsatd., dimers, polymers with 1-docosanol, hexamethylenediamine and neopentyl glycol, minimum number average molecular weight (in amu) 1,400 .....	1699751-31-9
Fatty acids, C <sub>18</sub> -unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and sorbitol, minimum number average molecular weight (in amu) 1,400 .....	1685271-04-8
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[FR Doc. 2015-30924 Filed 12-11-15; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 150121066-5717-02]

RIN 0648-XE327

#### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

**ACTION:** Temporary rule; inseason General category bluefin tuna quota transfer and retention limit adjustment.

**SUMMARY:** NMFS is transferring 24.3 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the General category December 2016 subquota period to the January 2016 subquota period (from January 1 through March 31, 2016, or until the available subquota for this period is reached, whichever comes first). NMFS also is adjusting the Atlantic tunas General category BFT daily retention limit for the January 2016 subquota period to three large medium or giant BFT from the default retention limit of one. This action is based on consideration of the regulatory

determination criteria regarding inseason adjustments and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels when fishing commercially for BFT.

**DATES:** The quota transfer is effective January 1, 2016. The General category retention limit adjustment is effective January 1, 2016, through March 31, 2016.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin or Brad McHale, 978-281-9260.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended by Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7) (79 FR 71510, December 2, 2014). NMFS is required under ATCA

and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

#### Inseason Transfer to the General Category

Earlier this year, NMFS implemented a final rule that increased the U.S. BFT quota and subquotas per ICCAT Recommendation 14-05 (80 FR 52198, August 28, 2015). The base quota for the General category is 466.7 mt. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a portion of the annual General category quota. Although it is called the “January” subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. Based on the General category base quota of 466.7 mt, the subquotas for each time period are as follows: 24.7 mt for January; 233.3 mt for June through August; 123.7 mt for September; 60.7 mt for October through November; and 24.3 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods.

#### Quota Transfer

Under § 635.27(a)(9), NMFS has the authority to transfer quota among fishing categories or subcategories, after

considering determination criteria provided under § 635.27(a)(8), including five new criteria recently added in Amendment 7. The determination criteria are: The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made; the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; the estimated amounts by which quotas for other gear categories of the fishery might be exceeded; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal distribution, abundance, or migration patterns of BFT; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; review of dealer reports, daily landing trends, and the availability of the BFT on the fishing grounds; optimizing fishing opportunity; accounting for dead discards, facilitating quota monitoring, supporting other fishing monitoring programs through quota allocations and/or generation of revenue; and support of research through quota allocations and/or generation of revenue.

NMFS has considered the determination criteria regarding inseason adjustments and their applicability to the General category fishery for the January 2016 subquota period, including, but not limited to, the following: Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock, biological samples collected from BFT landed by General category fishermen and provided by tuna dealers continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT would support the collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota to date (including during the winter fishery in the last several years), and the likelihood of closure of that segment of the fishery if no adjustment is made; the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT

before the end of the fishing year; and the estimated amounts by which quotas for other gear categories of the fishery might be exceeded. General category landings in the winter BFT fishery are highly variable and depend on availability. Commercial-sized BFT tuna are typically available in January and may continue to be through March.

Without a quota transfer from December 2016 to January 2016 for the General category at this time, the quota available for the January through March 2016 period would be 24.7 mt (5.3 percent of the General category quota), and participants would have to stop BFT fishing activities once that amount is met, while commercial-sized BFT may remain available in the areas where General category permitted vessels operate. Transferring the 24.3-mt quota available for December 2016 (5.2 percent of the General category quota) would result in 49 mt (10.5 percent of the General category quota) being available for the January subquota period. This quota transfer would provide additional opportunities to harvest the U.S. BFT quota without exceeding it, while preserving the opportunity for General category fishermen to participate in the winter BFT fishery.

Another principal consideration is the objective of providing opportunities to harvest the full annual U.S. BFT quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and Amendment 7, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations. This transfer would be consistent with the quotas recently established and analyzed in the BFT quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments, and is not expected to negatively impact stock health or to affect the stock in ways not already analyzed in those documents.

