

**List of Subjects in 50 CFR Part 216**

Administrative practice and procedure, Exports, Marine Mammals, Reporting and recordkeeping requirements.

Dated: October 26, 2020.

**Paul N. Doremus,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 216 is amended as follows:

**PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS**

■ 1. The authority citation for part 216 continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.*

■ 2. In § 216.3, revise the definition for “Exemption period” to read as follows:

**§ 216.3 Definitions.**

\* \* \* \* \*

*Exemption period* means the one-time, six-year period that commences January 1, 2017 and ends December 31, 2022, during which commercial fishing operations that are the source of exports of commercial fish and fish products to the United States will be exempt from the prohibitions of § 216.24(h)(1).

\* \* \* \* \*

■ 3. In § 216.24, paragraphs (h)(6)(i) and (h)(8)(v) are revised to read as follows:

**§ 216.24 Taking and related acts in commercial fishing operations including tuna purse seine vessels in the eastern tropical Pacific Ocean.**

\* \* \* \* \*

(h) \* \* \*

(6) \* \* \*

(i) *Procedures to apply for a comparability finding.* On November 30 of the year prior to when the exemption period or comparability finding is to expire, a harvesting nation, shall submit to the Assistant Administrator an application for each of its export and exempt fisheries, along with documentary evidence demonstrating that the harvesting nation has met the conditions specified in paragraph (h)(6)(iii) of this section for each of such fisheries, including reasonable proof as to the effects on marine mammals of the

commercial fishing technology in use in the fishery for fish or fish products exported from such nation to the United States. The Assistant Administrator may require the submission of additional supporting documentation or other verification of statements made in an application for a comparability finding.

\* \* \* \* \*

(8) \* \* \*

(v) *Renewal of comparability finding.*

To seek renewal of a comparability finding, every 4 years or prior to the expiration of a comparability finding, the harvesting nation must submit to the Assistant Administrator the application and the documentary evidence required pursuant to paragraph (h)(6)(i) of this section, including, where applicable, reasonable proof as to the effects on marine mammals of the commercial fishing technology in use in the fishery for fish or fish products exported to the United States, by November 30 of the year prior to the expiration date of its current comparability finding.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 200221–0062; RTID 0648–XA601]

**Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is exchanging allocations of Amendment 80 cooperative quota (CQ) for Amendment 80 acceptable biological catch (ABC) reserves. This action is necessary to allow the 2020 total allowable catch (TAC) of flathead sole, rock sole, and yellowfin sole in the Bering Sea and

Aleutian Islands management area (BSAI) to be harvested.

**DATES:** Effective November 2, 2020, through December 31, 2020.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2020 flathead sole, rock sole, and yellowfin sole Amendment 80 allocations of the TAC specified in the BSAI are 12,884 metric tons (mt), 36,090 mt, and 114,903 mt, respectively, as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020) and as revised (85 FR 64413, October 13, 2020). The 2020 flathead sole, rock sole, and yellowfin sole Amendment 80 ABC reserves are 44,960 mt, 94,807 mt, and 96,895 mt, respectively, as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020) and as revised (85 FR 64413, October 13, 2020).

The Alaska Seafood Cooperative has requested that NMFS exchange 1,191 mt of flathead sole and 4,527 mt of rock sole Amendment 80 allocation of the TAC for 5,718 mt of yellowfin sole Amendment 80 ABC reserves under § 679.91(i). Therefore, in accordance with § 679.91(i), NMFS exchanges 1,191 mt of flathead sole and 4,527 mt of rock sole Amendment 80 allocation of the TAC for 5,718 mt of yellowfin sole Amendment 80 ABC reserves in the BSAI. This action also decreases and increases the TACs and Amendment 80 ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020) and as revised (85 FR 64413, October 13, 2020) are further revised as follows:

TABLE 11—FINAL 2020 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC .....	10,613	8,094	10,000	16,654	42,178	158,518
CDQ .....	1,136	866	1,070	1,962	4,615	16,725
ICA .....	100	60	10	3,000	6,000	4,000
BSAI trawl limited access .....	938	717	178	.....	.....	17,172
Amendment 80 .....	8,440	6,451	8,742	11,693	31,563	120,621

Note: Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2020 AND 2021 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2020	2020	2020	2021 <sup>1</sup>	2021 <sup>1</sup>	2021 <sup>1</sup>
	Flathead sole	Rock sole	Yellowfin sole	Flathead sole	Rock sole	Yellowfin sole
ABC .....	68,134	153,300	260,918	71,079	230,700	261,497
TAC .....	16,654	42,128	158,548	24,000	49,000	168,900
ABC surplus .....	51,480	111,172	102,370	47,079	181,700	92,597
ABC reserve .....	51,480	111,172	102,370	47,079	181,700	92,597
CDQ ABC reserve .....	5,329	11,838	11,193	5,037	19,442	9,908
Amendment 80 ABC reserve .....	46,151	99,334	91,177	42,042	162,258	82,689

<sup>1</sup> The 2021 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2020.

**Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on

this action, as notice and comment would be 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 flatfish exchange by the Alaska Seafood Cooperative in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent,

relevant data only became available as of October 21, 2020.

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

Dated: October 28, 2020.

Jennifer M. Wallace,  
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.  
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