NMFS also anticipates that some underharvest of the 2015 adjusted U.S. BFT quota will be carried forward to 2016 to the Reserve category, in accordance with the regulations implementing Amendment 7. This, in addition to the fact that any unused General category quota will roll forward to the next subperiod within the calendar year, makes it possible that General category quota will remain available through the end of 2016 for December fishery participants, even with the quota transfer. NMFS also may choose to transfer unused quota from the Reserve or other categories, inseason, based on consideration of the

determination criteria, as NMFS did for late 2015 (80 FR 68265, November 4, 2015; 80 FR 74997, December 1, 2015). Therefore, NMFS anticipates that General category participants in all areas and time periods will have opportunities to harvest the General category quota. Thus, this quota transfer would allow fishermen to take advantage of the availability of fish on the fishing grounds, consider the expected increases in available 2016 quota later in the year, and provide a reasonable opportunity to harvest the full U.S. BFT quota.

Based on the considerations above, NMFS is transferring 24.3 mt of General category quota allocated for the December 2016 period to the January 2016 period, resulting in a subquota of 49 mt for the January 2016 period and a subquota of 0 mt for the December period. NMFS will close the General category January fishery when the adjusted January period subquota of 49 mt has been reached, or it will close automatically on March 31, 2016, whichever comes first, and it will remain closed until the General category fishery reopens on June 1, 2016.

#### **Adjustment of General Category Daily Retention Limit**

Unless changed, the General category daily retention limit starting on January 1 would be the default retention limit of one large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip (§ 635.23(a)(2)). This default retention limit would apply to General category permitted vessels and to HMS Charter/Headboat category permitted vessels when fishing commercially for BFT. For the 2015 fishing year, NMFS adjusted the daily retention limit from the default level of one large medium or giant BFT to three large medium or giant BFT for the January subquota period (79 FR 77943, December 29, 2014), which closed March 31, 2015; four large medium or giant BFT for the June through August period (80 FR 27863, May 15, 2015) as well as September 1 through November 27, 2015 (80 FR 51959, August 27, 2015); and three large medium or giant BFT for November 28 through December 31, 2015, or until the available General category quota is reached, whichever comes first (80 FR 74997, December 1, 2015).

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8), and listed above. NMFS

has considered the relevant criteria and their applicability to the General category BFT retention limit for the January 2016 subquota period. These considerations include, but are not limited to, the following:

As described above with regard to the quota transfer, additional opportunity to land BFT would support the collection of a broad range of data for the biological studies and for stock monitoring purposes. Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock, additional opportunity to land BFT would support the collection of a broad range of data for the biological studies and for stock monitoring purposes. Regarding the effects of the adjustment on BFT rebuilding and overfishing and the effects of the adjustment on accomplishing the objectives of the fishery management plan, as this action would be taken consistent with the previously implemented and analyzed quotas, and it is not expected to negatively impact stock health or otherwise affect the stock in ways not previously analyzed. It is also supported by the Environmental Analysis for the 2011 final rule regarding General and Harpoon category management measures, which increased the General category maximum daily retention limit from three to five fish (76 FR 74003, November 30, 2011).

Regarding the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made, in 2012, 2013, and 2014, the available January subquota (23.1 mt) was reached on January 22, February 15, and March 21, respectively, under a limit of two large medium or giant BFT, and in each of these years the General category did not reach its available quota by the end of the year. For 2015, the adjusted January subquota of 45.7 (reflecting the first of the inseason actions described above as well as implementation of the final BFT quota rule) was not met under a daily retention limit of three large medium or giant BFT.

As noted above, commercial-sized BFT are typically available in January and may continue to be through March. Considering this information and the transfer of the December 2016 subquota to the quota for the January 2016 time period (for an adjusted total of 49 mt), the default one-fish limit likely would be overly restrictive. Increasing the daily retention limit from the default may mitigate rolling an excessive amount of unused quota from one time-period subquota to the next and thus

help maintain an equitable distribution of fishing opportunities. Although NMFS has the authority to set the daily retention limit to up to five fish, the rate of harvest of the January subquota could be accelerated under a high limit (and higher fish availability), and result in a relatively short fishing season. A short fishing season may preclude or reduce fishing opportunities for some individuals or geographic areas because of the migratory nature and seasonal distribution of BFT.

Based on these considerations, NMFS has determined that a three-fish General category retention limit is warranted for the January 2016 subquota. It would provide a reasonable opportunity to harvest the U.S. quota of BFT without exceeding it, while maintaining an equitable distribution of fishing opportunities, help optimize the ability of the General category to harvest its full quota, allow collection of a broad range of data for stock monitoring purposes, and be consistent with the objectives of the 2006 Consolidated HMS FMP and amendments. Therefore, NMFS increases the General category retention limit from the default limit (one) to three large medium or giant BFT per vessel per day/trip, effective January 1, 2016, through March 31, 2016, or until the 49-mt January subquota is harvested, whichever comes first.

Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example, during the January 2016 subquota period, whether a vessel fishing under the General category limit takes a two-day trip or makes two trips in one day, the day/trip limit of three fish applies and may not be exceeded upon landing. This General category retention limit is effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT, and applies to those vessels permitted in the General category, as well as to those HMS Charter/Headboat permitted vessels fishing commercially for BFT.

### Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. General, HMS Charter/Headboat, Harpoon, and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing [hmspermits.noaa.gov](http://hmspermits.noaa.gov). Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustment or closure is necessary to ensure available quota is

not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281-9260, or access [hmspermits.noaa.gov](http://hmspermits.noaa.gov), for updates on quota monitoring and inseason adjustments.

### Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to implement the quota transfer and daily retention limit for the January 2016 subquota time period is impracticable. NMFS could not have proposed these actions earlier, as it needed to consider and respond to updated data and information from the 2015 General category fishery, including during late 2015, in deciding to transfer the December 2016 quota to the January 2016 subquota period and selecting the appropriate retention limit for the January 2016 subquota period. If NMFS was to offer a public comment period now, after having appropriately considered that data, it would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriately high for the amount of quota available for the period.

Delays in increasing the daily retention limit would adversely affect those General and HMS Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one BFT per day/trip and may exacerbate the problem of low catch rates and quota rollovers. Limited opportunities to harvest the respective quotas may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota within the designated time periods. Adjustment of the retention limit needs to be effective January 1, 2016, or as soon as possible thereafter, to minimize any unnecessary disruption in fishing patterns, to allow the

impacted sectors to benefit from the adjustment, and to provide fishing opportunities for fishermen in geographic areas with access to the fishery only during this time period. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For these reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under §§ 635.23(a)(4) and 635.27(a)(9), and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: December 9, 2015.

**Emily H. Menashes,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 2015-31384 Filed 12-11-15; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 140703553-5999-02]

RIN 0648-BE29

#### Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Midwater Trawl Requirements

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

**ACTION:** Final rule.

**SUMMARY:** This final rule clarifies the regulatory requirements for vessels using midwater trawl gear in the Pacific Coast Groundfish Fishery Shorebased Individual Fishing Quota Program. This action is needed to eliminate inconsistencies and reduce confusion in the current regulations. For vessels targeting Pacific whiting, the action clarifies that the retention of prohibited and protected species is allowed until landing. The disposition of prohibited and protected species is specified consistent with the Pacific Coast Groundfish Fishery Management Plan (groundfish FMP), the Pacific Coast Salmon Fishery Management Plan (salmon FMP), and other applicable law.

**DATES:** Effective January 13, 2016.

**ADDRESSES:** NMFS prepared a Final Regulatory Flexibility Analysis (FRFA),

which is summarized in the Classification section of this final rule. NMFS also prepared an Initial Regulatory Flexibility Analysis (IRFA) for the proposed rule (Published in the **Federal Register** on August 27, 2015; 80 FR 52015). Copies of the IRFA, FRFA and the Small Entity Compliance Guide are available from William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or by phone at 206-526-6150. Copies of the Small Entity Compliance Guide are available on the West Coast Region's Web site at [www.westcoast.fisheries.noaa.gov/](http://www.westcoast.fisheries.noaa.gov/).

**FOR FURTHER INFORMATION CONTACT:** Becky Renko, 206-526-6110; (fax) 206-526-6736; [becky.renko@noaa.gov](mailto:becky.renko@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This action amends the Pacific Coast groundfish fishery regulations to eliminate redundancies and inconsistencies relating to the use of midwater trawl gear in the Shorebased Individual Fishing Quota Program (Shorebased IFQ Program). The action is consistent with policy decisions that the Pacific Fishery Management Council (Council) made during the implementation of a trawl catch share program under Amendment 20 to the groundfish FMP.

Midwater trawl gear has primarily been used to target Pacific whiting, but can also be used to target other groundfish species. Since implementation of the Shorebased IFQ Program in 2011, midwater trawl gear has been increasingly used to target non-whiting groundfish north of 40°10' north latitude. South of 40°10' north latitude midwater trawling has been allowed year round in waters deeper than 150 fathoms (fm) for all target species.

In anticipation of the trawl catch share program, groundfish regulations were restructured on October 1, 2010 (75 FR 60868). When the Shorebased IFQ Program was implemented, the midwater Pacific whiting shorebased fishery and the bottom trawl fishery were merged to create a single Shorebased IFQ fishery. Many of the pre-IFQ fishery management measures relating to time and area management were retained in the regulations for use in the Shorebased IFQ Program. However, integrating pre-IFQ regulations with new regulations for the Shorebased IFQ Program resulted in inconsistencies and numerous unclear and confusing management restrictions relating to the use of midwater trawl gear.

This final rule revises groundfish regulations to clarify that midwater trawl gear is required for vessels targeting Pacific whiting during the primary season north of 40°10' north latitude, and that midwater trawl gear is allowed for vessels targeting non-whiting species during the Pacific whiting Shorebased IFQ Program primary season. Restrictions that allow midwater trawl to only be used by vessels participating in the Pacific whiting Shorebased IFQ fishery are removed. The regulations are revised to clarify that vessels using midwater trawl gear, regardless of the target species, are exempt from the trawl Rockfish Conservation Area (RCA) restrictions in the area north of 40°10' north latitude during the dates of the Pacific whiting primary season. These changes allow vessels using midwater trawl gear north of 40°10' north latitude to declare either "limited entry midwater trawl, non-whiting shorebased IFQ" or "limited entry midwater trawl, Pacific whiting shorebased IFQ" consistent with the target strategy. This action is expected to add clarity to the regulations.

This action also revises the definition of "Pacific whiting IFQ trip" consistent with Appendix E of the groundfish FMP, which details the Final Preferred Alternative adopted under Amendment 20, and which is consistent with the Environmental Impact Statement analysis conducted in support of Amendment 20. Appendix E defines non-whiting landings as those with less than 50 percent Pacific whiting by weight.

Groundfish management includes restrictions on the retention of certain non-groundfish species, including prohibited and protected species. Prohibited species include all salmonids, Pacific halibut, and Dungeness crab off Oregon and Washington. Protected species include marine mammals, seabirds, sea turtles, and species such as green sturgeon and eulachon, which are listed under the Endangered Species Act (ESA). Generally, prohibited species must be returned to the sea as soon as practicable with a minimum of injury. An exception to the retention restrictions is made for tagged fish, or when retention is authorized by other applicable law. Pacific halibut may be retained until landing by vessels in the Pacific whiting fishery that do not sort the catch at sea only pursuant to NMFS donation regulations. Amendment 10 to the groundfish FMP and Amendment 12 to the salmon FMP were revised to allow salmon bycatch to be retained until landing in cases where the Council determines it is beneficial to the